

LEGISLATIVE COUNCIL

Thursday 25 September 2008

The **PRESIDENT (Hon. R.K. Sneath)** took the chair at 14:17 and read prayers.

HUMAN CLONING

The Hon. D.G.E. HOOD (14:18): Presented a petition signed by 1,993 residents of South Australia concerning research involving human embryos and human cloning. The petitioners pray that the council will reject proposals to (a) reduce prohibitions on human cloning, and (b) modify regulation and research involving human embryos, as proposed by minister John Hill in the Statutes Amendment (Prohibition of Human Cloning for Reproduction and Regulation of Research Involving Human Embryos) Bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answer to a question from the last session be distributed and printed in *Hansard*.

TRAM TICKETS

267 The Hon. D.G.E. HOOD (7 May 2008). Can the Minister for Transport advise the number of ticket validations on the Glenelg tram each month from July 2007 to the present month?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister for Transport has provided the following information:

Below is a table displaying the number of tram ticket validations by month from July 2007 to 7 May 2008. This table shows total validations taken from the patronage Crouzet system.

	Total Validations
July 2007	171,016
August 2007	171,778
September 2007	190,121
October 2007	226,265
November 2007	233,420
December 2007	222,949
January 2008	232,324
February 2008	222,601
March 2008	209,967
April 2008	209,040
To 7 May 2008	46,571
Total YTD	2,136,052

PAPERS

The following papers were laid on the table:

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

Criminal Law (Undercover Operations) Act 1995 for the period from 1 July 2007 to 30 June 2008.

By the Minister for Correctional Services (Hon. C. Zollo)—

Reports, 2007—

Flinders University of South Australia.

The University of Adelaide—

Part 1 Annual Review

Part 2 Financial Statements

University of South Australia

Industrial Relations Advisory Committee—Report, 2007-08

Children in State Care Commission of Inquiry Report—

Allegations of Sexual Abuse and Death from Criminal Conduct—

Implementation Statement
Inquiry into Balancing Work and Life Responsibilities—
Government Response to the Parliamentary Select Committee
Training and Skills Development Act 2008—
Charter establishing the Training Advocate's functions

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Schedule of Approvals to Remove Track Infrastructure—for the period 1 July 2007 to 30 June 2008.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:20): I bring up the 2007-08 annual report of the committee.
Report received.

TOUR DOWN UNDER

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:21): I table a copy of a ministerial statement relating to the Tour Down Under made today by the Premier.

WATER SECURITY COMMISSIONER

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I table a copy of a ministerial statement in relation to the appointment of a Commissioner for Water Security made by the Minister for Water Security.

QUESTION TIME

BUILDING SURVEYOR ACCREDITATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about building surveyor accreditation.

Leave granted.

The Hon. D.W. RIDGWAY: Regulation 87 of the Development Act 1993 clearly outlines that a building surveyor is an accreditation issued by an approved building accreditation authority. Further, it states that there are distinct differences between that professional accreditation and that of the para-professional level that identifies an assistant building surveyor. Both levels require the accreditation of the approved authority, that is, the Australian Institute of Building Surveyors.

I have been advised that a member of the minister's ministerial staff was formerly accredited as an assistant building surveyor and that his accreditation has now lapsed. In order for him to regain accreditation, he would be required to undertake supplementary studies.

Misrepresentation of one's professional credentials is a serious offence. One need only look at cases that have arisen within the medical and legal professions and the public scrutiny they have undergone. Such behaviour is strictly dealt with within the private sector, and the state government has a responsibility to discipline its staff in the same way.

On 10 September this year, I sought a response from the minister about whether he was aware that one of his staff members was introducing himself at meetings as a building surveyor when he holds no such accreditation. The minister said that that was a 'scurrilous allegation' and that, if I had any evidence, I should produce it.

I now have a statutory declaration from a member of the South Australian building surveyors group declaring the following:

During discussions in the parliament entrance foyer following a meeting held on 22 July 2008 at 11am at Parliament House (Adelaide) between South Australian Government Minister Patrick Conlon (in his capacity as the representative for Minister Paul Holloway), Mr George Vanco (in his capacity as Adviser to Minister Holloway) and representatives of the South Australian Housing Industry Association, Mr George Vanco introduced himself as a building surveyor.

My questions are:

1. Will the minister stand down this staff member immediately and instigate a full inquiry into the practice of this staff member?

2. How many staff members within other state government departments are misrepresenting their professional credentials?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:24): No, I will not be standing down the staff member, because it is not a qualification for working in my office that the person have building surveying—

Members interjecting:

The Hon. P. HOLLOWAY: That will keep. The honourable member opposite in that question also made allegations against another person, who is the chairman of the Building Advisory Committee, and we were dealing with those—

The Hon. D.W. Ridgway: Not in this question.

The Hon. P. HOLLOWAY: No; this was earlier. He is very good at making these sorts of allegations. As I said, whatever qualifications my staff member has are totally irrelevant to being a member of my staff. The question the Leader of the Opposition asked me a couple of weeks ago was attacking—

An honourable member: No, today; it's a catch-up.

The Hon. P. HOLLOWAY: Yes; that is when he first raised it. What he was doing was effectively attacking the position that I had taken because the local government and a few other people had been opposing some changes to make more stringent requirements with respect to building surveyors. This is where he has been fed with this information. I read from a letter that I had on that occasion from the Port Adelaide Enfield Council, which was concerned about what had happened in relation to a number of cases. It was not just Port Adelaide Enfield: other councils have written to me about their concerns that people who were building surveyors had been checking calculations for which they were not qualified.

The thrust of the Leader of the Opposition's question was that we should not be worrying about this. However, as I explained on that occasion, this government takes it very seriously if councils write to us suggesting that public safety is at risk. If the testing of buildings has not been properly carried out or if there are loopholes in the system, as I explained to the member, we are concerned about that and we wish to see it corrected. That is the position of this government. As I said, Mr Vanco in my office has chaired a group in relation to trusses, and that came out of the result of a Coroner's report.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: My staff member formerly worked for some years with a council in this area, and he has significant experience in that field, which he brought to bear in relation to that committee. That committee involves a whole lot of people from the HIA and other groups who have expertise in the building surveying area, and I have used his experience in relation to the positions we have taken in my office.

I am very fortunate to have people on my staff who have experience in this very important area. It is not quite as simple as the honourable member said. I suggest that he table the statutory declaration, and I will have a look at it but, really, whether or not one of my advisers has current qualifications in that area or whether or not they have expired is entirely irrelevant to his position on my staff.

Members interjecting:

The PRESIDENT: Order! Is the minister asking the Hon. Mr Ridgway to table the document?

The Hon. P. HOLLOWAY: Yes.

BUILDING SURVEYOR ACCREDITATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): I have a supplementary question arising from the answer and, in fact, relating to the question from a fortnight ago. The minister—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I have got it; it is tabled here. On that day he gave me and this chamber a commitment to table the letter that he read from, but he has failed to do so. He also claimed that he had other letters, which he did not have with him, but the presumption was that he would be tabling them. However, they have not been tabled. When will he do so?

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: I am happy to do it today. Where is yours?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:29): I table the letter I have from the Port Adelaide Enfield Council in relation to building—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I offered to do it. I assumed it had been tabled, but I have it here: it is certainly ready to table. I have no problem with it. I will table that letter.

BUILDING SURVEYOR ACCREDITATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): As a further supplementary question, the minister says that he has a number of written complaints; will he also table those letters?

The PRESIDENT: Order! I do not remember the minister reading from any other letters in the council. It is normal to call for people to table letters to which they have referred in the chamber.

BUILDING SURVEYOR ACCREDITATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Do those other letters exist?

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:30): Yes, those letters do exist. I will have a look at them. I am happy to table them, of course, minus the particular details because, if matters are being considered before the courts, I will need to remove that information.

The PRESIDENT: Order! If those letters are being requested by the Hon. Mr Ridgway to be tabled, he must move a motion.

Members interjecting:

The PRESIDENT: Order! Those letters have not been referred to in the council. It is only the letters from which the members are reading or to which they refer in the council which members can request be tabled without a motion.

The Hon. P. HOLLOWAY: Mr President, I am happy to forward copies of the letters to the honourable member but, of course, I will have to remove specific details that might identify particular individuals in case they are legal matters. However, in relation to the trust of the council—

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: No. Actually, it is good propriety, Mr Wade. If the Hon. Mr Wade hopes to be a minister one day, does he think it acceptable to publish that information? The honourable member might think it is good to publish information that identifies people and jeopardises legal cases; I am not prepared to do that.

INDEPENDENT GAMBLING AUTHORITY

The Hon. J.M.A. LENSINK (14:31): I seek leave to make a brief explanation before asking the Minister for Gambling a question about the Independent Gambling Authority (IGA).

Leave granted.

The Hon. J.M.A. LENSINK: The 2006-07 annual report of the IGA makes a number of comments, including some self-congratulatory remarks about the achievements of the past five

years, which I note coincide with the tenure of the previous presiding member, Mr Stephen Howells. Page 2 of that report states:

Despite the progress made and despite the array of measures now available to address gambling-related harm...there remains for the authority a concern that the regulatory system is itself not fully engaged in ensuring enforcement of and compliance with the new rules which, in their essence, are intended to bring about a shift in the thinking of individual gambling providers. These are matters which fall to the Liquor and Gambling Commissioner and his officers and for which, under the present arrangements, the commissioner is responsible to the authority. The authority remains concerned that there are many licensees for whom compliance with the codes of practice and other harm minimisation measures are not a high priority.

I take it that that is a fairly unguarded criticism of the Office of the Liquor and Gambling Commissioner. My questions to the minister are:

1. What measures has she undertaken to repair the relationship between those two agencies since the previous chairman retired from that post?
2. Has she taken any measures to address those concerns that are expressed in this report?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:33): Clearly, as a regulator the IGA has a very important role in regulating the gambling industry in this state. As we know, this state has a well-established and well-regulated industry. Nonetheless, it is important for us to see responsible gambling and improved harm minimisation in the state. The honourable member may be aware that the day before I became the Minister for Gambling (I think it was 23 July), the former minister in the other place (Hon. Paul Caica) advised in a media release that we would be having a consultation period with the gambling industry and other stakeholders prior to introducing legislation (which will now be in this place as I am the minister) which will see improved responsible gambling environments in the state.

One of those will be strengthening the compliance and enforcement provisions. That discussion paper is available. It is available on the web, and I am sure that the honourable member already knows that. It was made available just this week. Part of our responsibility as a government is to ensure that we see improved gambling compliance and enforcement provisions and improved roles for the Office of the Liquor and Gambling Commissioner. That is the avenue for us to achieve that extra responsibility in our state. While we have a legal industry that is well regulated, we have responsibilities as a government to ensure that we have good compliance in our state.

PRISONER EDUCATION

The Hon. S.G. WADE (14:35): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prisoner education.

Leave granted.

The Hon. S.G. WADE: In the last year of the former Liberal government, under minister Brokenshire, 58 per cent of education and vocational enrolments were successfully completed. Each year since, the Labor government has budgeted for an increase in the completion rate from the year before. In fact, in every year it has fallen. The cumulative fall in the completion of education and vocational enrolments is now 15 per cent. The completion rate has fallen from 58 per cent to 43 per cent. In spite of the Rann government's persistent failure to deliver results, the budget papers continue to set a 60 per cent completion rate as the outcome target. My questions to the minister are:

1. If the government is serious about its 60 per cent completion rate target, what is the government doing to reverse the persistent decline in educational and vocational employment outcomes under this government?
2. Will the minister assure the council that the department's educational and vocational programs will be maintained and that no program will lose funding or have its budgeted outcomes reduced?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:37): I thank the honourable member for his question. As one would expect, prisoner education is an important part of the rehabilitation process in our prisons, and our prisoners in South Australia's prisons have access to a range of educational opportunities. The target set for 2008-09 is the same as for 2007-08, consistent with the department's ongoing commitment to education.

Some would be aware that surveys have shown that approximately 75 per cent of all prisoners have not completed year 10 at the secondary level, 40 per cent have not completed primary school and around 25 per cent have such low levels of literacy that they can do little more than read and write their name and address.

Prisoner education targets those who are illiterate and have learning difficulties. In addition, the prisoner education program provides prisoners who have successfully completed primary school with assistance to complete high school and tertiary studies. The department also offers 16 prisoner vocational programs that provide skills. Prisoners will need to pursue a career upon release. Among these courses are painting and decorating, building and construction, horticulture, commercial cooking, welding, dairy farming, industrial sewing, bread making, brick laying and paving. I am sure the honourable member and others in this chamber, during their visits to our prisons, have witnessed some of those programs taking place.

The Department for Correctional Services is a registered training organisation and trades as the Vocational Training and Education Centre of South Australia. Our target for this financial year is the same as for last financial year, recognising the realities we face.

BUILDING SURVEYOR ACCREDITATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): I table a document I referred to during an earlier question.

MINING PROJECTS

The Hon. B.V. FINNIGAN (14:39): My question is to the Minister for Mineral Resources Development. Is the minister aware of any new mining projects in South Australia and the benefits being generated for the local economy?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:39): Fortunately I am. I was delighted to join the Premier Mike Rann last week to officiate at the opening by Terramin Australia of the first new metal mine in the Adelaide Hills for more than 50 years. Zinc, lead and silver is now being sourced from the Angas deposit near Strathalbyn, generating jobs and investment that an independent study estimates will boost South Australia's economy by \$29 billion a year.

The zinc concentrate produced from the Angas mine is to be transported in covered B-double trucks to Port Adelaide for export. Silver lead concentrate from the mine is to be transported by covered trucks to Port Adelaide or Port Pirie for shipping or smelting. The investment and new jobs generated by the Angas mine are just the latest example of the economic benefits flowing from the new wave of mining activity sweeping South Australia. There were four mines operating when this government took the reins, after years of neglect of the mining sector under the Liberals.

The Hon. B.V. Finnigan: How many are there now?

The Hon. P. HOLLOWAY: Since then, the number of mines either opened or under construction has more than doubled—more than doubled, almost trebled. By the end of this year or early next year, it will have trebled, but rather than putting all our eggs in one basket—as one very ill-formed commentator in another place has suggested—this government has encouraged a diversity of mining projects across the state.

The new Angas mine has created jobs during the construction and operational phase and is providing significant economic benefits, especially for the Strathalbyn community. Australia's mining industry had its origins in the Adelaide Hills in the early days of South Australian settlement. This part of the state is again helping to drive our economy. Many of the new mining projects under consideration are located in remote parts of the state, but we should not overlook the contribution to the economy made by the resources located in the Mount Lofty Ranges. Mining in these ranges supported the state in the early years and is again making a valuable contribution as we move further into the 21st century. There are more than 20 more mines on the way, some in the far west, some in the far north and some in the Mount Lofty Ranges.

I join the Premier in commending Terramin Australia for its commitment to the Angas project and its diligence throughout the extensive assessment process that included a great deal of scope for public consultation. The granting of a lease for the Angas mine followed a thorough community consultative process (chaired by former premier Dean Brown) that addressed many of

the concerns identified by local residents. This community consultative committee will continue to work with Terramin Australia throughout the life of the mining lease to ensure that the conditions arising from the consultative process are fully implemented. The more than 80 conditions imposed on the mine operator cover a range of issues including ground water, erosion, vegetation, waste disposal, tailings, noise, traffic, public safety and public complaints. These conditions also require Terramin to measure, within three months of the start-up of the ore-processing plant, the odour emission rates and demonstrate that it is not exceeding emission limits.

The investment in the Angas mine and the continued interest in South Australia for exploration reflects the confidence that minerals companies have to invest in this state. This confidence reflects the supportive policies provided by this government, highlighted by the hugely successful PACE initiative. With a second wave of mine projects in the pipeline, this government is committed to ensuring that South Australia realises the full potential of the ongoing mineral boom. This year's state budget allocated \$14.1 million to ensure that South Australia is better able to translate the hundreds of millions of dollars of investment in exploration into new mines. This investment in the mining sector means more well-paid jobs, more export earnings and more income for this state.

I know that the opposition does not like to hear that. It is keen to talk down the opportunities being generated by this government in the hope that, by running down the state's potential, it will somehow improve its political fortunes, but this government does not resile from the fact that it supports mineral exploration in this state. That support explains why spending on exploration in the June quarter this year reached a record level of \$95.2 million. We want to encourage mining companies to develop the ore bodies they discover as part of that record level of exploration, so that they can invest in this state to generate the kind of well-paid jobs that support South Australian families and raise living standards. This government is committed to bringing prosperity to this state, and I welcome the opening of the Angas mine in Strathalbyn as yet a further example of this government delivering on that commitment.

WATER BILLING

The Hon. J.A. DARLEY (14:44): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Water Security, a question regarding SA Water's billing procedures.

Leave granted.

The Hon. J.A. DARLEY: Following public concerns regarding the new charges for water usage, which were applied to water bills issued from 1 July 2008, the government suggested that a new quarterly billing system for water usage would be implemented. In a letter to ratepayers accompanying ex gratia payments for overpayment of water rates, SA Water advised that it has recently started quarterly meter readings. My questions are:

1. What is the estimated cost of changing the frequency of water meter readings from half-yearly to quarterly?

2. Did the government consider a minor software programming amendment that would enable quarterly billing of water charges based on half-yearly water meter readings, and what would this have cost?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:45): I thank the honourable member for his question. I will refer it to my colleague in another place and bring back a reply.

RIVERSIDE GOLF CLUB

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:46): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning questions about the truss committee.

Leave granted.

The Hon. D.W. RIDGWAY: On 6 June 2006—

The PRESIDENT: You'll lose your mojo, Mr Ridgway.

The Hon. D.W. RIDGWAY: Mr President, unlike the state under this government, I have not lost my mojo. On 6 June 2006, the minister, in response to a question from the Hon. Bernard

Finnigan in relation to the roof collapse at the Riverside Golf Club, indicated that he was setting up a particular committee. He said:

Key industry bodies such as the Master Builders Association and the Housing Industry Association and industry participants such as truss nail plate manufacturers have recently supported the establishment of a ministerial task force and consider that it would be appropriate for it to be chaired by a member of my ministerial office who is an accredited building surveyor.

Does the minister now agree that he misled this council?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:47): I am certainly not prepared to accept that at this stage.

The Hon. R.I. Lucas: You said it.

The Hon. P. HOLLOWAY: Well, the thing is, are you saying that he wasn't at that time? As has been made clear, my staff member has considerable experience in the building industry and he has had qualifications in the past. Whether or not he is currently paid up is irrelevant in relation to experience.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I have an engineering degree but I have not been a member of the Institute of Engineers for some years. That does not mean that I have forgotten all the engineering that I have learnt.

Members interjecting:

The PRESIDENT: Order! I will do the surveying over this council.

OMBUDSMAN

The Hon. R.D. LAWSON (14:48): I seek leave to make a brief explanation before asking the Leader of the Government questions about the Ombudsman.

Leave granted.

The Hon. R.D. LAWSON: The former ombudsman, Eugene Biganovsky, resigned over 15 months ago on 22 June 2007. In accordance with the provisions of the Ombudsman's Act, the Statutory Officers Committee of this parliament is required to inquire into and report on a suitable replacement. In October last year, I asked the leader a question regarding the replacement and, on that occasion, the leader told the council that a shortlist would be presented to the Statutory Officers Committee shortly thereafter and that he hoped that the process would be completed shortly thereafter.

The Statutory Officers Committee last met on 3 June this year. No shortlist has been presented and an acting appointee is still in that office. My questions are:

1. Has the government made any decision regarding the terms of office of the Ombudsman and whether any changes have been made in relation to that?
2. If so, when will names be presented to the committee and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:49): I will refer that question to the Attorney-General. As the chair of the committee, I was awaiting advice, as were other members, in relation to the correspondence of that committee. I have not checked with the committee secretary; it was the late Trevor Blowes who was the secretary of the committee at that time. I am not aware of any further information, but I will follow it up.

ROAD SAFETY

The Hon. R.P. WORTLEY (14:50): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about road safety initiatives undertaken by the state's community road safety groups.

Leave granted.

The Hon. R.P. WORTLEY: Across the state at any one given time community road safety group volunteers are planning and undertaking road safety initiatives to help reduce trauma on the state's roads. Will the minister please describe some of the projects that have recently been undertaken and in what areas of the state these initiatives are being carried out?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:50): I thank the honourable member for his important question. From time to time I have had the opportunity to advise members in the chamber of the excellent work undertaken by individual community road safety groups right across our state. The state's 35 Community Road Safety Groups, particularly the 29 in regional areas, have an extremely important role in helping to achieve the road safety goals set out in the State Strategic Plan. I would like to advise the chamber about some of the initiatives currently being undertaken by five of the groups.

The Clare and Gilbert Valley Community Road Safety Group is currently using a promotional trailer as a mobile billboard to reinforce road safety messages. The trailer can be seen at driver reviver sites and community events. This group was granted \$3,050 as part of the Community Road Safety Grants program to carry out the mobile billboard initiative, which will run until 31 October.

The Coorong and District Road Safety Committee is currently running a 'See and be seen' project, which encourages drivers to turn on their lights to improve visibility and prevent head-on collisions on the main highways. An associated promotional campaign includes petrol station advertising and media promotions in *The Standard*, *Taiitem Topics* and 5MU Murray Bridge radio. The Coorong and District Road Safety Committee received more than \$3,500 to carry out this initiative which began in August and which will run until July next year.

The Port Pirie and Districts Road Safety Group is using \$4,200 in funding to coordinate projects that aim to reduce road trauma in the Port Pirie Regional Council. The group is using existing signage to encourage people to take care on the roads. The project is expected to run until April next year, meaning the signs will be in place over the vital Christmas and New Year peak travel period.

The Barunga West Community Road Safety Group has come up with an innovative project for its official road safety month. This project aims to increase community awareness of road safety issues—speeding, drink and drug driving and fatigue, in particular—by involving community members in project activities, including the local Youth Advisory Committee and young people at the Port Broughton Area School. The project will benefit from \$3,100 in funding and will run until the end of October.

Also, a crash prevention initiative that aims to change students' driving attitudes and behaviour is being run by the Streaky Bay and District Road Safety Group. A six-themed road safety education program will address youth road safety issues that are relevant to that area. The initiative will target year 11 students and includes the Motor Accident Commission-sponsored SAPOL Youth Driver Education program.

As members of the chamber have just heard, the Community Road Safety Grants Scheme encourages projects such as the prevention of drink driving, driving with lights on during the day, and driver behaviour and awareness. The quality of the submissions that have been received demonstrates that not only are local communities concerned about road safety but they are also prepared to do something about it. These are the people who are at the coalface and who know their community.

I have mentioned it many times in this chamber: the Community Road Safety Groups are made up of dedicated and enthusiastic members of the community who work together to improve road safety. They are an extremely important partner in the ongoing quest to keep the state's road toll to a minimum. I am personally extremely grateful, as I am sure is everybody else in the chamber, to have such dedicated volunteers in our community.

DESALINATION PLANT

The Hon. M. PARNELL (14:54): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning, representing the Premier, a question about energy supply for the proposed Adelaide desalination plant.

Leave granted.

The Hon. M. PARNELL: On Monday, the Premier made a highly inaccurate claim about renewable energy powering the Kwinana desalination plant in Western Australia, which has significant implications for the Adelaide desalination plant.

The PRESIDENT: It also has a significant amount of opinion.

The Hon. M. PARNELL: Well, I will say that the Premier made a claim which I think members will later agree is inaccurate, and I will explain why. The Premier said:

We've obviously got 53 per cent of the nation's wind power and a number of organisations, including the government for instance, buys a certain percentage of its power from total green energy. At the moment it's 20 per cent, we're lifting it to 50 per cent. Then she'll be 100 per cent for the state government and what happens in Western Australia with their desal plant will happen in South Australia, is that the power used for the desal plant will come from sustainable energy...

The accompanying media release from the Premier included the statement that, 'It [meaning the Adelaide desal plant] will be powered using sustainable energy sources.'

I am keen to clarify exactly what the Premier means, because there is a huge difference between 100 per cent new renewable energy investment, which expands the total pool of available renewable energy in the state, and mere statements that we will use existing wind energy which is already in the South Australian grid and which has already been bought and is being used by others.

Many people believe, for example, that the Kwinana desal plant in Western Australia is powered by renewable energy, but that is completely false. In November 2007, the Western Australian Auditor-General released a report completely debunking that claim. Despite this, the former Western Australian Labor government and the Western Australia Water Corporation continued to spin the renewable energy line. Just recently, the ACCC formally instructed the corporation not to claim that the plant is carbon neutral or that it is powered by wind energy.

The reason the statement is false is that the Emu Downs wind farm in Western Australia, which supplies the electricity to the Kwinana plant, is owned by the Griffin coalmining group and a Queensland government agency called the Stanwell Corporation. When Griffin applied to build a new coal-fired power station near Collie, it offered its investment in the wind farm as an environmental offset to the coal project's ongoing greenhouse gas emissions. This was done through the purchase of renewable energy certificates (RECs). The Queensland state government accepted that, thereby using up all Griffin's green credits in the wind farm. Once that happened, the electricity powering the desal plant was no more green than any other electricity in the grid. In other words, you cannot double dip and claim the renewable benefit of that electricity twice.

The PRESIDENT: Order! I remind the member that this is not a grievance or a second reading speech.

The Hon. M. PARNELL: No; I am finishing my explanation—

An honourable member interjecting:

The PRESIDENT: He has not got to the question yet; how do you know?

The Hon. M. PARNELL: Members would note the Premier's assertion that the government has made a commitment to purchase 50 per cent of its electricity as green power but that SA Water is not part of that commitment. My questions are:

1. What percentage of the electricity powering the Adelaide desalination plant will come from brand new, additional renewable energy?
2. Will either renewable energy certificates or 100 per cent accredited green power be purchased for all the electricity used to power the plant? If not, what percentage?
3. Have the government's renewable energy requirements been included in the tender specifications of the desalination plant?
4. Can the minister confirm that the Premier's claim that the desalination plant will be powered from wind power means that new, additional wind capacity equivalent to the electricity requirements of the plant, and purchased specifically for use by the plant, will be built in South Australia?
5. Will the government require the new wind energy to be available when the plant starts operating in December 2010?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:59): We know the Hon. Mark Parnell opposes the desalination plant. He also expects water to come from somewhere down to the Murray Lakes, even though the advice is that it is not there. He knows this state has far more wind-generated electricity than anywhere else in the country—

The Hon. M. Parnell interjecting:

The Hon. P. HOLLOWAY: I mean, double-dipping. As I said, this state has far more installed solar and wind power than anywhere else in the country. Almost half of the installed capacity—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, why do we have half? If it is thanks to John Howard, why do we have half, and why do the other states not have it? That is a fair question. South Australia has eight per cent of the country's population but nearly 50 per cent of the nation's solar and wind power. The deputy leader says that it is due to John Howard. Was he diverting it all into South Australia? What caused that? I will leave it up to the deputy leader to answer that question. The fact is that this state has significant amounts of renewable energy, and we hope we will have a lot more through the development of geothermal.

There are a number of plans for the installation of further wind power, and I am sure the honourable member is well aware of those; or, of course, he could be part of the groups which back the Greens, who are opposing some of those installations. In some areas, there is opposition to desal plants and opposition to any forms of energy, including wind. That may well be the case but, in relation to those specific details, I will refer them to the Premier. The honourable member is opposed to the desal plant, and that is fair enough. He can go out there and hold public meetings and do everything he can, but the sort of tedious detail he is going into really is—

An honourable member interjecting:

The Hon. P. HOLLOWAY: The government accepts that the Hon. Mark Parnell does not want a desal plant and he will do everything he can to try to oppose it.

DESALINATION PLANT

The Hon. M. PARNELL (15:01): I have a supplementary question arising from the answer. What mechanism will the government use to prove that this plant will be powered by sustainable energy and that the same myths that the Western Australian government tried to pull on the Western Australian people will not be perpetuated?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:02): If a desalination plant uses 100 megawatts and you install 100 megawatts of wind power, do you really have to ensure that each electron goes directly into that plant from the generator? Does that make it more pure than if it comes from another source? I would have thought that, if that is the demand and you have the equivalent amount of power, most South Australians would think that was fair enough.

DESALINATION PLANT

The Hon. M. PARNELL (15:02): I have a further supplementary question arising from the answer. Will the government commit to buying the renewable energy certificates or using 100 per cent accredited green power, rather than just sponging off the rest of the grid which other people have paid for and are using?

The PRESIDENT: Order! Supplementary questions do not have explanations. The honourable member is out of order.

MINERAL EXPLORATION

The Hon. I.K. HUNTER (15:02): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the rights of farmers and landowners balanced against the rights of mineral explorers to access land to search for resources.

Leave granted.

The Hon. I.K. HUNTER: Farming is an integral part of South Australia's economy. However, with mineral commodity prices at record highs, there is an understandable growing interest from mining companies in obtaining exploration leases that require access to some

farmland to explore for new resources. While most farmers are able to negotiate access to their land on mutually agreed terms, some landowners and pastoral leaseholders are reluctant to allow mining companies onto their land on any terms. My questions are:

1. Is the minister aware of disputes involving some landholders with regard to access to their land by mining companies to explore for mineral resources?
2. How does the government try to balance the competing rights of landowners and leaseholders and mineral explorers?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:03): For many farmers, this is quite an emotional issue, and those emotions are especially at play when the land has been in the hands of the same family for generations.

South Australia is fortunate that the vast majority of its mineral projects are in relatively remote regions. However, in some cases, mining companies will seek access to land closer to the rural centres—land that I note may be high rainfall, high production farmland. In these cases, the law seeks to provide access to mining companies to explore for resources, with minimal disruption to primary producers.

In the vast majority of exploration programs, low-impact activities are conducted; for example, the collection of small soil or rock samples for analysis, and explorers undertake this low-impact work at a time that complements farming operations. In the small number of cases where there is likely to be a disruption or loss of income, the law seeks to allow the explorer and farmer to reach a mutually-agreed form of compensation. Where an agreement on access or compensation cannot be reached, the matter can be referred to the Warden's Court.

There are currently about 900 mineral exploration licences and applications in South Australia. A very small number of disputes about land access come before the Warden's Court, which indicates that, in the majority of cases, exploration programs are successfully negotiated between the state's farmers and landholders and the mineral explorers.

In 2007, about 30 Mining Act related matters were considered in the Warden's Court, and only five of these matters were related to access to land for mineral exploration. To date this year, a total of eight Mining Act related matters have been heard in the Warden's Court, and only two are related to access for exploration.

While some land is exempt from exploration under the act, the balance is skewed towards ensuring reasonable access for exploration, and the reason for that is simple: no matter how high the rainfall and how high the productivity as farmland, the mineral wealth under the soil could potentially overshadow any income derived from farming. For example, Olympic Dam has the potential to unearth \$1 trillion worth of resources (that is, \$1,000 billion).

If this state is to enjoy the maximum benefit from the ongoing mining boom, it is important to make sure that we have access to land—or, at least, for exploration purposes. But, of course, not every explorer will unearth a bonanza of the scale of Olympic Dam. However, where possible, we should not be putting obstacles in the way of the next big discovery or allowing our judgment to be clouded when it comes to determining access to land.

For many farmers, exploration access to land requires minimum disruption to farming schedules and activities, with some surface sampling or low impact surveying or a few drill holes needed to determine the prospectivity of the area. Through Primary Industries and Resources SA, this government has encouraged discussions between the South Australian Chamber of Mines and Energy (SACOME) and the South Australian Farmers Federation to develop a new code of conduct for mineral explorers. This code of conduct is in the final drafting stage, and I compliment SAFF (South Australian Farmers Federation) for providing valuable input to the chamber.

The government is also in the process of drafting amendments to the Mining Act to further encourage the mining industry to engage positively with stakeholders, land-holders and communities.

The South Australian government continues to work closely with mineral departments in other states and territories on best practice regulation of exploration and mining and on principles for open and effective consultation with the community and all stakeholders. The Ministerial Council on Mineral and Petroleum Resources recently published a valuable set of principles on community

engagement, designed to encourage the industry to work harmoniously with land-holders, farmers and other land users.

Again, I want to stress that, in the vast majority of cases, exploration will not lead to a mine, so the issue of determining whether to transfer the land use right from a farm to a mine does not arise. However, when it does, the act allows for compensation and rehabilitation of the land at the end of its life as a productive mine.

South Australia currently has 10 (soon to be 11) major mines, and they cover just tens of square kilometres out of the one million square kilometres in the state. So, the footprint of the mining industry is very small compared to that of agriculture. The Mining Act allows the government, by issuing exploration licences, to determine the value of the riches under the ground. Armed with that information, the government can make a decision on whether mining should be allowed to go ahead, based on the best interests of the state. Again, I congratulate SACOME and the Farmers Federation on their work in developing that code of conduct which, hopefully, will further reduce any need to take cases to the Warden's Court.

GOVERNMENT ADVERTISING

The Hon. R.L. BROKENSHERE (15:08): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about government advertising.

Leave granted.

The Hon. R.L. BROKENSHERE: On television screens across South Australia in recent months taxpayers have seen advertisements featuring the Premier lauding his government's efforts to establish a desalination plant and, thereby, save the River Murray. These advertisements include aerial footage of elements of the Murray that would have required the hiring of a plane or a helicopter to fly over those sites with an experienced photographer to take that professional footage. Estimates we have received have put the cost of this advertisement and the production at hundreds of thousands of dollars. On Thursday 11 September, a gentleman called Bill rang commercial radio in Adelaide and said of this advertisement:

Watching Kenny's toilet show on channel...it was all right except on the break. There's Mr Rann pops up with an ad about the desal plant and I thought to myself, this is a waste of money, we already know about it, what's going on?...well it's just a waste of money, we already know about it and I think the Western Australian election and the two by-elections we had recently in the last week, the message was loud and clear that the public aren't going to put up with this sort of nonsense of spin, they want action.

I understand that the government ran print advertisements at a cost of \$400,000 promoting its country health plan when it was struggling to get that plan accepted in country South Australia. I also recall that, before the last state election, there were a number of advertisements featuring the Premier outlining how the government was meeting South Australia's State Strategic Plan. My questions to the minister are:

1. Does he condone the spending of taxpayer money to promote the government's activities and achievements?

2. How much did the desalination and River Murray advertisements cost, and how much money does the government have set aside for public advertising of the government's achievements from now until the state election?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:10): I do not know the cost of those things. I will take those questions on notice.

LE CORNU SITE

The Hon. R.I. LUCAS (15:10): I seek leave to make a brief explanation before asking the Leader of the Government a question about the Le Cornu development.

Leave granted.

The Hon. R.I. LUCAS: I am sure that members will recall that, on 2 May last year, when asked a question about the reasons for donations to the Labor Party, Mr John Blunt, Chief Executive of the Makris Group of Companies, said:

Yeah, we want to make our projects happen. That's for sure. But, you know, that's a part of the way the system, you know, politics works here.

On 26 July last year I asked the Leader of the Government whether or not a former Labor senator and member of state parliament, Mr John Quirke, had discussed with the leader on behalf of the Makris Group the proposed developments at the Le Cornu site by the Makris Group of Companies. The *Hansard* record shows that, on 26 July, the Leader of the Government did not respond to that question. In fact, he said that I was 'oozing sleaze' and that this was a 'sleazy accusation' in relation to Mr Quirke's lobbying on behalf of the Makris Group of Companies. Finally, it was revealed in the *Independent Weekly* a month later, on 17 August 2007, when the—

The Hon. I.K. Hunter: They're picking things up from the *Sunday Mail*.

The Hon. R.I. LUCAS: It was revealed by the Leader of the Government, the Hon. Mr Holloway. If the Hon. Mr Hunter wants to doubt the veracity of his own leader, he can join the queue, as plenty of us on this side are doing.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The leader conceded in the *Independent Weekly* that, indeed, Mr John Quirke had attended the meeting in early to mid 2006 with the Makris representatives seeking approval for the Makris development at the Le Cornu site. Questions remain not only about Mr Blunt's statement to which I referred earlier about the reasons for his company's donations of \$261,000 to the Hon. Mr Holloway's Labor Party but also about the close association of minister Holloway and the murky world of lobbying and, in particular, Mr Quirke's lobbying on behalf of the Makris Group of Companies. My questions to the Leader of the Government are:

1. Is it correct that the minister has attended private dinner parties at the eastern suburbs home of the lobbyist, Mr John Quirke?

2. If that is correct, did he have any discussions with Mr Quirke about the Makris proposed developments at the Le Cornu site on those occasions?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:13): The honourable member would well know that John Quirke and I were members of the House of Assembly from 1989 to 1993. Mr Quirke is a longstanding colleague and friend of mine. When he was the chair of the Economic and Finance Committee and I was a member, we regularly went to dinner. Yes, occasionally I do catch up with John Quirke, including at his house. As I said, he is a former colleague of mine. Unlike the Hon. Rob Lucas, I manage to keep good relationships with some of the people in politics.

LE CORNU SITE

The Hon. R.I. LUCAS (15:14): As a supplementary question arising out of the answer—

The PRESIDENT: The honourable member does not want to know what they had to eat, does he?

The Hon. R.I. LUCAS: Would you like to know? I would be more interested to know what they drank and how much! I will not be diverted by interjections from the chair, Mr President. As a supplementary question, on those occasions when he was enjoying the hospitality of Mr Quirke at his private eastern suburbs home, did he discuss with him the proposed Le Cornu development in North Adelaide?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:15): Apparently it is now bad to live in the eastern suburbs. I would be interested to know where the Hon. Rob Lucas lives: he lives in the eastern suburbs. Why would he mention that in the question? There is only one reason for mentioning it. That gives away the question: it says it all, and I do not intend to add further to the answer I have given. I have answered this question in the parliament in the past when I have discussed the details in relation to the project—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —at Le Cornus. I have dealt with the principals of that company.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

COOPER BASIN

The Hon. J.M. GAZZOLA (15:16): Will the Minister for Mineral Resources and Development provide an update on levels of investment and recent successes in the South Australian Cooper Basin?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:16): Is it not extraordinary: 18 months out from the election we have a Liberal Party that has absolutely no substance or policies: all they can do is muck rake and ask about whether I have been having dinner with an old parliamentary colleague of mine. Heavens above, he's in the eastern suburbs: God help us! That is really scary. If this is the sort of behaviour members of the Liberal opposition want to go on with, I think they will get their just rewards at the election. If you are not able to develop policy, I guess it is the only substitute you have.

They will not criticise the decision, because it is interesting that the Liberal Party supports the development at Le Cornu and agrees with it. If they agree with it, why are they trying to undermine it? It shows up their incompetence about getting any development in this state. Come the next election, there will be a very clear distinction between those who want to go back to the past and live in the sewer and those who are achieving development within this state.

The Hon. J.S.L. DAWKINS: On a point of order, it has escaped the leader that he has been asked a fresh question about the Cooper Basin, which has nothing to do with the previous question.

The Hon. P. HOLLOWAY: I will talk about the Cooper Basin because, as members may be aware, our state remains Australia's biggest on-shore producer of oil and gas. Most originates from the Cooper Basin in the state's north-east. Since 1969, gas has been produced from the basin to supply south-eastern Australian markets. Billions of dollars of investment by the Santos joint venture led to oil being produced from the basin since 1982. Since the major turnover in licences at the turn of the century, the Cooper Basin has attracted a record number of explorers and very high tenement work programs, as well as sharply increasing the oil discovery rate.

This turnover changed both the tenement map and make-up of Australia's exploration industry through a number of companies making discoveries. Two local examples are the spectacular growth of Adelaide-based Beach Petroleum and Stuart Petroleum. The most recent success in the basin comes from Perth-based Victoria Petroleum NL and its joint venture in Petroleum Exploration Licence 104/Petroleum Retention Licence 15.

On 10 September, Victoria Petroleum announced a flow of 1,673 barrels per day, with no water from Growler 3 appraisal well on a one inch choke. For those not technically minded, I assure them that that represents a very valuable flow. The well will now be completed for production and tied into the main Growler oil well production facility 800 metres to the east. Victoria Petroleum estimates the most likely oil-in-place for the Growler structure is 5.7 billion barrels and the most likely recoverable oil is estimated to be 1.4 million barrels. Victoria Petroleum anticipates bringing Growler 3 and Growler 2 onstream in October 2008, after gaining the necessary regulatory approvals.

Results at Growler are evidence that the Cooper Basin remains a rewarding destination for petroleum exploration investment. Since January 2002, through to early September 2008, 164 exploration wells have been drilled in the Cooper Basin. Most have targeted oil, but both oil and gas have been discovered.

New petroleum fields were discovered by 71 of these wells at a world-class commercial success rate of 43 per cent from exploration drilling. The first round of mandated partial acreage relinquishments from Cooper Basin exploration licences and conditional production licences will be consolidated into four to six new petroleum licence application areas covering a total area of about 20,250 square kilometres. These licences are to be offered in a phased series of competitive work program bidding rounds, the first of which will begin in February 2009.

Cooper Basin exploration activity in 2008, based on guaranteed work programs, is forecast to include 28 exploration wells, 500 square kilometres of three dimensional seismic and 180 kilometres of two dimensional seismic. Additional new field discoveries in the Cooper Basin are inevitable and will underpin the financial strength of explorers and generate petroleum royalties for South Australia.

COOPER BASIN

The Hon. D.G.E. HOOD (15:20): I have a supplementary question. Can the Leader of the Government provide an estimate of the royalties that would be paid to the taxpayer as a result of the project?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:21): Up until fairly recently, the petroleum royalties in this state actually exceeded mineral royalties because, of course, the Cooper Basin—which was really the first major onshore oil and gas discovery in the country, certainly the major onshore discovery—has been a very significant part of the royalties generated in this state since the 1960s.

I do have here, I believe, the most recent figures. The result for 2007-08, for total petroleum royalties—and these would be almost entirely from the Cooper Basin; there may be some smaller royalties from the very small fields in the South-East—was \$69.5 million compared to minerals royalties of \$73.5 million, totalling \$143 million. The budget estimates for 2008-09 are: for petroleum, \$80.8 million, obviously reflecting the higher price for oil; for minerals, \$82.6 million, totalling \$163.4 million.

We have been very fortunate that because of the higher prices we have received for petroleum our royalty stream has been maintained, even though gas production has obviously been declining in the Cooper Basin. I guess the conclusion from that is that we do need to expand the mining industry and, therefore, our mining royalties, to make up for the ultimate reduction in petroleum royalties, but also it underlines the fact that we do need to increase the exploration for petroleum, not only so that this state can be more self-sufficient in fossil fuels but also ultimately so that it will gain the benefits of royalties. Incidentally, it is not just the state that gains the royalties: I understand that many of the indigenous groups, who are the traditional owners of land within the Cooper Basin, have also been receiving significant amounts of money as a result of this oil production.

ANSWERS TO QUESTIONS

COMMUNITY CORRECTIONS

In reply to the **Hon. S.G. WADE** (1 August 2007).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): I am advised:

Tough conditions for parole and intensive bail supervision result in a larger than usual rate of return to corrections. They are an integral part of this government's tough on crime strategy that also focuses police attention on prisoners leaving prison to make the community safer by targeting repeat offenders.

Offenders under the supervision of the Department for Correctional Services are provided with either one on one or group counselling, depending on their individual needs.

Prior to counselling, professional departmental staff determine the best way to ensure that an offender receives the support required and this assessment determines whether or not group or individual or therapy is provided.

I am advised that the programs referred to by Mr Chivell, to which the honourable member refers, were in fact regarding psychological and anger management counselling at the Elizabeth Community Correctional Centre.

TRAM, SHARED-USE PATH

In reply to the **Hon. M. PARNELL** (3 June 2008).

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs): On 23 July this year, I announced with my colleague the Minister for Transport, that this government would design a bicycle overpass for the northern side of the Glenelg tramway overpass project, following comprehensive community consultation.

Once the tram overpass is complete, it will enable a totally separate bicycle overpass to be built.

As a result, both pedestrians and cyclists will be able to safely cross South Road at this location.

The pathway forms part of the state government's commitment to improving safety and convenience for cyclists—expanding opportunities to comfortably make use of sustainable transport alternatives.

The city to Glenelg tramway cycling route, or tramway park as it is otherwise known, is a work in progress and this latest addition to the project will further improve safety for cyclists who travel to the CBD from the western suburbs.

The tramway park has the long-term vision of a formal 'green park' along the 10 kilometre tram corridor between South Terrace and Brighton Road.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 24 September 2008. Page 223.)

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:23): First, in my response to the Address in Reply, I acknowledge the contribution of members and, in particular, I acknowledge the contributions of His Excellency the Governor, Rear Admiral Kevin Scarce, and the Lieutenant-Governor, His Excellency Hieu Van Le. In relation to the Governor, it is not only his contribution in the traditional role as Governor but also, of course, as a former member of the defence forces and a former head of the Defence SA team in South Australia. I know that he retains a very keen interest in that area and is a very valuable resource for the state in terms of developing—for the benefit of the people of this state—our defence industries.

The first point I cover is the future of the Address in Reply debate. It was a little disappointing that there were several members of the other house, and indeed I think the Hon. Mr Brokenshire from this council, who went public beforehand to make comments denigrating the fact that we have this opening of parliament. Ever since the state was first established, parliament has been prorogued on an annual basis, the Governor has reopened the session, and we have had an Address in Reply.

I note that it was reported on the radio that the Hon. Mr Brokenshire had said words to the effect that 'today is a costly wasted day because we cannot get on and put our bills before the parliament'. Notwithstanding that, I note that most members of parliament have spoken to the Address in Reply. Part of the reason why we have had the Address in Reply—and the benefit is more for members in the lower house than those in the upper house—is to enable backbench members, in particular, to raise any issue they like under the broad framework of the Address in Reply.

That has been a tradition in this parliament for 150 years, and it is one that I have always supported. If members do not want the Address in Reply and for us to have one continual session of parliament over the four years, then from the government's point of view we would not find any problem with that because it would mean that more time could be given to addressing government business. As a personal view, I think it would be a pity, particularly for members in the lower house where there are many more members and they have less opportunity to raise issues of interest to their electorate, if that longstanding convention were to vanish.

A number of comments were made during the Address in Reply, and I want to talk about one of them. It has become fashionable now for members of the opposition, particularly the Hon. Rob Lucas, to try to associate the word 'arrogance' with government. They are suggesting that, if you repeat the words enough, it might happen to come true, so they just keep repeating it—'government, arrogant; government, arrogant'—in the hope that somebody eventually will believe them.

What could be more arrogant than what we witnessed last night: the Hon. Rob Lucas, while calling the government arrogant, spoke for well in excess of an hour, sprouting corridor gossip. There was no listing of the policies of this government. It is surely arrogant for any opposition to be in this parliament, expecting to win government, without giving any detailed policies let alone the cost of those policies. That is what arrogance is. Arrogance is treating the people of this state with such disrespect as telling them gossip, and it was combined today with the questions we had in

question time. If they really think that is a substitute for detailed policies, particularly well-costed policies, that is what arrogance really means.

Also last night, the Leader of the Opposition gave a fascinating speech about how the state has lost its mojo. I thought it would be worth having a look on the web to find some definitions. Some definitions of mojo that are given on the web are as follows:

- it is a human-sized voodoo doll who encounters Serge in the basement of one of Serge's neighbourhood houses;
- it is a voodoo spell that brings bad luck;
- it is a magic power or a magic spell;
- mojo is a term commonly encountered in the African-American folk belief called hoodoo;
- a mojo is a type of magic charm, often of red flannel cloth, tied with a drawstring containing botanical, zoological and/or mineral curios, petition papers and the like; and
- mojo is a video game that came out in 2003 for Playstation 2 and X-Box where you steer a marble through a series of traps in order to break all of the coloured blocks in a level.

This is what South Australia has apparently lost. Another definition has mojo as the name or an abbreviated name of several types of hot sauce that originated in the Canary Islands. It is predominantly either a red, most commonly green, or orange sauce. So, this is what we have lost.

Mojo is also a Marvel comic super villain, an enemy of the X-men, primarily in *Longshot*. That is probably about what the opposition members are—longshots. Created by writer Ann Nocenti and artist Art Adams, he first appeared in *Longshot* No. 3 in November 1985. *Mojo* is a popular music magazine published monthly in the United Kingdom. Mojo is an Australian advertising agency. Finally, mojo refers to mobile journalists; that is, staff or freelance reporters who write their stories from their communities thanks to technical tools such as digital cameras and camcorders. That is the definition of 'mojo'.

Members interjecting:

The Hon. P. HOLLOWAY: To go into it a bit further, in the early 20th century the word 'mojo' meant voodoo or magical power, specifically one which gave the mojo's male possessor a sexual power over women. That is apparently what this state has lost. Of course, it began in 1957, when the word was given particular fame by Muddy Waters, whom not many in this place would remember. Muddy Waters was McKinley Morganfield, a well-known blues singer who grew up in Mississippi. His famous blues classic was 'Got my mojo working'. The Hon. Mr Ridgway spent the entire time—

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: Yes; exactly. I hope that interjection is recorded because that was the sort of thing that we have listened to in the Address in Reply debate. As I said earlier, I believe in the Address in Reply. It has an historical use, which enables members to raise issues of concern in their electorates, particularly in the lower house. But, when we have that sort of drivel, with the Hon. Rob Lucas spending half an hour naming anybody who had any relative or friend who was connected in any way with the shoppies union, and when we have this speech that we have lost our mojo, perhaps it is a tradition that has had its day.

Many things were said in the Address in Reply debate, and it is not really my role to respond to all of them. However, the Hon. Sandra Kanck, in particular, made a number of attacks on the planning reforms. The extraordinary amount of misinformation she gave us, I think, should not go unchecked. If we are to cope with the growth that this state will inevitably face, we need to be able to house our people. One of the big challenges that we face in our society at the moment is providing affordable housing, particularly for our young people.

I find it extraordinary that I should be accused of things by the Hon. Sandra Kanck for quite base political reasons, to get some traction. She has been out there saying that the Labor Party is too close to business, and making all these allegations. Our big challenge is to provide affordable housing for the people of this state. We can do that only in two ways: we can physically accommodate that housing only if we extend the boundaries of our city or if we have higher density.

Of course, the Hon. Ms Kanck is essentially opposed to both those options. She is opposed to any urban growth at all, and she has attacked the policies of this government in relation to trying to increase the supply of land, to keep pressure down on the cost of homes, and she is also opposed to infill. She attacked the decision that we made in relation to the Le Cornu development, because she claims the building is too high.

Effectively, the Hon. Sandra Kanck represents a very selfish and greedy position. What she is saying is that the people who are fortunate enough to have homes now should have a ring fence put around them, their property value should rise, and young people in particular, who do not have homes, should be left to defend themselves with really nowhere to go. They cannot look for new homes in the outer suburbs and there cannot be any further density. That really is an untenable proposition. I resent the accusations of sleaze that are made of this government being too close to developers when, in fact, it is her position that is the very selfish one of protecting those who are fortunate enough to own their own home. Those people, of course, want the value of their property to increase by putting a ring fence around them and ensuring that there are no options.

There were many misrepresentations in the speech about planning reforms, and one in particular related to character areas. The reforms arising out of the planning review the government has put forward will in many ways provide better protection to character areas within our inner suburbs—suburbs such as Unley, Norwood, Walkerville, Mile End and the like. The reason for that is that at present the only protection houses get is if they are on a heritage list and, of course, not every house in those areas is worthy of being on a heritage list—nor should they be.

In suburbs such as Unley there are many houses that were built before the Second World War (I think something like 70 per cent were built at that time), and it is those houses that give Unley and other similar suburbs their character. Under the government reforms, if a special code is applied over those areas, the type of development built within them can be controlled. So, we can ensure that any new housing put in there—perhaps to replace some of the 1960s abominations built within those areas, or if some of those old houses are simply not sound and need to be removed—is compatible with the character of the homes being removed. So, the reforms this government hopes to bring in will, in fact, give greater protection to the character of those suburbs.

Contrary to what the Hon. Ms Kanck said yesterday, I have met with groups such as Save Our Suburbs and others on occasions in the past, and I will be meeting with them again. The position they have put to me has always been that their major concern is the construction of new houses in character areas that are totally incompatible architecturally with the character of their neighbourhood. I believe their opposition is not so much to new buildings—because we all accept that as buildings age they need replacing or refurbishment—but that it is important that, within the special character areas of the city that make it what it is, those replacements reflect that character.

It is a very difficult exercise, and the government has been working with Unley council now for at least two years. Unley council has gone through and identified, I think, at least six different character types—ranging from federation to workers' row cottages to Tudor homes and to a number of architectural characters that define that city—and I believe that it has identified that at least 45 per cent of its city fits into those pre-Second World War character types. We have been working closely with Unley council to use that area as a pilot on how we can protect that character of inner-city suburbs.

At the same time, what we need to do in our planning reforms is make housing more affordable; we need to give our young people their chance. The planning review has identified that, because of the massive delays that exist within the planning system, if we can greatly reduce the time taken in giving approvals for uncomplicated houses and uncomplicated additions, there is the potential to save hundreds of millions, if not billions, of dollars over the next five years.

How we will do that is by trying to reduce the number of applications in our planning system. It is interesting to note that in 2006-07 within the entire state of Victoria there were 49,587 planning permits; in the same year in South Australia the number of development applications lodged was 63,468. So, there were over 13,500 more planning permits required in this state than in the entire state of Victoria. Of course, in Victoria there were 100,930 building permits required; so in Victoria there is this difference between planning permits and building permits. Building permits, of course, are essential to ensure that structures are safe. That example shows that a state three times our size actually requires fewer planning permits than we do. So the potential is there to gain savings which we can then pass on as cheaper housing—particularly for our young people. Indeed, a number of estimates have been made of the holding costs as a result of government reforms.

If someone buys a block of land and they have to wait for six to 12 months before they get approval for a house (for example, it might be a standard off-the-shelf display home that is always going to be approved), the holding costs of that will be enormous; they would have to rent a house while they waited for those approvals to go through. If they could get approval in a month or so, as they do in, say, Victoria, those holding costs would be significantly reduced. There will be huge potential savings if we can improve our system but, as I indicated earlier, that need not be at the expense of protecting the character of particularly our inner city suburbs, which make this state so attractive.

In relation to the planning review, contrary to some of the comments that have been made in the Address in Reply, the government has consulted very widely. I can tell the council that 44 councils (and these are preliminary figures) have submitted submissions, some of which are very detailed: 16 from government agencies; 27 from industry or consultancy groups; 47 from Save our Suburbs; 193 from a particular area of Glenelg; and a petition in Burnside.

There have been six other community group consultations; and also 80 submissions from the general public. The government appreciates the input that people have made into that, and we will be looking at all of those submissions. However, I find it disappointing that the thrust of the planning review should be met, as it was last night by the Hon. Ms Kanck, with hysterical diatribe about how this government is too close to developers and so on.

Yes, the government has consulted industry and developers, if you like. But who else is going to build houses for most people? I do not believe we will get to a situation where most of the people in this state will be building their own houses. So, whether we like it or not, we have to deal with the housing construction people and the groups that represent them. If we are to make housing affordable, we need to work with those groups, and this government is prepared to do so. We need to do that not just to lower the cost of residential housing, although that in itself is essential, but we need to ensure that the cost of housing in this state is competitive if our economy is to grow and we are to have jobs for the people of this state.

It has been commented on in the planning review that, in some places such as Melbourne, where there have been significant increases in land and improvements in reducing the time taken to get approvals (and I have referred to that earlier), in fact, the cost of the house/land packages in Melbourne is moving very close to that of Adelaide. We have been going up, and Melbourne has sort of plateaued. So, it is absolutely essential to keep our cost competitiveness so that we can provide competitive housing for the people of this state, and one of the best ways we can do that is to unlock these unnecessary costs because of delays within the planning system.

I certainly do not make any apology for going ahead with this. In politics, the easy path is always to do nothing. If you do nothing, I guess you do not get into any trouble, but you do not achieve anything. From my point of view, this is an exercise worth embarking on. Yes; it is very complex and difficult if we are talking about changing our planning to the extent we are to bring in this sort of code and all the detailed changes announced in the planning review. However, we have to do it, because it is essential for the future of this state.

I know that people such as the Hon. Ms Kanck and some of her supporters out there support a situation where we have no population growth in this state. That is their solution. In fact, I read somewhere in one of her press comments that the Hon. Ms Kanck looks back fondly on those days when we were accused of being a rust belt and that she considers they were actually halcyon days.

I do not agree with that, and I do not think that most South Australians agree with it. They want to preserve the character and uniqueness of our city, but they also want it to grow and they want to get the benefits of modern development. It is that balance that the government is seeking to achieve through its planning reforms.

As I said earlier, the Address in Reply is an opportunity for members of this parliament to give their views on a wide range of subjects. We are, of course, responding to the address that His Excellency the Governor gave in outlining the program of this government. Members opposite have been scathing in relation to its content. What they do not realise is that this state has set out a State Strategic Plan with almost 100 targets in areas such as increasing road safety, increasing wellbeing and improving economic performance. This state has specific targets in social, environmental and economic areas. We will not achieve some of those targets, but we are achieving many of them. With the focus that this is given—

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: And this is what the plan is all about. The Hon. Mr Wade does not understand it. He is the shadow minister for road safety. What has been happening in relation to road safety? The road toll has been coming down. The reason it is down is that one of our targets focuses on that. The chief executives—

The Hon. S.G. Wade: It's been coming down since 1973.

The Hon. P. HOLLOWAY: Yes—it will go down only if you keep pressure on it. It will stabilise unless you look for new initiatives to reduce it. But so it is in a whole lot of other areas of government. In my portfolio we have targets for mineral exploration, in which we have more than succeeded. However, we have succeeded only because we had a specific program—the PACE program—designed to achieve it. And so we have with each of the other targets within our State Strategic Plan.

Contrast that with what members opposite have suggested. All they have done is criticise this government and said that there should be more money here and more money there. They have not yet come up with a single policy on anything that I have seen, other than one, and that is building a sports stadium. That is the only thing they have come up with. They have not costed a single thing. All they have done is knock and whinge. I think it is important within this debate that it be put on the record that this government, through its State Strategic Plan, has a series of specific targets, which the government is working on in great detail to achieve.

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins is out of his seat. He will cease interjecting.

The Hon. P. HOLLOWAY: This government, through its State Strategic Plan, is working on achieving a wide range of targets right across government, and they are locked into the very workings of government. Instead of just knocking everything, if members opposite do not like those targets or they are not going to work to them, it is about time they started to tell us—

The Hon. J.M.A. Lensink interjecting:

The Hon. P. HOLLOWAY: They are worthless, are they—the targets? If that is the view of members opposite, they will just scrap all this and they will not have any target objectives to work away at. Yet, while this government has those targets and is making significant improvements across the board with respect to most of them, they are saying that they will scrap this, but they then have the gall to criticise us for not having plans. It just does not wash.

I conclude by again acknowledging the contribution of His Excellency the Governor, the Lieutenant-Governor and their spouses. I thank them for their contribution to the state, and I particularly thank the Governor for his address outlining the program for this session of parliament.

Motion carried.

PSYCHOLOGICAL PRACTICE BILL

The House of Assembly disagreed to the amendments made by the Legislative Council.

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September 2008. Page 134.)

The Hon. R.D. LAWSON (15:50): I rise to indicate that Liberal members will be supporting the passage of this bill subject to certain amendments. This bill has as its intended purpose the encouragement of charitable donations of food. It has its origin in a proposal from the Young Lawyers group of the Law Society of South Australia. Quite some time ago when it made the initial suggestion (I think it was in 2005), that group pointed to the fact that there was similar legislation in Canada and Victoria, and at that time it was being proposed in New South Wales.

There was opposition to the proposal at that time from SACOSS, which felt that it may send the wrong message, namely, that food donated for the purpose of distribution amongst those who are disadvantaged would mean that those disadvantaged persons would be regarded as second-class citizens; they are being given food for which the provider of the food had no liability in relation to its safety. That was a strong objection from the South Australian Council of Social Services. It has taken the government quite some time to come up with the bill which is now before us and which has passed through the House of Assembly. The 'food donor' is defined in this bill as:

...a person who, acting without expectation of payment or other consideration and for charitable or benevolent purpose, donates or distributes food with the intention that a consumer of the food would not have to pay for the food and to the agents and employees of such a person.

The bill provides:

A food donor or a distributor incurs no civil liability for loss of life or personal injury arising from consumption of the food donated or distributed.

A proviso in new subsection (3) is;

...the immunity does not operate if the food donor or distributor knew or was recklessly indifferent to the fact that when the food left the possession or the control of the donor it was unsafe within the meaning of the Food Act...

That is an easy statement to make. However, when one looks at the definition of 'unsafe' in the Food Act, in particular in section 8, one will see a fairly abstract definition. The most important point we wish to make in relation to this measure is that it does not go far enough. It is a good thing, and we support relieving from civil liability those who are generous enough to donate food. But why only those who donate food? What about the many people in our community, the community-spirited people, who donate their time and in other cases goods and who provide advice, for example, to charitable organisations? They, too, suffer the possibility of incurring some liability. In another place I think the case was mentioned of those who act as honorary auditors for the thousands of charitable associations that exist in this state.

Many of them do it for no consideration whatsoever and, in fact, it is something of a burden. All of us would have been members of organisations which have an annual general meeting, and there is always some difficulty, if it is a small association, about getting an auditor to audit the accounts. That is simply because there is a reluctance, not unreasonably, on the part of professional accountants in many cases to provide that service, because it is difficult to provide, and difficult to check. They expose themselves to possible liability if they do not do it with the thoroughness of a professional auditor, yet they are open to civil action.

If a person gives food to a food distribution centre, they are relieved from civil liability, but if a person gives service or advice they are not. We believe this legislation ought be extended to recognise that it is not only food that is given. Many other community-based organisations provide other services, support and help and donate goods. What is it about the donation of food that should lead to somebody being relieved of civil liability, but if someone provides blankets, electrical equipment or anything else to the Society of St Vincent de Paul they are technically left open to a civil claim?

The most serious omission in relation to the presentation of this bill and the debate in another place is that it has overlooked entirely the major donor of food in this state. The Attorney-General said that there is consultation with the Attorney-General's Department with SACOSS, which had certain philosophical objections, and with people within the Law Society, but what about Food Bank South Australia? It is a non-denominational, charitable organisation that sources donated and surplus food from the food and grocery industry and distributes it to welfare and community agencies that provide food assistance to people in need. Food Bank SA is a member of a national group of affiliated food banks that operates in New South Wales, Queensland, Western Australia and Victoria.

Looking at the latest annual report of Food Bank, it actually distributed food in 2007 to 535 groups in South Australia. The Chairman of Food Bank, Mr Stephen Gerlach, a well respected lawyer and businessman in Adelaide, and also the Chairman of Santos, says that the demand for its services has increased by about 20 per cent a year. In 2006-07, Food Bank distributed more than 800,000 kilograms (800 tonnes) of food to welfare agencies in South Australia. It predicts that the demand will reach 1.7 million kilograms by 2015, so it is an increasing demand. Food Bank acknowledges the support it has received from the state government, and on its website it expresses appreciation to the Premier who, on behalf of the state government, provided certain financial assistance to this important organisation.

Mr Gerlach goes on to say that about 65 per cent of the food and groceries are donated by South Australian companies and through food programs run in conjunction with financial sponsors, and they include staple foods not normally donated by food companies. It established premises, a satellite Food Bank operation, in Mount Gambier in 2005. At the time of this report, it had started developing an agency in Whyalla; the council there had provided land, and I understand that that program is developing. Food Bank partners with other organisations. One example given is the School Breakfast Program in partnership with Save the Children Australia and Australian Red

Cross. That program supplies nutritional foods to schools throughout the state, including in Aboriginal communities.

When one looks at the 535 organisations to which Food Bank provides food, we see that well-known organisations such as Anglicare, St Vincent de Paul, the Baptist Church—through some 25 organisations; there are 17 Lions Clubs, Minda Incorporated, the Lutheran Church, 35 Rotary Clubs—distribute food to disadvantaged persons in South Australia. I point out that 24 organisations under the auspices of the Salvation Army are also registered, and Uniting Care Wesley and a number of other organisations participate in this program.

There is no suggestion in the material provided to the parliament that that organisation has been consulted in relation to this program. The reason I raise the necessity to consult with Food Bank—and I do ask that the minister in his second reading response provide some information in relation to consultation with Food Bank—is that Food Bank, which employs a staff of I think five or six to provide these services, actually makes a charge to the groups. It claims that, in order to meet its operating costs, the groups that receive Food Bank pay a nominal fee for handling the food. According to its website:

The food costs about 20 per cent of the retail price, which allows welfare aid groups to divert the significant cost savings to other assistance programs.

It further states:

Membership of Food Bank is open to all welfare groups that provide food assistance to disadvantaged or marginalised people. Groups must carry public and product liability insurance to a minimum of \$10 million and are required to update their information.

Here we have an organisation which is the principal donor of food to disadvantaged persons in South Australia and which is doing it on a very large scale, but which is charging a modest fee to make some contribution to its expenses and would appear, therefore, not to receive the benefit of this legislation that is before the chamber. That does seem to me to be a major omission. If one provides relief to, let us say colloquially, every Tom, Dick and Harry who wants to make a donation but does not provide the same relief to the one organisation that is established for the very purpose and is dedicated to providing those things, that seems to me to be an entirely unfair proposition.

I have tabled today amendments which will seek to extend the scope of this legislation to not only food but also goods and services. It is for that reason that we make that amendment. However I do think that it is important that at the committee stage we pursue with the minister not only the question of Food Bank, whether or not it is included, whether or not it has been consulted, whether or not it seeks to be included, but also the question of the interaction of the legislation with the Food Act. This is quite a good measure, but it is nowhere near as good as it could be. We support the second reading.

Debate adjourned on motion of Hon. J.M. Gazzola.

ADDRESS IN REPLY

The PRESIDENT (16:04): I remind honourable members that His Excellency the Governor will receive the President and members of the council at 4.15pm today for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

[Sitting suspended from 16:05 to 16:55]

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

Thank you for the Address in Reply to the speech with which I opened the Third Session of the Fifty-first Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray that your deliberations will add meaning and value to the lives of our South Australian community.

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 249.)

The Hon. D.G.E. HOOD (16:56): Family First supports the second reading of this bill and, in fact, we are pleased that it has been introduced. We have often wondered why it is not already law. I think it is a good initiative, so at this early stage we indicate our likely support for this bill.

Essentially, it provides that if someone donates food in good faith they are protected from lawsuits over the quality of the food and any potential lawsuits that may ensue therefor. This bill enshrines in our law the principle of what is known as being a good Samaritan which, of course, is a story that originated from the Bible a couple of millennia ago. The story, for those who are not familiar with it, tells of a man travelling from Jerusalem to Jericho who was attacked by thieves who left him for dead at the side of the road.

A Levite (referred to as a countryman in the Bible, which is a particular tribe of that region) passed by on the other side of the road but a Samaritan (that is, someone from Samaria) who had little to do with the Israelites—and, in fact, whom the Israelites often regarded with some suspicion—saw that the man on the side of the road was near death or in a very bad way and he went over to him, bandaged him up and assisted him, then took him to an inn where he paid the innkeeper a sum of money to take care of him as the Samaritan had to go away on business.

The Samaritan said that he would come back and take care of any additional expenses but asked the innkeeper to take care of this man. Essentially, that is the story of the good Samaritan from the Bible, and it is a wonderful illustration of charity. I think that essentially forms the basis for the model upon which this bill is based.

Unfortunately, in today's world we would not be surprised in the least if the injured man then complained about the bandaging job that the Samaritan did and then actually sued him for mental distress or something else. Unfortunately, Australia is becoming a litigious society. We are not as bad as the US yet, but certainly we are heading down that path, or so it seems, where we threaten to sue anyone who looks at us the wrong way and, in some cases, we will haul anyone before the Equal Opportunity Commission and the like, and that is certainly not something we would support.

It applies to all of us, and I think most of us who have been in political life for a little while—and, for me, indeed it is a little while—have had our run-ins in that regard in one way or another and, if not, I suspect it is coming your way if it has not already. It is not good for our society and it does not surprise me in the least that supermarkets throw their food out rather than face the risk of litigation if they make it available to those who would really benefit from having it.

I could not find any Australian estimates with respect to the amount of food involved, but certainly the Sustainable Development Commission in the UK estimates that British supermarkets throw out some 1.6 million tonnes of groceries every year. I was astounded to hear that—1.6 million tonnes in just the UK alone. We are at least looking, therefore, at hundreds of thousands of tonnes of groceries in Australia, I would estimate, and much of it, as has been said by others, is not even past the so-called use-by date. It is a tremendous waste, especially when many in the community—and I am thinking particularly of those on pensions or even in worse situations, such as the homeless—are doing it so very tough at the moment.

This bill appears to excuse carelessness and negligence, even to the extent of causing death or personal injury from the consumption of bad food. There are several further degrees of mental knowledge; that is, the bill appropriately notes in new subsection (3), relating to reckless indifference, that the safety of food will not afford protection. Neither will 'wilful blindness' or an intent to distribute bad food be protected, involving higher levels of mental complicity. The bill seems intent only to excuse carelessness and simple negligence which, in my opinion, is appropriate.

The bill proposes a different standard of care when food is donated compared to when it is sold. While it is true that we should not imply that those accepting donated food are second-class citizens, I think that we should imply that, by donating food, there is an implied waiver of the liability for the donor within this so-called transaction.

I am also aware of the discussion in the other place regarding expanding the scope of the legislation. Indeed, the Hon. Mr Lawson mentioned it in his contribution a little while ago. I have had discussions with the member for Davenport in the other place, with whom I raised some concerns regarding some of the amended wording that he has proposed. In essence, as I understand it, the member for Davenport did want to expand this bill to cover all goods and services. It is a commendable proposition, and a sensible argument used is that there is no logical reason to put food in a separate category from other goods or services.

With respect to services, I have personally heard of a story of a mum who drives elderly ladies to a hairdresser and to doctors' appointments as a volunteer at the Goolwa Community Centre. She was apparently informed that if there was a mishap during this service, if you like, or the good deed that she was providing for the people whom she was driving around, such as a car accident, she could then be potentially liable; that is, she could be sued. Obviously, taking a stick (if you can put it that way) to people who volunteer their time is a great way to kill any community spirit, and it is indeed bad for our community and for South Australia.

Family First certainly supports the concept of reducing liability in these cases; that is, we believe that there is an argument that this bill should not only apply to food. No liability provisions for professional services have also caused me concern. The value of a professional service is in its competency and excellence. An engineer donating his time to build an orphanage is of no use if he designs the building negligently and it actually falls down. I would also have concern if the proposed amendment would allow him to circumvent building codes. On the topic of professional services, would a lawyer under the proposed amendments, who does pro bono work, for example, win—

The Hon. A. Bressington interjecting:

The Hon. D.G.E. HOOD: No; it does exist; I can assure members of that. Would a lawyer, who won an asbestos settlement, for example, be excused from liability for negligence if he or she allowed the compensation to be stolen from a trust account due to poor accounting? That is one hypothetical example. Perhaps, I guess, is the answer. The alternative wording debate in the other place was broad. It is hard to criticise the amendment because it would encourage charity, something that we desperately need in South Australia and, indeed, across this nation. I am assured by the member for Davenport that his amendments will not allow these unforeseen outcomes to occur, and I certainly hope that that is the case.

I certainly want to support an expanded version of this bill where possible. Family First is very sympathetic to the comments made by the Hon. Mr Lawson and, indeed, by the principle, if you like, that the member for Davenport has put forward, so we look forward to hearing the debate about those amendments in the committee stage. In short, Family First is supportive of the second reading of this bill. I indicate likely support for the bill. We are certainly sympathetic to the amendments, and we look forward to their discussion and debate during the committee stage.

The Hon. R.P. WORTLEY (17:04): I welcome the opportunity to rise today to support this bill. The Attorney-General asserted in the other place earlier this year that the purpose of this bill is to encourage food businesses, as well as individuals, to donate safe, surplus food to charity. As he noted when reading the bill for the second time:

Our law already says that a good Samaritan who comes to the aid of another in an emergency is not legally liable for any harm, as long as the good Samaritan was acting in good faith and without recklessness.

This bill, as an extension of that excellent principle, aims to confer upon food donors and distributors the same legal protections as those which apply to good Samaritans.

Members might question why such a measure is needed; after all, surely we all recognise the value of donating surplus food items to the charities that need them so desperately for distribution to the homeless and hungry. Surely we all know that poverty and severe hardship affect more than one million Australians. Indeed, the ABS census data shows that the number of homeless in our state at the time was 7,962. That is nearly 8,000 people. Of these, Homelessness SA advises that more than 3,000 were living in rural and regional areas.

We can all well imagine the value to charities serving the hungry of bread and muffins that are a day old but still fine for toast, of meat perhaps minced too finely by a butcher, or of vegetables that are perfectly good for pies and casseroles even if they are not pristine in appearance. I will go into further detail on the growing need for food and related assistance in our community in a moment. First, I would like to take the opportunity to clarify why this bill has come into being.

We all know how much food can be left over at the end of the day at shops, bakeries, delis and markets. It is probable that many businesses are simply disposing of that surplus food to landfill, and we should ask ourselves why. A certain amount of anecdotal and other evidence suggests that it may be due to apprehension that, if the ultimate recipient suffers ill effects from the food, legal liability may be incurred. Such liability might conceivably accrue to the donor or the

distributor. This is a reasonable apprehension but one we are anxious to dispel. This bill defines a food donor or distributor as follows:

...one who, acting without expectation of payment or other consideration and for a charitable or benevolent purpose, donates or distributes food with the intention that the consumer of the food would not have to pay for the food.

The bill offers this protection to donors and distributors so defined:

... from civil liability for loss of life or personal injury arising from consumption of food donated or distributed except if the donor or distributor knew or was recklessly indifferent to the fact that when the food left his or her possession or control it was unsafe within the meaning of the Food Act 2001.

The exception within the provision is intended, of course, to prevent the dumping of contaminated or otherwise unsafe food on charities to avoid proper rubbish disposal. Such unscrupulous operators will not be protected. If the donor or distributor knows the food is unsafe or is reckless about its safety, liability remains. So as to ensure vigilance as to safety, the bill provides for a review after two years. The government has also undertaken to make available to food distribution charities food safety information so that recipients might be properly protected.

In closing, I would like to say a few words on the context for this bill. The context is community need—right here, right now. More often than not we perceive poverty and hunger as part of the plight of developing countries, and we gladly contribute to charities that distribute food and related aid in countries overseas. However, it is the absolute truth that many South Australians are experiencing food insecurity. This means that they have limited access to good nutritious food or uncertainty regarding access to that food. As a result they go without meals, eat less food or less nutritious food, or attend food distribution charities.

Food insecurity can impact on single people, families, refugees, the homeless, those on low incomes, those who are abused or addicted, people with mental illness, and transients. It can also impact on the working poor—people who are neither homeless nor unemployed but who struggle to make ends meet for themselves and their families. They struggle to make ends meet in a society that has been taught (by such experts in self-interest as John Howard and the gang) that, if you are in need, it must be your own fault. That is why the government has introduced this bill.

The provisions of the bill are the result of consultations with the charitable sector through its peak body, the South Australian Council of Social Services, which has supported the bill. Similarly, Restaurant and Catering SA supports the measure and has indicated that it expects food donations by the restaurant and catering sectors to increase substantially as a result of this bill. I commend the New Lawyers Committee of the South Australian Law Society for its work on the matter. Finally, I am delighted to commend this bill to the chamber.

Debate adjourned on motion of Hon. J.M. Gazzola.

At 17:11 the council adjourned until Tuesday 14 October at 14:15.