HOUSE OF ASSEMBLY

Wednesday 26 March 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

HILL, Hon. C.M., DEATH

The Hon. M.D. RANN (Premier): I move:

That the House of Assembly expresses its deep regret at the death of the Hon. Charles Murray Hill, former member of the Legislative Council and former minister of the Crown, and places on record its appreciation of his long and meritorious service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

The Hon. Charles Murray Hill was a member of the South Australian parliament for almost 23 years. During that time he saw six premiers from Tom Playford to John Bannon. He joined the Liberal Party after being inspired by Menzies as Prime Minister and was elected to the Legislative Council in 1965. In fact, when he retired in 1988 he was the last Liberal member who actually served with Sir Thomas Playford who, of course, after 1965 was on the backbench. Murray Hill served his country with distinction in the Second World War and was on board HMAS *Canberra* when it was attacked in the Solomon Islands in 1942. During his five years of wartime service, in 1944 he married Eunice and together they had three sons and a daughter. Of course, one of those sons is Australia's defence minister, Senator Robert Hill. Murray Hill continued to play a part in the RSL, and we all looked out for Murray at Anzac Day parades as he led his group past the parade lecterns.

Before his term in parliament, Murray Hill was president of the Real Estate Institute and a member of the Adelaide City Council, serving on the council for three years after his election to parliament. Murray served as a minister in the governments of Steele Hall and David Tonkin, holding a number of portfolios: local government, roads, transport, housing, arts and minister assisting the premier in ethnic affairs. He presided over the formation of the first department for the arts and, of course, is revered in multicultural communities for his role in establishing the Ethnic Affairs Commission and the Migration Museum, and he was also involved in establishing the History Trust. He was a passionate minister for the arts.

Murray was committed to the principles of universal franchise, despite having first been elected to the Legislative Council under a restricted voting franchise. So, he fought for electoral justice in this state which he supported through the reform group of the Liberal Party. In fact, when Murray was first elected, the Legislative Council was made up of 16 Liberal and only four Labor members, but Murray Hill fought passionately for a decent electoral system for the Legislative Council. He also introduced private member's legislation to legalise homosexuality in 1972, the first time such a reform had been attempted in Australia. While the bill was unsuccessful in its original form, it laid the groundwork for the landmark legislation that was later introduced and passed.

Murray Hill was also credited with being an early champion of the Heysen Trail. After hearing Warren Bonython speak about the proposal at a National Trust symposium, Murray Hill took up the plan with his government, and the Long Distance Trail Committee was formed back in 1970. The idea caught on with the public, and former premier John Bannon opened the section from Mount Lofty to the Barossa Valley in 1979. In 1981, Murray officially opened the new section from Mount Magnificent to Newland Hill.

I want to say to the house today that I had the good fortune to be in this parliament for a number of years with Murray Hill, and together we served as members of the parliamentary Public Works Standing Committee, along with other distinguished members, including the Hon. Ted Chapman, who is in the house with us today. It is during the work of the committees that over generations this parliament has shown itself at its best, where important issues are dealt with in a bipartisan way in the interests of the state rather than party interests, and that was certainly the way the Public Works Committee functioned during the time that I was a member of it with Murray Hill. We travelled around the state dealing with projects and we also travelled interstate.

At all times I fund Murray Hill to be the consummate charming gentleman—someone who had a deep knowledge of the history of our state, who was passionate about the arts in particular and who also had a passionate conviction in favour of multiculturalism. It is during those committee trips that you get to know the essence of someone. All of us enjoyed his wry sense of humour, his sense of fun as well as his commitment to public service. When he retired from parliament, Murray Hill said:

In the Liberal Party we must never forget our responsibilities to the weak and those in genuine need of assistance.

He genuinely believed in public service and enjoyed his roles in both local and state government, because he was able to make a contribution to the city and state he loved so much. I always found Murray to be a person with the highest standards of personal propriety and integrity. Murray Hill is survived by his wife of 59 years, Eunice, three of his children and their children and a great grandson. On behalf of the government, I would like you, sir, to pass on our sincerest condolences to the Hill family.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the opposition it is with great respect that I second the Premier's condolence motion on the death of the Hon. Murray Hill. Born in 1923, the Hon. Murray Hill was one of the longest serving Legislative Councillors in the history of South Australia. After serving on the Adelaide City Council and for two years as President of the Real Estate Institute, Murray was first elected to Central District No.2 in 1965.

Murray dedicated himself to many issues during his 23 years of upper house service under the Hall and Tonkin governments. He was particularly instrumental in the development of much of the multicultural and same sex legislation that today we take for granted. For his remarkable service Murray was awarded an AM for services to the South Australian parliament and community.

The Hon. Murray Hill was strongly committed to same sex issues and remained loyal to the cause amidst much controversy. He was the first person to raise the issue in parliament, when he introduced a private member's bill in 1972 to allow homosexual behaviour between consenting males in private. Speaking on this issue, Murray often referred to the fact that minority groups need consideration from enlightened and tolerant communities, and he believed that South Australia was such a community. He stressed that the bill would seek to protect the privacy of those people who lived together, and

he would not let any same sex issue or any issue that concerned people's privacy be swept under the carpet.

Murray was also instrumental in the blood alcohol issue, which was seen by many in 1987 as being of very little consequence. He first raised the issue in February 1987 by introducing into state parliament a private member's bill seeking to lower the blood alcohol limit from 0.08 to 0.05, thus bringing South Australia into line with the other states. Amidst much opposition, Murray stuck to his guns, reassured by public support that he was doing the right thing for the state.

Murray was also strongly committed to multiculturalism and ethnic affairs, and was responsible for the establishment of the Ethnic Affairs Commission. When Murray served as the state's opposition spokesman for ethnic affairs, he called for the dropping of the word 'ethnic', explaining that many migrants and their families were upset by being called ethnic when, in fact, most of them were naturalised Australians. Promising that the Liberal government would refuse to label people, Murray proposed the changing of the name of the South Australian Ethnic Affairs Commission to the Community and Relations Commission. He hoped that South Australia would set an example to the rest of Australia by dropping colloquial expressions that could be interpreted as derogatory or discriminatory.

Murray held many portfolios during his time with the Liberal Party, including transport, arts, ethnic affairs, local government and housing. He applied himself to each one of them with the same enthusiasm and determination as he applied to life in general. Highlights of his career included the establishment of the Youth Performing Arts Council at Carclew and the founding of the History Trust of South Australia. As minister of transport, Murray introduced legislation to make the wearing of seat belts compulsory.

Murray's death will be a great loss to many people. He was an active member of the Liberal Party, both during his career and after retirement, giving much encouragement and support to many other members of parliament. Murray was an outstanding member of parliament, and sets a shining example for us in parliament today. He would have been very proud of his son Robert, who has achieved so much in the federal parliament, whether as Leader of the Government in the Senate, in his previous role as minister for the environment or in his current vital portfolio of Defence. Robert has served his state and Australia well and has obviously benefited over the years from much advice and support from Murray.

Murray will be sadly missed by many. He will be remembered in parliament as a member who was tirelessly committed to the issues which were pivotal for the wellbeing of all South Australians and who was dedicated to giving a voice to South Australian's minority groups.

On behalf of the opposition, I wish to extend our sincere condolences to Murray's wife of 59 years, Eunice, and their family, including his 12 grandchildren and one great grandson.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to support the condolence motion moved by the Premier and supported by the Leader of the Opposition. In doing so, I want to acknowledge in the gallery today two of Murray Hill's grand-daughters—Victoria and Meeok—both of whom are the children of Robert Hill. I am delighted that they could be here. I also welcome two of his former ministerial colleagues in the 1979 to 1982 cabinet, the Hon. Ted Chapman and the Hon. Harold Allison. It is fitting that Victoria and Meeok should be here on behalf of the family. Yesterday, I spoke to Diana Hill, but unfortunately she and other members of the family could not be here because of other arrangements, but Victoria and Meeok have come along to represent the entire family.

Murray Hill was a friend, a mentor, a gentleman, a visionary and a person who cared greatly for people. You have only to look at his career to understand how successful he was in a number of different areas. As the Premier has indicated, he served in the navy during the Second World War, and he was always the adviser to our cabinet, at least on all naval matters. He loved his time in the navy, and he would tell us various stories about it. He wore with honour that service privilege that he had during the Second World War.

Murray went from there into real estate and established a well-known Adelaide real estate company and was very successful in that area for 20 years and ended up that period as president of the Real Estate Institute for a two year period. It was at about that time that he also stood for election as a member of the Adelaide City Council and was an Adelaide city councillor for a nine year period, something that was very significant then in terms of shaping Murray's future career as a minister. Murray became a minister for local government both during the Hall government from 1968 to 1970 and also during the Tonkin government from 1979 to 1982. It is my assessment that Murray Hill had the best working relationship with local government that I have seen of any minister for local government in this state. He worked very hard at it, but he understood it so well, having been a member of the Adelaide City Council for nine years. He then entered state parliament and was in the Legislative Council for 22 years.

Murray was appointed as a minister in both governments to which I have referred. In the first government he was minister for local government, minister for transport and minister for roads (we had a separate portfolio for roads in those days). I will touch on the role Murray played in terms of transport development in Adelaide, some of which was rather controversial at the time. In the latter Tonkin government he was minister for local government, minister for housing and the arts and minister assisting the premier in ethnic affairs. When Murray retired he was the longest serving member of this parliament.

I will touch on each of his key roles in respect of the portfolios he held: first, in the area of transport. Murray put forward the rather controversial MATS plan—controversial, for those who do not know, because it proposed a series of highways around Adelaide, but something that had a subsequent benefit because, although the MATS plan was not adopted and is unlikely to be adopted per se because it was so expensive and grand, as a result of that proposal significant land was purchased. One of the key corridors set aside that was not allowed to be developed was the corridor now taken by the Southern Expressway. That corridor ran further north, right past the western side of Adelaide and out to the north. Today we pay tribute to the fact that it was Murray's foresight that made sure that, as development occurred in the further southern suburbs of Adelaide, that land was set aside. I know that the people of the southern suburbs and the Fleurieu Peninsula appreciate greatly the foresight shown.

He also introduced the legislation for compulsory wearing of seat belts. I happened to be a young Liberal at the time and it was the young Liberals who were out there at the forefront pushing for compulsory wearing of seat belts. I remember

being one of the people who argued in favour of that proposal, which we then took to the broader party and which was finally adopted. Again, it highlighted the fact that Murray was a pioneer and was certainly willing to take new steps that otherwise would not have been taken by more conservative people. In the arts area, he laid down and personally drove the concept for the whole redevelopment of the arts along North Terrace. That plan was tabled while Murray was minister, and the first part of it—and I know that Murray had to push very hard indeed to get funding to proceed with it—means that today we can sit back and applaud, because it has had such a significant impact on the development of Adelaide. Although Murray got the funding for the first part and that proceeded, perhaps the more serious parts did not proceed until about 1994-95, involving, first, the upgrade of the gallery, the next stage of redevelopment of the Museum and, finally, the redevelopment of the Public Library.

Another initiative Murray took was to establish the Youth Performing Arts Council, Carclew. He formed the History Trust, which was established in the Old Parliament House, because the parliamentary museum had not been a success. Very few people were coming in. They preferred to come and see the museum in here! Instead, Murray looked for a new initiative as to how to use the refurbished Old Parliament House. He decided to establish the History Trust, which pulled together a range of different initiatives that existed then, and gave it strong leadership.

Of course, one of those happened to be the Migration Museum, which tracked from where, approximately, a quarter of all South Australians had come in establishing the very multicultural community of South Australia, and I think all of us today would applaud Murray for that initiative. It is interesting because the other area linked to that, and on which Murray had a huge impact, was his establishment of the Ethnic Affairs Commission, as it was called. In fact, the first person he appointed to chair that commission was Mr Bruno Krumins AM, the present Lieutenant-Governor of our state.

I know that it was seen as a fairly radical step to establish the Ethnic Affairs Commission and how much it was appreciated, again, by those who had migrated to Australia and who saw this as a way in which they could help preserve their culture and get strong government recognition and support for that. Murray, I guess, would probably put that down as one of the greatest, if not the greatest, achievements he made as a minister. Cabinet meetings (and I am talking here of the period from 1979 to 1982 under the Tonkin government) were always relaxed and a rather happy atmosphere.

I think it is fair to say that Murray sat there, always willing to throw in the odd joke or the odd story, and I can recall one vivid story. We were economising, in terms of ministerial vehicles, and David Tonkin decided to buy some four cylinder Commodores when they were first released. In those days they were a smaller vehicle than they are now. Murray was a person of reasonable height—over six feet—and he had enormous trouble climbing into the back seat of this Commodore. On one Saturday evening, going to an arts performance, all dressed up in a dinner suit with a bow tie, this damn Commodore stopped at the traffic lights and would not move again.

There was the driver in the car, Eunice in the car and Murray in his dinner suit, pushing this Commodore through the traffic lights, into the kerb and then trying to hail a taxi so that he could get to the performance. In many ways, Murray was, within the Liberal Party at least (and I think the Premier has acknowledged in a broader sense as well), someone who was always willing to act as a mentor, to pass on advice in the most friendly way and with the best of goodwill in doing so. He was always calm and very considered in his comments, whether it was on a personal basis around the cabinet table or in the parliament.

He was someone who had a very elegant sense of taste. He dressed extremely well—immaculately, in fact. Everything he did portrayed someone who was fully in control of what he was doing and very considered indeed. I always appreciated the fact that Murray acted as a friend to me when I came in here as a pretty young member. He would always be willing to sit down and have a chat, give some advice and look after one of the younger members very much. We shared many things in common, but one in particular was that he loved Victor Harbor, as I do. Murray was actually educated at the Victor Harbor High School, and he goes down as one of its great scholars.

Even after he moved back to Adelaide as a lad, Murray always maintained a house at Victor Harbor and he loved going down there. I can recall a number of very happy functions at Murray's home, just off the beachfront at Victor Harbor. Murray used to go to Victor Harbor, in those days at least, on a very regular basis because he found it so relaxing. He also used to enjoy attending the various ethnic events that occurred in the area and was a very strong supporter of them. Today we remember a South Australian who has made an enormous contribution to this parliament, local government and the Adelaide City Council, and we share on an ongoing basis a number of the benefits that he left for South Australians.

My special thoughts today are with Eunice. Murray and Eunice were very close: it will be a difficult time for Eunice but our special thoughts are with her. Our thoughts are also with the family: Robert Hill, of course, the Minister for Defence, and Diana, Gregory and Ann, Nicholas and Maddalena, and Elizabeth (deceased) and Keith; and his 12 grandchildren, two of whom are here today, and his one great-grandchild. Our thoughts are indeed with the family. We thankfully acknowledge the enormous contribution that Murray Hill made to the development of South Australia, particularly in the area of the arts and ethnic affairs.

Mr HAMILTON-SMITH (Waite): I support the motion, and as shadow spokesperson for the arts I pass on my condolences to the family, acknowledge the presence today of the Hon. Harold Allison and the Hon. Ted Chapman as a sign of respect for his passing and, in particular, mention the Hon. Murray Hill's fabulous contribution to the arts in South Australia, because it was a very substantial contribution and commitment. As has been mentioned, Murray Hill was elected to the Legislative Council in 1965. At the time of his retirement he was, in many ways, the father of the house and, in some respects, the father of the parliament. In fact, his passing meant that there was no-one left who had served with Sir Thomas Playford, Premier of South Australia for that record term from 1938 to 1965. It was, in a sense, the passing of a generation.

As has been mentioned, the Hon. Murray Hill came into the Legislative Council after serving his country in the Second World War with the Royal Australian Navy and, as a former officer in the army, I share with him that common bond of having come into the parliament after years of service and I signal the respect that I have for him for the contribution he made to our freedom during the Second World War.

He also came to the parliament after a career outside the parliament in the real estate industry, but also after years of experience in local government, which clearly brought to the parliament skills and experiences which were highly valued.

However, it is in the area of the arts that I want to particularly signal my appreciation on behalf of the opposition but also on behalf of the whole parliament, because it was in May 1977 that Murray Hill announced the Liberal arts policy, which included the establishment of a department for the arts. He also gave notice that a Liberal government would establish an ethnic affairs commission, which would both recognise the multicultural nature of our society and provide ethnic communities with an opportunity to administer their own affairs. These two gifts that he brought to the parliament for the arts and for ethnic and multicultural affairs, of course, go together extraordinarily well and have grown into a fabulous asset for this state.

In 1979, as a minister in the Tonkin government, the Hon. Murray Hill was able to establish both a separate department for the arts and the ethnic affairs commission. The widely acclaimed Youth Performing Arts Centre (mentioned by my colleagues earlier) at Carclew was also his brainchild, as was the Harvest Theatre, initially established as a regional theatre to serve the Eyre Peninsula but which has grown today into Country Arts SA. The Hon. Murray Hill would be proud to recognise that Country Arts SA has attracted audiences in excess of 300 000 people to performances and activities throughout country South Australia. He would be proud to recognise that his work has led to the presentation of over 270 performances and activities by Country Arts operated through centres in Whyalla, Port Pirie, Renmark and Mount Gambier, attracting audiences in the tens of thousands and accounting for a very substantial benefit to country people. Murray understood that the arts was not for Adelaide alone: that the arts was for all South Australians.

Of course, the honourable member was also responsible for the shift of the South Australian Film Corporation to its present headquarters at Hendon. As has been mentioned, he presided over the commencement of the Migration and Settlement Museum and the new conservation centre. It was an appropriate and exciting development in the area behind North Terrace, and the cultural precinct around North Terrace was in essence something to which Murray largely gave birth. He would be equally proud today to acknowledge that the History Trust—which, of course, includes not only the Migration Museum but also the National Motor Museum and the South Australian Maritime Museum—has also grown to the point where visitation to these three new museums and Edmund Wright House now exceeds 300 000 per annum—a fantastic result from very humble beginnings.

In many ways the Hon. Murray Hill was an old style member of parliament. He brought to the house values and a sense of urgency and purpose which could be respected not only then but now. He was particularly admired by the arts community and among the many ethnic groups in South Australia, and I wish to note that specifically on behalf of both the ethnic and multicultural communities and as the shadow spokesperson for the arts. Murray retired with satisfaction and pride, and he could reflect on the tangible achievements that he accomplished in arts and ethnic affairs and in his two terms as minister for local government. He had very big shoes to fill. He was missed at the time and remains a legend to the Liberal Party and also to this place.

Ms CICCARELLO (Norwood): I also rise to support this motion. I had the privilege of meeting Murray Hill in 1980. The Liberal Party might be surprised—and perhaps not thankful—to know that it was probably thanks to Murray Hill that I am here today. I had been living in Italy and had come back to Australia. It was at a time when there was a serious earthquake at Irpinia in Italy, where some 3 000 people were killed. I became a ministerial appointee of Murray Hill, and I spent some time working in what was then the department for local government in trying to assist the people from the Italian community who had lost relatives. From that, I was also then offered a job at the State Library to start up a multicultural children's collection.

From there I also spent some time working at the Ethnic Affairs Commission, when Bruno Krumins AM was the Chairperson. At the time, the Hon. Diana Laidlaw was a ministerial adviser to Murray, and it certainly was a very interesting and innovative time in South Australia.

Murray and Eunice certainly spent a lot of time attending ethnic functions. At the time, I was also involved with a coordinating Italian committee, and I know that Murray showed a lot of affection to the community and was always at our functions. I extend my condolences to his family. I remember him with great affection.

Mr BRINDAL (Unley): The Hon. Murray Hill was a long-term resident of the area of Unley, and on and off in the years leading up to his death continued to live in the area. Certainly, for the entire time that I was member for Unley the Hon. Murray Hill was a member of the Unley Park/Malvern branch. My mother, who died some 14 years ago and who was rarely wrong, died believing that the Hon. Murray Hill was one of the truly great Liberals that South Australia had produced.

While members opposite may chortle and note in matters organisational within my party that I have not always been in agreement with the late the Hon. Murray Hill, we pay tribute to him today to acknowledge his accomplishments. As the Deputy Leader of my party just said in eulogising Murray Hill's list of accomplishments, it was not so much what he did but that he managed to do it through his relationship with people and his true understanding of what the word 'liberal' means.

The Hon. R.G. Kerin: Hear, hear!

Mr BRINDAL: I acknowledge that the leader says, 'Hear, hear!' because, if the Leader truly understands what 'liberal' means, it encompasses much of what the Labor Party is trying to accomplish in this government. The Hon. Murray Hill stood up for same-sex couples and for people who were downtrodden and depressed. He was a true liberal, he understood what the word meant and he understood what social justice meant; he was a living embodiment of the fact that you do not have to be sitting on the Labor side of parliament to have a social conscience, to care about people and to make a difference.

The Hon. Murray Hill left many legacies, but after he retired he actively remained a member of the Liberal Party. He was patron of the Unley Garden Society and goodness knows what else—I think he was patron of half the institutions in Unley—and he was actively involved in his community, but his greatest unsung legacy is that I, as the member for Unley, am able to stand up in this place and follow his tradition by sticking up for things such as same-sex couples and prostitution reform while remaining the member for Unley. I can do that because very intelligent people and very

erudite gentlemen such as Murray Hill understood what liberalism meant and laid the foundation in Unley which allows at least some people in this place to continue those values. I express my condolences to his family and friends.

The SPEAKER: I, too, join with members in expressing my condolences to the members of the Hill family and the late the Hon. Murray Hill's widow, Eunice, on his passing. Much of what I would have said has already been said—probably better than I could have said—by the Deputy Leader and the member for Unley. The Premier spoke in his usual gracious fashion of the late the Hon. Murray Hill; nonetheless, he did not quite reach the same standard of graciousness of which Murray was capable—and I have yet to meet someone who could. Regardless of whether he shared the same opinion in anything, he was always gracious and willing to listen and, more particularly, he was the peacemaker whenever there was a strong difference of opinion.

From the time I met Murray during the 1970s I found him to be a charming man and, more particularly, as the member for Unley said, an erudite man who made it possible for anyone who knew him to understand that he was not only civil to everyone whom he met but a civilising influence in the company in which he stood, not just in the community of South Australia but in many other places. During the course of my travels prior to coming into this place, people not just in Great Britain but also in places which you would not suspect (such as Thailand and the Philippines) knew of Murray and asked about him. The range of friends that he had astonished me long before I aspired to become part of this place. He was most certainly a mentor, a man with what appeared to be a very simple, natural capacity for memorising or remembering (or both) things that ought to be done or had been done that were worth getting done. He was a mentor to me and my brothers during the time that we were engaged in the development of strawberry production and export at Athelstone, and it amazed me that he could remember detail that seemed to spring so easily and spontaneously to his lips in conversation.

It is true that local government would not have achieved the measure of esteem in the community it has now achieved had it not been for the efforts of Murray Hill in this state. Equally, those people in the arts and who have come to our shores in recent times would not have achieved the measure of self-esteem which they have achieved were it not for his efforts, his focus and his ability to relate his concern without rancour to anyone who doubted the sincerity of his beliefs about those things, in particular concerning the country arts, and I thank the member for Waite for his acknowledgment of the contribution made there by the late Hon. Murray Hill.

I will say one other thing, and that is that he inspired far greater respect for the flag of this nation and for the flag of South Australia during the time when he was a member of this place and, more particularly, the minister of local government. Upon becoming minister of local government it was his policy to make a flag available to every local government body in South Australia and, where he could, attend the first occasion upon which the state flag was raised on a local government flagpole. He did it in my electorate more times and in more places than I can remember now, but during the period in question it seemed to me that it was almost an institution for Murray to turn up at a council meeting, seemingly say very little, take very little time, raise the flag and be on his way, leaving an indelible impression in everybody's mind as to the significance of the flag and its relevance to good governance and the care and interest which the state government of the day had in their deliberations and in relation to the community over which they had responsibility through the delegated authority they were given in the election process.

Therefore, for my own part, I say, 'Vale, Murray Hill; we will miss you.' For all of us I say that I will convey to the family the remarks which have been made here today, and I ask all members to join me in supporting the motion by standing in their places in silence.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.44 to 2.55 p.m.]

GREEN WASTE COMPOSTING FACILITY

A petition signed by 626 residents of South Australia, requesting the house to urge the Governor to refuse to grant a development authorisation to the proposal by Jeffries Garden Soils to establish a green waste composting facility at Buckland Park, pursuant to section 48(2) of the Development Act 1993, was presented by the Hon. P.L. White.

Petition received.

HOSPITALS, BOARDS

Petitions signed by 1 341 residents of South Australia, requesting the house to urge the government to maintain hospital boards and enable consultation to take place to ensure that future health fund cuts do not affect the maintenance of service to the sick, invalid and aged, were presented by Mrs Penfold and Mr Williams.

Petitions received.

NOTICES OF MOTION

The SPEAKER: Order! In relation to the notices of motion that have just been given to the house, I invite honourable members to contemplate the fact that the house does not request its committees to do anything: it directs them. If the motion involved were to pass, it would hardly be appropriate for the house to be begging its committees that derive their very existence from this place to do work.

CHILD PROTECTION

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: One of the government's first major initiatives upon taking office was to announce a comprehensive review of South Australia's child protection laws and practices. To me—and I am sure to all members of this parliament—there is nothing more sickening than a child being abused or neglected. Every child deserves the right to opportunities to make the most of their potential, regardless of their origin or circumstances. No child should have their innocence snatched away from them. No child should be forced to live in fear. Child abuse is a scourge, whether it occurs inside or outside the home, and those who exploit or abuse children must feel the full force of the law. Paedophiles should be hunted down, prosecuted and locked away.

I am pleased that the Layton report has recommended the establishment of a register where paedophiles and others who pose a risk will be deemed unsuitable to work with children

and therefore listed on a paedophile register. If anyone has any information or evidence relating to the criminal activities of paedophiles, they have a duty to provide that information to the police.

I am pleased that a select committee of the parliament is currently considering abolishing the immunity from prosecution for child sex offences committed before December 1982. I hope it will soon receive a recommendation from that committee so that the government can change the law.

Daily we hear harrowing stories of children suffering and babies dying, often in situations that perhaps could have been prevented if things were different. The protection of all our children is a fundamental responsibility that I and this government take very seriously. Ms Robyn Layton QC, who was appointed shortly after the government was sworn in to conduct the child protection review, has today presented the government with a reported entitled 'Our Best Investment: A State Plan for Advancing and Protecting the Interests of Children', which I now table.

The child protection review was announced as a result of concerns that highlighted the need for an urgent and wide-ranging review of child protection laws, services and practices. This is the most extensive review of child protection ever undertaken in South Australia's history. I am proud that we are the first government in this state that has been prepared to confront this issue by ordering such a wide-ranging inquiry. It included consideration and assessment of the legislation, the policies and the practices and procedures of government and non-government child protection services.

While the government acknowledges that a lot of work has been undertaken in the complex area of child protection, the Layton review has recommended that a number of major changes could further improve the outcomes for children and young people.

Five major structural reforms have been recommended and underpin the framework of the review's recommendations. They are:

- the appointment of a commissioner for children and young persons;
- a guardian for children and young persons to especially care for children who are under the guardianship of the minister;
- the creation of the South Australian child protection board, which would have an independent chair and a membership including the chief executives of all departments, and other representatives;
- the formation of regional child protection committees in country and metropolitan areas; and
- the creation of a child death and serious injury review panel.

Early intervention and prevention services have been highlighted as requiring urgent action and reform as it is becoming increasingly evident that we need to provide support to families so that abuse and neglect does not occur in the first instance or is identified before it becomes too serious or damaging. The Layton review has identified reform of the criminal justice system as being an essential element in further protecting our children. It is recommended that we ease the burden on children required to appear in court by making different forms of evidence, such as pre-taped video evidence, more accessible.

The Layton review has also recommended that we need to further improve the current system of screening and monitoring for people who are seeking to work with children, either as employees or volunteers in educational institutions, sports or recreation bodies or religious organisations. It recommends the introduction of a screening and monitoring unit to be sited within South Australia Police (SAPOL) with a statutory register for people who are deemed to be unsuitable to work with children, including those who have been convicted of sexual or violent offences.

Those who have been charged with but not convicted of sexual or violent offences or are the subject of allegations pending in disciplinary hearings would be placed on a temporary register. There would also be a statutory requirement for employers to undertake a check of the register before employing people to work in child-related areas.

Of great concern to many in the community is that if a child, often a very young baby, dies as a result of serious injuries inflicted by one or more of the child's caregivers, and no-one admits to having injured the child or is prepared to give evidence against those who are responsible, it is possible that no-one will be convicted of the crime. In a recent, well-publicised case where a baby tragically died as a result of a criminal act, and in this case the only suspects were the baby's parents, neither were convicted of the crime as it could not be proved who had directly caused the baby's death. I am pleased to inform the house that the cabinet has approved the preparation of a bill in order to change the law so that it will assist in convictions on charges of causing serious harm or death to young children in those cases where it is not possible to establish which of the two or more people committed the criminal act.

The Department of Education and Children's Services is also recognised as having an important role in supporting children and young people at risk, and an improvement in school-based counselling and social work support is recommended. For indigenous children, young people and their families, the issue of child protection is strongly connected with the issues of health, welfare, housing, education, justice and, importantly, social justice. The review has made a number of proposals with the goal of building the capacity of Aboriginal communities to protect their children and young people.

In relation to children and immigration detention, particularly in Baxter, the Layton review supports my view that no child should be held in detention where they are not guilty of any crime, and it makes a series of recommendations relating to this pressing issue.

The review highlights the need for greater communication, transparency and openness in child protection processes, as well as clearer mechanisms for dealing with complaints about child protection services, interventions and responses. I take this opportunity to sincerely thank Robyn Layton QC and her team for their tireless work in producing an extremely comprehensive and challenging report to government.

I also thank the many people involved in the review through the wide-ranging consultations with community-based organisations, government and non-government agencies, international and Australian experts and the general public. To the wide range of parent groups and young people who have been involved with the child protection system and who were consulted to ensure that the report reflected the views of those who have been most deeply affected by the way our child protection system works, I thank you for your valuable contribution. Robyn Layton QC has provided us with a valuable foundation on which to build, and I reaffirm this government's strong commitment to improving the system which provides protection for the most vulnerable in our society and our most precious resource—our children.

Cabinet will now examine each of the review's 206 recommendations. I do not want to pre-empt that process, but I can promise the house and the people of this state that we will have the most advanced child protection laws in Australia or, indeed, of any nation in the world.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 21st report of the committee.

Report received and read.

Mr HANNA: I bring up the 22nd report of the committee.

Report received.

QUESTION TIME

DOYLE, Mr M.

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Industrial Relations tell the house what level of certainty he or the government has given Mr Mick Doyle of a position on the Industrial Relations Commission? The opposition has received several reports and statements by leading ALP identities reporting that Mr Doyle's appointment will take place.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I have given no level of assurance to Mick Doyle or anyone else. Why members of the opposition continue to raise Mick Doyle's name in this chamber is somewhat beyond me. They did it yesterday; they did it last year. I am not quite sure why the phobia about Mick Doyle. To the best of my memory—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —and I am not sure whether I was the shadow minister at the time or whether the Minister for Housing was—Mick Doyle's name was put forward the last time appointments were made to the Industrial Relations Commission. If my memory serves me correctly, the previous government rejected Mick Doyle. Whether they are embarrassed about that or whether they have some phobia, I am unsure, but perhaps they should come forward and say so.

HOSPITALS, MODBURY

Ms BEDFORD (Florey): My question is directed to the Minister for Health. Were claims made yesterday by the Deputy Leader of the Opposition about the recruitment of anaesthetists and the delivery of services—

The SPEAKER: Order! Does the member have a question?

Ms BEDFORD: —at the Modbury Hospital correct?

The SPEAKER: The member for Florey must ask a question, not make a statement.

Ms BEDFORD: Will the Minister for Health tell the house if the claims made yesterday were correct when the Deputy Leader of the Opposition referred to problems at the Modbury Hospital concerning the recruitment of anaesthetists and the delivery of services?

The Hon. L. STEVENS (Minister for Health): I am delighted to answer this question.

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: Let me begin by pointing out to the house that services at the Modbury Hospital were privatised when the deputy leader was premier in 1995, putting the government at arm's length from the hospital's management. A media report dated 16 November 1998, headed 'Hospital's contract is best deal,' states:

> 'South Australian taxpayers were getting the best deal in the country,' the Human Services Minister, Mr Brown, insisted yesterday. He—

that is, the former minister—

> has been under siege—

and I am still quoting—

> because of recent cutbacks in services at the hospital.

The article then quotes the former minister as saying:

> We don't have a say in how they organise those services.

And well he knows that that is the case with a privatised contract that he initiated as premier. Claims of cuts to services by this government—

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. The question related to what the deputy leader asked the minister yesterday, but the answer has nothing to do with the question the deputy leader asked yesterday.

The SPEAKER: Order! The question comes through a fairly difficult structure in standing orders in that it started out being a statement—inviting the minister to comment upon it, I suspect—and then became a question about remarks which had been made by another member. Per se, it is not, strictly speaking, in order. It is not proper to ask a minister to comment upon the veracity or any other aspect of remarks made by any other honourable member either within this place or outside it. I allowed the matter because it struck me that, without much amendment, it would be possible for the question to be made orderly. I am listening carefully to what the minister has to say, although if the member for Mawson is unimpressed, I am probably in the same domain. I would be pleased if the minister were to address the question in so far as accuracy or otherwise may need to be addressed without reflecting on any other honourable member in the process in any explicit way, and move on.

The Hon. L. STEVENS: Claims of cuts to services by this government are incorrect. The budget for the Modbury Hospital has been increased from $49.8 million to $53.4 million, and an extra $500 000 has been allocated, because this year the hospital will treat approximately 250 inpatients above its target. Contrary to the shadow minister's claims yesterday, the recruitment program for anaesthetists, supported by the Royal Adelaide Hospital, has been successful. This week, there are 2.8 full-time equivalents, including a .3 visiting specialist recruited in January. One anaesthetist on planned leave will return next week, increasing the number to 3.8 full-time equivalents. In two weeks, the number of available anaesthetists will increase to 4.5. I am informed that in June this will increase to six. Yesterday, the shadow minister claimed that 'surgery on cancer patients is being delayed weeks because of the lack of anaesthetists'. The Chief Executive of the Modbury Hospital board has informed me that all category 1 patients have been managed within the recommended time line of 30 days.

Yesterday, the shadow minister also claimed that the hospital is in danger of having its surgery training accreditation withdrawn. Again, the Chief Executive Officer of the Modbury Hospital Board has advised me that he has not received any such advice from the College of Surgeons and

that he is satisfied with the training opportunities. The shadow minister also told the house that a specialist had told him 'that outpatient services are effectively being closed down'. During the Easter holiday period from 14 April to 2 May this year, outpatient services will cater for emergency cases in medicine, urology, gynaecology, oncology, orthopaedics, renal, cardiology and emergency surgery.

I am also advised that, of the non-urgent appointments that were rescheduled around this holiday period, 100 people received earlier appointments and the hospital received only one patient complaint about the new arrangements, and that person's appointment was made at an earlier time. So, as I said yesterday, I have learnt not to take on face value anything the Deputy Leader says—and neither should anyone else.

CHILD PROTECTION

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier assure the house that none of the recommendations of Robin Layton QC's review into child protection in this state will be rejected on the grounds of lack of funding? The opposition is aware that $56 million is being cut from the portfolios of social justice, housing and youth over four years as part of the Labor government's budget cuts.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN (Premier): I find this simply extraordinary. We are dealing with issues of child abuse and the Leader of the Opposition tries to play politics. Let me tell you that it took this government to have the guts and the courage to order this inquiry, the most comprehensive inquiry of its kind in this state's history. What did your government do? Absolutely zero!

Members interjecting:

The SPEAKER: Order!

BALI BOMBINGS

Mr O'BRIEN (Napier): My question is directed to the Attorney-General. Have there been any applications by victims of the Bali bombing for ex gratia payments under our state's Criminal Injuries Compensation Scheme, and have there been any delays in processing these applications and, if so, why?

The Hon. M.J. ATKINSON (Attorney-General): Several weeks have passed since the Premier announced that the government would, as he described it, do the decent thing and consider applications for ex gratia payments from South Australians injured in the Bali terrorist attack as well as the immediate families of those killed. There have been inquiries from the injured and those who lost a loved one. I am not prepared to state the exact number of inquiries for fear that anything I say might be associated with any particular person or family.

Parliament endorsed the Declaration of Principles Governing the Treatment of Victims in the Criminal Justice System which requires public officials to respect the privacy of victims. I can say that one of the victims—and it is not Mr Brian Deegan—has instructed a lawyer to act for him or her. There has been a delay in the application process; however, neither the government nor I am responsible for that delay. On my part, I have authorised Mr Michael O'Connell, the Victims of Crime Coordinator, and Richard Murray, the Manager of the Criminal Injuries Compensation Section in the Crown Solicitor's Office, to provide whatever help victims of the Bali bombing need. Both have spoken with victims in an endeavour to expedite their applications.

The reason for the delay is twofold. The law requires that victims who apply for an ex gratia payment show that they have taken reasonable steps to obtain compensation from any other source available to them before they apply under the state's scheme. Our state's Criminal Injuries Compensation Scheme is a payer of last resort. This is a longstanding element of the scheme. The Bali victims were invited to apply because they had no apparent other alternative. There is no criminal injuries compensation scheme in Indonesia, and the chance of victims from South Australia getting compensation from any of those charged over the bombing was (and remains) nil.

I was also told (and the *Advertiser* reported) that the federal Minister for Foreign Affairs (Hon. Alexander Downer) categorically had ruled out any federal government compensation for the Bali victims. Consequently, the Bali victims had no other avenue for recompense for the injury they suffered and, in the case of those killed, the grief endured by their families. Since alerting the Bali victims to the possibility that they might be eligible for an ex gratia payment, it has been reported that the federal Attorney-General is looking into the matter of compensating the Bali victims. This suggests that the federal government might change its position, do the decent thing and offer the Bali victims compensation.

I await with interest the federal government's decision. It may be that the federal government will establish a compensation scheme for victims of crimes committed outside Australia. In the current international climate that makes sense, but whatever they do let them do it quickly. What I do not want is for a Bali victim to compromise his or her right to seek compensation under a federal scheme because he or she received an ex gratia payment under our state's scheme.

It makes sense to wait, and the victims who are aware of the situation agree. It is incumbent on the Howard government not to make them wait too long. Alas, the state government cannot do more at this time. The federal government must make up its mind and be honest with those people who have been maimed, disfigured or otherwise injured and the families who survived a person killed in Bali.

SCHOOLS, INTERNET SERVICES

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services confirm that schools are currently being charged almost twice as much for internet services than they would have been if the internet contract with Telstra had been extended? In 1999 Telstra entered into a contract to provide telecommunications and internet services to the Department of Education and Children's Services. Under that contract, internet services to schools were charged at a favourable price of 10¢ per unit. In October 2002 the minister announced her decision not to exercise an option to extend the contract. At that time, the minister said that she wanted 'to ensure that we got the best value outcome for students'.The government has not yet found a new provider and Telstra is continuing to provide internet services but not at the contract rate of 10¢. Telstra is charging a standard non-contract rate of 19¢ per unit.

Members interjecting:

The SPEAKER: Order!

The Hon. P.L. WHITE (Minister for Education and Children's Services): Um.

Members interjecting:

The SPEAKER: Order!

The Hon. P.L. WHITE: I will check to be absolutely sure of my answer. In fact, I am absolutely sure of my answer. The current contract that the former government rolled over with Telstra is not due to expire until May 2003. So, they are currently operating under the contract put in place by the Liberal government.

Members interjecting:

The SPEAKER: Order!

CLIPSAL 500

Mr CAICA (Colton): My question is directed to the Minister for Emergency Services.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! I wonder whether the Minister for Emergency Services would mind listening to the question from the member for Colton rather than winding up the opposition.

Mr CAICA: What support did emergency services personnel provide to the Clipsal 500?

The Hon. P.F. CONLON (Minister for Emergency Services): The member for Colton is a most astute member, and I have no doubt that when he attended the excellent event on the weekend he noticed some people in those very reassuring and familiar orange overalls. It is true that many of our emergency services volunteers and also the State Emergency Service provided invaluable assistance to the event. Of course, the police, the ambulance service and the Metropolitan Fire Service also played an important role. In regard to the State Emergency Service, volunteers and some 18 SES personnel were present on each day of the Clipsal 500 from 8 a.m. to 10.30 p.m.

The SES units that attended included the Eastern Suburbs, Metropolitan South, Noarlunga, Northern Districts, Enfield, Murray Bridge, Clare, South Coast, Sturt, Strathalbyn and the state headquarters unit. The volunteers provided a heavy and a light rescue vehicle every day of the race. In addition (we might need them here shortly), various units brought additional equipment along. Once again, South Australia's emergency services and police have shown exceptional commitment, teamwork and willingness to provide a first-class service to our community, and I think it is fitting that, given the amount of time given by these volunteers, their contribution be noted and appreciated in this house.

SCHOOLS, VICTOR HARBOR HIGH

Ms CHAPMAN (Bragg): I direct my question to the Minister for Education and Children's Services.

Members interjecting:

The SPEAKER: Order, the member for West Torrens!

Ms CHAPMAN: Why has the minister refused to answer letters from the Victor Harbor High School, and what action is she taking to overcome the incompetence and ineptitude displayed by her and her department regarding the redevelopment of the facilities at the high school?

Members interjecting:

Ms CHAPMAN: Listen! I have a letter signed by the Principal of the Victor Harbor High School, the local union secretary and the chair of the board which states:

The Labor government, on taking office, stopped all South Coast regional development, indicating that they needed to review the need. Ms Julianne Riedstra conducted such a review in October 2002, but the outcomes appear unknown.

The minister has failed to answer any correspondence on the matter and refuses to visit the South Coast. Victor Harbor High School staff and students are fed up to the back teeth, and they are considering public militant action.

Members interjecting:

The SPEAKER: Order! This is the problem with the current standing orders. What the member seeks to do is debate the question she has asked. Equally, the ministers invariably seek to debate the question when they are answering. Unless the house seeks to change its standing orders to something I would consider more appropriate—as by their behaviour members obviously do—then the standing orders guide what is permissible and what is not. The member's explanation has strayed way beyond what is acceptable as an explanation. Accordingly, leave is withdrawn.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I will check with my office to see whether indeed there is any outstanding correspondence to the Principal of the Victor Harbor High School, but I point out to the member for Bragg that, perhaps, rather than doing some lobbying for projects that may or may not appear in the 2003-04 capital program, she respond to the community in a different way and note that there will not be any announcements about what will or will not be in that program until the time of the state budget in May.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! When I call for order I expect members to respect the chair. Any further interjections will be dealt with seriously and severely.

GOVERNMENT, PROCUREMENT

Ms THOMPSON (Reynell): I direct my question to the Minister for Administrative Services. What has been done to improve the purchasing practices of the South Australian government?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): I thank the member for her question, particularly in her role as Presiding Member of the Economic and Finance Committee. I am pleased to report that in March the South Australian government hosted an important conference on the subject of procurement. The conference, appropriately titled 'Value achievement: procurement's purpose', was attended by a range of experts around the world. This matter is of particular relevance to the state. One needs only to consider the fact that we purchase in the order of $3 billion in goods and services to realise what an essential activity this is for the state. There has been a change in mix over the years in the way in which we purchase our goods and services. Indeed, about 75 per cent of our buy is now in services, and the complexity of those services has changed over the years.

To give some example of the power of public procurement policy in the area of, say, the construction industry, 65 per cent of non-dwelling construction is purchased by the public sector. So, one can see that the way in which we go about procurement can have a massive effect on behaviour within the industry, and it also sends messages to the balance of the industry in the private sector.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: I note an interjection from those opposite, saying that, unfortunately, we are building nothing. In their rush to build everything, the previous government used to break a few rules. Procurement under the previous government took on the bizarre form of grabbing the next thing that was floating past, so a few rules were broken. Who could forget the famous Motorola deal, which seriously compromised good procurement practice? Then there was the debacle of the late tender for the SA Water outsourcing contract. Then there was the time when the state government almost lost $2 million, because it bought 16 fire trucks from a company that went broke, then had to take legal action to decide who owned the trucks. Those are just a few snippets of procurement practice under the previous regime. I am sure there were many areas, but time prohibits listing them.

Good procurement practices obviously encompass a range of factors. There is the opportunity to balance the economic, the social and the environmental and to put in place safeguards to balance against bad deals. Procurement also plays a crucial role in restoring public confidence in the role of government. You cannot have a Motorola, GRN, SA Water or MFS service truck fiasco and still have public confidence in our institutions. This is a crucial part of the way in which we have attempted to restore confidence in government. It is part and parcel of a range of measures that the Premier has brought in during recent sessions of parliament, and we will be embarking on further measures that we will bring to this house in due course, including the modernisation of the State Supply Act. It will involve a much more sophisticated approach to procurement which will also take into account that lowest cost does not necessarily deliver value for money. We know especially in relation to the delivery of services—

Mr BRINDAL: I rise on a point of order, sir. I recall that standing orders require the minister in answering the question to address the substance of the question. So far in a number of minutes the minister has not even touched on the substance of the question.

The SPEAKER: There is no point of order. Has the minister finished his answer?

The Hon. J.W. WEATHERILL: Not quite yet, sir. I will conclude by explaining purchasing practice. The question concerned what steps we are taking in procurement. I was making the crucially important point that confidence in government is in very large measure informed by confidence in the procurement processes. This was a central feature which brought down—

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. J.W. WEATHERILL: It is an important point to make, because it is a central reason why we are sitting here and they are sitting over there. It is one of the key reasons why we are sitting in this place at the moment. The platform that we took to the people at the last election involved procurement reform and modernising the State Supply Act. I know that members opposite are prickled by this observation, but I am just seeking to put them on notice that we will be bringing before this house further measures that will continue the procurement reform process.

TEACHERS, VACANCIES

Ms CHAPMAN (Bragg): My question is directed to the Minister for Education and Children's Services. Is there a shortage of teachers and, if so, why did the minister state on radio on 19 March:

> Six thousand teachers are on our books wanting work with the department that we don't have positions for.

The inconsistency was illustrated in a radio interview on 19 March when the minister responded to AEU concerns over a possible future teacher shortage and the rumour that South Australia might end up with a four-day school week, acknowledging that this was indeed an issue, given the state's ageing teacher work force, and would mean that many would retire within the next 10 years. At the same time that the minister was discussing a new country student teacher grants scheme to encourage staffing at country schools, she said that 6 000 teachers have not been placed by the department. Has the minister profiled schools to identify areas of specific subject shortage, and what is the minister going to do to ensure the placement of the 6 000 teacher graduates?

The SPEAKER: Order! The member had asked her question prior to the leave being granted for the explanation, and there was not a necessity to restate it or ask another question. Many honourable members fall into that trap largely, I suspect, out of a desire to refresh the memory of their colleagues and probably the listening media as to what question they had asked.

I respectfully suggest that the question will have far sharper point if fewer attempts at explanations or debate are made following the asking of a question. I apologise to the member for Bragg in the previous question for not being aware that she was quoting from a letter. However, I make the observation that the device of having a letter written so that it can be quoted from is becoming more prevalent and ought not become part of the question time of the parliament.

Finally, if honourable members wish to debate these matters (and I understand their desire to do so), it is my sincere belief that the solution to the problem is in their hands: amend the standing orders to enable such debate with greater vigour immediately after question time than is possible at present and reduce the amount of time in question time so that specious attempts at debate are not undertaken during question time.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The reason I said on radio that more than 6 000 teachers were seeking employment with the department for whom we do not have places is because that is the advice that I have been given by the department. The member should realise that there are many more employable teachers in South Australia than there are teaching jobs within our public school system. In fact, there are thousands more registered teachers than there are teaching places in our public school system.

The member has misrepresented the context of the interview on a 5AA program to which she refers. She tried to link several statements made by me in answer to several different questions, and I do not know whether it is particularly ethical to try to put a slant on my comments. I did say that more than 6 000 teachers were seeking employment with the department, and that is the case. There are also hard to staff schools in this state. If only some of those 6 000 teachers wanted to go to some of those hard to staff schools!

So, I advise the member for Bragg that it is possible to have a greater number of teachers wanting to work in our public school system than there are teaching places and at the same time having difficulty in staffing some schools in some country regions or in some subject areas.

GAMBLING

Mr SNELLING (Playford): My question is directed to the Minister for Social Justice. What is being done to educate young people about gambling?

The Hon. S.W. KEY (Minister for Social Justice): I thank the member for Playford for his question. In fact, this is an opportune time to be asked this question, because members would be aware that Adelaide Central Mission is running a series of forums as part of its Gambling Awareness Week, which is looking at anti-gambling.

Recently, I had the pleasure of launching a report entitled 'Gambling Education: Some Strategies for South Australian Schools' prepared by the Department of Human Services, and this is being implemented through a collaborative approach with the Department of Education and Children's Services. The recommendations contained in the report will help the Education Department come up with effective ways of educating children about responsible gambling. The recommendations include:

- increasing the awareness of retailers about the sale of gambling products to minors;
- professional development for lecturers and student counsellors about problem gambling; and
- developing a safe gambling measure similar to the standard alcoholic drinks measure to help young people realise when they have gone too far.

The report was funded through the Gamblers Rehabilitation Fund, which is a joint initiative, as members would know, with the Australian Hotels Association (SA Branch), Clubs SA, and the state government.

Research has shown that adults with gambling problems usually began gambling in their early teens and sometimes even earlier, so the work that is done in schools is obviously very important in reducing problem gambling in the future. I must say that I was surprised to learn—and I would imagine that other members in this place would be concerned to learn—that the prevalence of problem gambling amongst young people is at least twice that of the adult population. Young people are now more likely to more quickly go from being a social gambler to a problem gambler than adults. So, young people obviously need to be informed so that they can make informed choices about gambling.

PUBLIC WORKS PROGRAM

Mr VENNING (Schubert): Will the Treasurer advise the house why there has been a major cut to the number of public works, and what is the estimated underspend in the current financial year? In the last 20 months of the former Liberal government, the Public Works Committee tabled 77 reports in this house. In the 12 months since Labor has been in government, there have been only seven reports, all of which were initiated by the former Liberal government. In addition, no major works are listed for review by the committee in the coming months, there is no work forecast, and nothing in the pipeline. As a representative from this house on the Public Works Committee, I am concerned that the public works budget has been frozen.

Members interjecting:

The SPEAKER: Order! I have already once today warned all honourable members that I expect that they will respect the request of the chair for them to observe the standing orders to which they themselves gave authority. In the case of the member for Schubert, clearly the statement being made is not in explanation of the question but a debate of the matter and not, in any sense, orderly. The Treasurer.

The Hon. K.O. FOLEY (Treasurer): Thank you, Mr Speaker. I get blamed for everything. I am not quite sure what all the fuss is about. I understand that the underspend and the carryover figures for last financial year have been tabled and are in *Hansard*. As to the specific nature of the member for Schubert's question, I do not know the answer, but I am happy to take that question on notice. What I can say is that there is a little bit of excitement in issues of underspending of departmental budgets.

I recall that in November 1999 the then Premier (John Olsen) publicly criticised all his ministers for their department's not spending their budgets. We look at the 1998-99 budget year and see that the justice portfolio underspent by $53 million, the construction department—DAIS, the Department of Administrative and Information Services—underspent by $50.8 million and transport underspent by $57 million. In that year, I am advised, even the Human Services Department was significantly underspent, for a total of some $292 million. It is a feature of large budgets. It is a feature that occurred under Liberal governments and has occurred under this government, but we are putting a tougher, tighter discipline on departments' underspending. They have to justify that underspending before it is carried into the next year. Unlike members opposite who had a slack fiscal budgetary policy, we do not: we have tight budgets, and that is because we are much better managers of the budget.

SCHOOLS, TECHNOLOGY FOCUS

Ms RANKINE (Wright): Will the Minister for Education and Children's Services advise the house what assistance the government has offered to schools to support their technology focus?

The Hon. P.L. WHITE (Minister for Education and Children's Services): It is important that our students do have the most modern and high quality computing facilities to assist in their learning, and South Australian schools will now save up to two-thirds on the cost of new school computers under a new state government initiative on school technology—a plan I unveiled just recently. An amount of $5.4 million in computer subsidies will be provided to schools over the next two years to buy extra computers and replace ageing systems, and that is part of a $3 million extra investment this year, which reflects a 20 per cent increase on funding for computing systems in South Australian schools—a 20 per cent increase.

We started at the end of last year and returns were due in February to an audit of our school computing hardware and software, which revealed that the average age of computers in our schools was such that four in every 10 are five or more years old. Older technology is slower, less reliable, more prone to breakdown and less able to handle modern computing applications, particularly multi-media, that are part of modern schooling.

Our new plan recognises the need to systematically upgrade school computers and give schools the financial assistance to do it. The distribution of subsidies will be based on individual school audit results, taking into account the age profile of the computers, the number of computers per student and the school's level of educational disadvantage. The peak associations are having input into the way that is done. That money will be distributed to schools shortly for this year's

allocation of that $5.4 million, which is the allocation over two years.

For the first time all schools will be required to develop a plan by the end of this year for how they will improve the use of information communications and technology in learning and ensure that their staff have the necessary skills as well as plan for the replacement and upgrading of their computing equipment. This new initiative will ensure that schools forward plan for their computing replacement rather than the ad hoc approach that has sometimes been a factor in schools when it comes to computing technology.

AUSTRICS

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise this house when he was first approached by the staff of Austrics regarding their dissatisfaction with the direction of the company? Austrics is a government owned company that produces programs for transport timetabling.

The Hon. M.J. WRIGHT (Minister for Transport): I am happy to get the detail of that answer, as I do not know it off the top of my head. The member for Light has had a briefing on Austrics, so it will be interesting to see where the opposition may choose to take this issue, because it goes well back to the days of when the current opposition was in government.

FLOOD MITIGATION

Mr KOUTSANTONIS (West Torrens): Will the Minister for Environment and Conservation advise what is the government's response to the problem of flooding in West Torrens and Unley, and will the public be informed of the risk of flooding in future?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for West Torrens for his question and acknowledge his great interest in this topic and strong advocacy on behalf of his community in the media and elsewhere on this topic. Flooding from stormwater is a particular problem in a range of areas in this state and in Adelaide, in particular in the areas of West Torrens, Colton, Unley, Ashford and others. The potential for flooding has always existed and we can now predict in a better way where flooding is most likely to occur and the severity of that flooding.

On 26 February this year the Patawalonga Catchment Water Management Board, in conjunction with five local councils, publicly released a series of flood risk and flood hazard maps for the Brownhill and Keswick Creek systems. The maps provide the most up to date information on flood risk. The flood risk maps identify the depth of flood water, while the flood hazard maps show the risk to community safety due to the flood waters. The flood depth maps show that 5 000 properties are at risk of flooding. However, of these properties, three-quarters are in low hazard areas where flooding is likely to be less than 100 millimetres over the ground.

The release of the maps was the first in a series of steps to increase community awareness of flood risk. The catchment board produced a detailed information sheet on the flood risk, which is available through the board or through councils. Local councils, over the past two weeks, have held information sessions with residents to explain the flood risk and what can be done to minimise damage. The primary responsibility for managing flood hazard risks rests with local councils. The five local councils—

Ms Chapman interjecting:

The Hon. J.D. HILL: It is interesting that the member for Bragg says that they do not have any money because, when the member for Unley was the minister and was responsible, he cut funding to support councils doing this work by 50 per cent. The five local councils, in conjunction with the Patawalonga Catchment Water Management Board, will develop, over the next 12 to 18 months, a comprehensive master plan of flood mitigation options to address the flood risk. That will also include a cost sharing agreement between local councils to fund their contribution to flood mitigation. The five councils are currently working together in a cooperative way with the state government, in particular the minister for planning's office, to prepare a ministerial plan amendment report to manage the impact of flooding on future developments.

In relation to just the West Torrens area, the council, Adelaide Airport, the catchment board and the state government have undertaken a specific flood study for the Mile End-Cowandilla-Patawalonga Creek catchment. One of the primary issues that the local government forum—which was set up by the Minister for Local Government—has been tackling is stormwater and flood mitigation. The forum is considering the difficult issue of funding for outstanding flood mitigation works. The recently announced Waterproofing Adelaide strategy will also consider the potential for water harvesting through rainwater tanks and the innovative use of stormwater.

A high level flood plain management committee has been working on the South Australian flood and flood plain management strategy to formalise the responsibilities for flood management and mitigation, and that will be released towards the end of this year. In conclusion, a lot of work is being and is to be done, but this government is determined to get on top of this problem, work with local government and fix it once and for all.

AUSTRICS

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport rule out the sale of Austrics? Austrics has been very successful in producing computer programs for transport timetabling, but in the past two years it has taken on somewhat of a different corporate direction.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Light for his question. Unlike the previous government, this government does not play games: we rule nothing in and we rule nothing out. Whether it be related to the budget or to other matters, we rule nothing in and nothing out. As I said previously, the member for Light has had a briefing about Austrics. The honourable member well knows some of the difficulties that have been happening with Austrics and, if he would like to share that with the house and the broader public, that opportunity is available to him.

LIVE MUSIC

Mr HAMILTON-SMITH (Waite): Was it the Premier's underlying motive to divide, confuse and invite conflict between arts bodies when he advised the parliament that the $500 000 per annum, which the parliament had directed his

government to spend on live music, was to be redirected to the Adelaide Symphony Orchestra—

The SPEAKER: Order! There is a point of order from the Minister for Emergency Services.

The Hon. P.F. CONLON: The opposition spokesperson has clearly articulated and imputed improper motives to the Premier.

The SPEAKER: I do not uphold the point of order. The member for Waite.

Mr HAMILTON-SMITH: I will repeat the question. Was it the Premier's underlying motive to divide, confuse and invite conflict between arts bodies when he advised the parliament that the $500 000 per annum, which the parliament had directed his government to spend on live music, was to be redirected to the Adelaide Symphony Orchestra, only to backflip within days by announcing a reversal of that decision? On 18 February this year, the Premier signalled the government's intention by advising the parliament:

> I am delighted to be able to inform the house that a large slice of that money will absolutely be committed to something so dear to the member for Hart's [the Treasurer's] heart—live musicians who work for the Adelaide Symphony Orchestra.

But on 14 March, the Premier had his assistant, the member for Kaurna, produce a media release which backflipped on the government's position and reallocated the money to live music—a decision that the parliament had directed the government to implement months earlier. Concerns have been expressed to the opposition that the chain of events I have described was a deliberate effort to divide, cause conflict and conquer in relation to live music in this state.

The SPEAKER: In future, the sort of gratuitous advice contained in explanations will not be tolerated by the chair. The standing orders do not canvass such things, and the last sentence of the explanation was out of order. Notwithstanding that, I call the Premier.

The Hon. M.D. RANN (Premier): No, Homer.

Mr HAMILTON-SMITH: My question is directed to the Minister Assisting the Premier in the Arts, and I hope that we get an answer this time. Will the minister update the house on the government's new plans for live music development in the state and, in particular, will he outline how, when and where the additional $500 000 per annum the parliament has instructed the government to provide to the industry will be allocated? In late 2002 the opposition, in cooperation with the Independents in the other place, compelled the government to provide the additional $500 000 per annum from poker machine revenue. A contemporary music forum was held on 17 March but still no indication has been given as to when the live music industry will receive details on how the $500 000 will be spent.

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): I would be delighted to receive my first Dorothy Dix question from the member opposite. As the honourable member well knows (because he was there), last week a live music forum was conducted at Adelaide University, which 100 or so people from the music industry attended—and very enthusiastically attended. I think that the honourable member even made some complimentary remarks to me or my staff at the end of that saying how well it had gone. I was pleased to be able to advise that meeting that the government not only intended to put $500 000 a year into live music from now on but also, in fact, that next year we will put $750 000 into live music.

That announcement was very popular with the group of people who were present. As I said to that meeting on the occasion the honourable member was present, 'We want to hear your ideas. We have some ideas ourselves on the sorts of things we would like to see continued in live music', and I indicated some of those things. I said, 'We would like to see Music Business Adelaide extended, perhaps into a live music festival; we would like to see music on-line finished; and we would like to see musicians in schools doing work with young children.'

I went through a range of areas that we would like to see, but I said, 'Ladies and gentlemen, I would like to know your views, too,' and we went through a workshop situation with the people in the room. Those ideas are being collated at the moment. As I said to the forum (and the honourable member should know because he was there), 'All those ideas will be brought together. We will go through the budget process. We will get that information out to you and we will announce some programs from 1 July.'

MURRAY RIVER

Mr BRINDAL (Unley): Will the Treasurer guarantee to this house that all such moneys as are needed to fund the River Murray Act, which is currently before this parliament, will be made available in the next and subsequent budgets?

The Hon. K.O. FOLEY (Treasurer): I tell you what, Mr Speaker, there is one thing this opposition loves to do: it loves to spend money or tell the government how we should spend more money. Only earlier this week I referred to an extraordinary statement made by the Leader of the Opposition, who said that we should spend hundreds of millions of dollars (and that was reported in the *Financial Review*) on the River Murray. But the opposition does not tell us how it is going to pay for it. It does not tell us what taxes it is going to increase. It does not tell us what taxes it is going to cut.

The Hon. P.F. Conlon: They're going to cut tax.

The Hon. K.O. FOLEY: That is right: they are going to cut tax. So, out goes the budget deficit because this is a big spending opposition, a big deficit opposition—

Mr BRINDAL: I rise on a point of order, sir.

The Hon. K.O. FOLEY: —and if we are fortunate—

The SPEAKER: Order! The member for Unley.

Mr BRINDAL: Mr Speaker, the substance of the question was: will this money be available for a measure that is currently before the house? I ask you, sir, to direct the Treasurer to address the substance of the question.

The SPEAKER: I can tell the member for Unley that, to my mind, the Treasurer was addressing the substance of the question but rather more in debate than in answer. The Treasurer.

The Hon. K.O. FOLEY: All I can say is that this is a big spending, big deficit opposition that has no financial credibility. We will continue to manage the state's finances as well as we have in the past.

Members interjecting:

The SPEAKER: Order! For the benefit of all members, the last remark made by the Treasurer is a rhetorical statement about what cannot clearly occur. The opposition does not control the Treasury, and it therefore, as a statement, is pejorative, incites response and, in that respect, is disorderly because it is not in direct answer. It is the problem to which I have drawn the attention of the house earlier today and on numerous other occasions, and it will need to be addressed. The member for MacKillop.

TAFE

Mr WILLIAMS (MacKillop): Will the Minister for Employment, Training and Further Education confirm that, following departmental authorisation and subsequent expenditure, the Labor Government withdrew funding of $750 000 to the Onkaparinga TAFE College, contributing to that organisation's current budget position? Will the minister also inform the house of any other instances where this has occurred in the last year in the TAFE sector? In the week of 10 to 17 February 2003, on ABC radio in the South-East, Mr Eric Roughana, President of the South-East College of TAFE (which shares an alliance with the Onkaparinga college) claimed that part of the college's budgetary problems arose from the government's withdrawal of $750 000, which had previously been authorised for expenditure and spent.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I am not sure what was said on radio by the council member from the Onkaparinga TAFE. Certainly, we are prepared to go through those documents and bring back an answer to the house as soon as possible.

ANTI-LITTERING LAWS

Dr McFETRIDGE (Morphett): Will the Minister for Transport amend the ministerial guidelines for the release of information under the Motor Vehicles Act to enable local councils to enforce anti-littering laws? For motorists who throw rubbish from motor vehicles, section 235 of the Local Government Act provides:

> Anything that falls from a vehicle is taken to have been deposited by the person by or on whose behalf the vehicle is operated.

However, ministerial guidelines under the Motor Vehicles Act allow information to be released to councils only in relation to moving traffic violations and parking offences. I am informed that councils are being hampered in their quest to enforce anti-littering laws due to the anomaly in the ministerial guidelines.

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Morphett for his question—

Members interjecting:

The Hon. M.J. WRIGHT: I do, a very good member. He represents me very strongly; he is very robust. I am happy to look at this for the honourable member and, if it has the merit to which he is alluding, we are certainly happy to consider it.

ROADS, RIDDOCH HIGHWAY

Mr WILLIAMS (MacKillop): Will the Minister for Transport advise the house if and when action will be taken to provide overtaking lanes on the Riddoch Highway? The Riddoch Highway between Padthaway and Keith was recently the subject of a road transport drivers' conference report that overtaking lanes were desperately required.

The Hon. M.J. WRIGHT (Minister for Transport): I will be happy to bring back that detail. What I would also like to share with the house—and I am sure the member for McKillop and others would welcome this—is that an announcement has been made in the past 24 to 48 hours that some additional money will be made available for the Dukes Highway, a national highway. That is just the tip of the iceberg, because, as members on both sides of the house well know, the federal government has let us down badly when it comes to national highways. I welcome this contribution. I think national highway money was $1.5 million, but it is just the tip of the iceberg, because what the federal government has to do is make a real contribution to the Dukes Highway.

We have put forward a submission to the federal government calling for some additional money to ensure that we can spend some capital money on improving that part of the road from Bordertown to the border with Victoria. Anyway, some money is better than none. However, in respect of the Riddoch Highway about which the member has specifically asked, I will get that detail and bring it back for the member.

FLOOD MITIGATION

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In answering a question in the house today, the minister informed this house that I halved the amount of money available for the local government flood mitigation scheme. The minister has misrepresented me by not informing this house that, first, those actions were taken by me because, in the number of years during which I was responsible for the scheme, the quantum of the funds and the nature of the applications did not address the increasingly serious and obviously emerging need in the area. Indeed, I do not believe that either the cities of Unley or West Torrens were even applicants during those years.

Secondly, the methodology of the scheme was that treated stormwater, being a hazard, was therefore not appropriate to the methodology of the then government, or I believe the methodology of this government, which has a strategy to waterproof Adelaide.

Thirdly, in consequence of that financial decision, I set up a joint working party between the Local Government Association and the government of South Australia to work out a new paradigm and partnership with improved methodology for the future. That working party did not report until after the change of government. I believe it has reported to this minister and that it has recommended a new funding scheme which should be put in place.

GRIEVANCE DEBATE

PARLIAMENT, STANDING COMMITTEES

Mr VENNING (Schubert): I raise a very serious matter relating to the operation of this parliament and one that it is of great concern to me. Further to my question in the house today and also the three private members' motions I moved, I raise issues involving the committees. I am fortunate enough to represent the parliament on the Public Works Committee and, whilst I have enjoyed being on the committee, I have to say that I am very disappointed at this time. Sir, as you would know as a previous chairman, this committee has been in operation for the life of this Rann Labor government for over a year now and we have not had a single new project referred to us by this new Labor government. We were busy until a few months ago on references on projects sourced by the previous Liberal government. The Margaret Tobin Mental Health Unit at Flinders was the last one. In the whole time that this government has been in office, not one

single government project has been sent to us, and worse, there are none in the foreseeable project.

The Hon. P.F. Conlon interjecting:

Mr VENNING: That project was originally sourced from the previous government. What also is concerning for the people of South Australia is that the Environment, Resources and Development Committee—and I remind the house that I was the past chairman—has for the whole 12 month period tabled only one report, the Hills Face Zone report, and, to make it worse, this was three-quarters completed by the previous committee. I also understand that the Minister for Urban Development and Planning has been asked to brief the committee, and in 12 months has not attended and apparently does not intend to do so.

Is that all? No, it gets worse. The other senior committee of the parliament is the Economic and Finance Committee. It is obvious to all members who have studied the parliamentary committee system that this committee is the financial watchdog of the parliament. It has achieved little, its meetings have been postponed and it has denigrated into a political rabble—a farce. What happened to the constructive, non-partisan approach which used to be prevalent on these committees and which made them successful and worthwhile in the past? The problem is—and I do not blame the presiding officers of these committees—that this government is paranoid about any bad media and it does not trust its members to maintain the Rann-Foley-Conlon line, so it limits their activity to the extent of being ineffective and really superfluous. We are not moving towards executive government at all; in fact it is governed by the terrible trio.

As I said, I was honoured to be the chair of the ERD committee, and in our last year we tabled five major reports. The committee worked well and hardly did our various political persuasions ever flavour our decision making. Not everything we did pleased our government, but it was my job to keep various ministers informed and to limit the flack to the government, and I believe we were successful.

The bottom line is that this government is spurning the political system in South Australia. The committee system is a very important part of the parliament and it can work, if the government wants it to. The government is being unfair to its nominated members and, more importantly, its presiding officers.

There are no major public works: the government has cut this important area to the bone. It is a really unfortunate strategy. This will cause a major downturn in the construction industry in South Australia. No wonder we have to go interstate to get companies to tender for some of these works. The figure of $322 million underspent in the last financial year was given to the parliament by the Treasurer, so no-one is disputing this figure.

I have several projects in my own electorate that should be funded and therefore come before the Public Works Committee. In this respect, I refer to projects such as a new Barossa hospital, a refurbished Kapunda Primary School and many other vital infrastructure projects. No doubt other members would be in a similar situation.

Yes, I am a member of the Public Works Committee, but we now often do not sit in non-parliamentary sitting weeks because we have nothing to do. Today I gave notice of three motions that I intend to move in this house sending three new references to the committees—and I look forward to their findings. We have undertaken a process to educate and prepare our committee so that we have the important skills which enable us to assess and sit in judgment on these important state projects, but nothing happens. Nothing is coming, and we are in a serious state of drift.

The government is hell-bent on stacking the state's money away and everything is being cut. Just this morning the *Advertiser* ran a story about the government's underspending on the areas which are so important to it: education, health and justice.

An honourable member interjecting:

Mr VENNING: Well, save more. If you do not intend to use these committees, put them into recess or change the standing orders. Members could be paid a sitting fee in lieu of an annual remuneration as we receive at the moment.

Time expired.

MEMBER'S REMARKS

Ms RANKINE (Wright): I was wondering whether perhaps Monday might have been the member for Mawson's birthday and whether it would have been out of order for us to sing a rendition of 'Happy birthday' for him, because quite frankly the comments he made in this place really took the cake. I have often thought that members opposite have shown some real hide, but the member for Mawson appears to have no compunction in absolutely embarrassing himself and the previous Liberal government in this chamber. I was embarrassed for him. Just how gullible does he think our community is? How short a memory does he think we and the community have? Members opposite might have a three minute attention span, but let me assure the member for Mawson that I have the memory of an elephant—and I keep not bad records, as well.

I remember standing in this house on 4 December 1997 expressing concern, dismay and disappointment at the decision of the member for Mawson's government to disband the Para Hills police patrol and move the Tea Tree Gully patrol base down to the Para Hills site out of the area it services. Under the so-called initiatives implemented by the Liberal government, we in the Salisbury/Tea Tree Gully area lost one patrol base; one patrol base was moved out of the area it serviced and we lost 22 police officers. The member for Mawson dares to come in here and raise the matter of Labor's commitment to the north. I repeat: under the Liberals we lost one patrol base; one patrol base was moved out of its area and we lost 22 officers. However, through all this we were assured that a new police facility would be provided. Indeed, the information circulated by the Police Commissioner at the time stated:

> As a result, it is proposed to relocate the new metro north-east division to the current Para Hills accommodation until such time as the division could be more centrally accommodated to the area being policed.

The member for Mawson had the gall and temerity to stand here on Monday and criticise this government—a Labor government that has been in power for 12 months. During that time, we have been cleaning up the mess left by the previous government. The Minister for Emergency Services has been left cleaning up the mess left by the member for Mawson, who has the gall to criticise us for not acting on a commitment given by the Liberals—not at the last election, as he would have everyone believe—in 1997.

I want members of this house and the public to be clear about what occurred. In 1997, the Liberals said that a new policing facility would be provided for the Tea Tree Gully area. In 2002—in the middle of an election campaign—after I had written incessantly to the minister, after I had raised the

issues privately and publicly with the member for Mawson on so many occasions I had to sit down and count them this morning, their candidate came out in 2002 and said:

> I will fight for speedy delivery of the commitment to a new shopfront police station at Golden Grove.

He was committing himself to fight his own government on a commitment that it was making relating to a promise it made in 1997. Really, doesn't that just take the cake!

The Hon. P.F. Conlon: How did the candidate go?

Ms RANKINE: The candidate didn't win. The candidate is still out there trying. From 1997 to 2002 all we got was a promise to fight for the commitment. We had a look to see whether we could find the costings for this promised shopfront—no costings! I guess the test of all this was whether they had anything in train or any agreement with the Village Shopping Centre. They stood out there making an announcement in the hope that someone out there might believe them and might think that they were going to set up business in the shopping centre. The big test of any credibility is whether they had a deal with the shopping centre. I highly recommend to the member for Mawson that he not come in here and embarrass himself and his colleagues with statements and allegations that put them in such a bad light. In 1998, in response to a question, he said:

> A decision will be made on a police facility in Tea Tree Gully in early 1999.

In late 1999, he wrote to the Chairperson of the Golden Grove High School council and said that there was no allocation for funds in the financial year 1999 for that facility.

Time expired.

RINALDI, Mrs L.

The Hon. M.R. BUCKBY (Light): I rise in grievance today to seek to get the Attorney-General to look at whether there has been a breakdown in process within the State Coroner's office. The death was recorded of Lesley Jenette Rinaldi. She died on 14 May last year, 2002. There was a very long delay—what I would consider as an inexcusable delay—in details of the cause of death of Mrs Rinaldi finally being received by her family. I will outline to the house the chronology of events that occurred and request that the Attorney-General look at the processes that might be occurring and whether there is some breakdown of process in the Coroner's office. As I said, Mrs Rinaldi died on 14 May 2002. On 17 May, a letter was received by Mr Rinaldi from the State Coroner's office advising that, once medical information was received by the State Coroner, they would advise the cause of death. On 31 May 2002, a letter was received by Mr Rinaldi, again from the State Coroner's office, advising that medical information was incomplete. They also advised that, once the documents were available, a copy of the medical report would be forwarded.

Between 31 May 2002 and a visit to my office by Mrs Katherine Krollig, the daughter of Mrs Rinaldi, on 10 October, numerous telephone calls were made to the Coroner's office by Mrs Krollig, who was constantly being told that the report was not yet complete. On 16 October, I wrote a letter to the Attorney-General on behalf of Mrs Krollig and Mr Rinaldi regarding the delay in the autopsy and the final death certificate. On 22 October an acknowledgment of the correspondence was received from the Attorney-General's office. On 12 November, there was a letter from the Attorney-General, advising that a letter, with brochures, had been sent to Mr Rinaldi on 17 October, telling him that an interim death certificate was available upon application to Births, Deaths and Marriages. On 15 November, a letter sent to Mrs Krollig from my office advised of the Attorney-General's response. On 21 November there was an email from my office to the Attorney-General's office, advising the Attorney-General that the correspondence of 17 October from the State Coroner's office was never received by Mr Rinaldi and requesting that the address it was sent to be checked.

On 21 November, Mrs Krollig forwarded an email to the Attorney-General's office complaining of poor service, and a copy was sent to my office. On 2 December, I received advice from Mrs Krollig that they had now received a cause of death. On 22 January, there was a telephone call from the Attorney-General's office to my office regarding an email sent to the Attorney-General's office by Mrs Krollig, which was back in November, complaining of poor service. My office advised that the Attorney-General's office was going to contact Mrs Krollig to address her concerns. They were also advised that an email sent by my office on 21 November had still not been answered, and the email had to be forwarded by my office again as it could not been found. On 24 January a telephone call from the Attorney-General's office advised that they had spoken to Mrs Krollig and they now had all the necessary paperwork.

Some eight months passed from the time Mrs Rinaldi died to when the family received an official notification of the cause of death and the death certificate. I question this extreme amount of time. It seems that some practices within the State Coroner's Office have broken down, and I am interested in why it took so long for the medical information which was required to be completed and forwarded to Mrs Rinaldi's daughter and for a final death certificate to be issued.

YUMBARRA CONSERVATION PARK

Mr HANNA (Mitchell): I rise to condemn the Labor government for breaking one of its election promises and departing from long held policy to protect the Yumbarra Conservation Park. I begin by highlighting the conservational significance of the park. The Wilderness Advisory Committee submitted to the relevant minister back in 1996 (and these facts remain true):

> The Yellabinna mallee wilderness includes Yellabinna Regional Reserve, Pureba and Yumbarra Conservation Parks and land belonging to the Maralinga Tjarutja. It is the most in tact large area of mallee in Australia, and forms part of a large band of Mallee that stretches across Upper Eyre Peninsula, the Far West Coast and to the north of the Nullarbor Plain, almost to the border of Western Australia.

It goes on to say:

> Large trackless areas. . . remain, but wilderness quality is threatened by the proliferation and maintenance of tracks by mining and recreational visitors.

The problem with tracks is that they degrade wilderness quality, fragment the natural systems and increase the potential for the spread of vermin and weeds. They also create the risk of greater fire frequency in association with the increased access by visitors.

Back in the last parliament, the Liberal government moved to allow mining exploration in the Yumbarra Conservation park. A proclamation was made to allow multiple uses in the park: in other words, use beyond its inherent national park status. This meant that a mining exploration lease would be

allowed. In opposition, Labor was strongly opposed to this move. On 15 June 1999, the Hon. John Hill (the current Minister for the Environment) said:

> Labor is totally opposed to any unilateral exploration or mining of the Yumbarra Conservation Park. The only way Labor would support exploration would be if an agreement were to be reached between conservationists, traditional Aboriginal owners and local communities to trade Yumbarra's prospective area with other significant mallee lands.

That statement referred to a prospective mining area which was the subject of a lease granted under the Liberal government regime to a company known as Gawler Joint Venture Partners. Labor's response during the debate in the last parliament was strongly in opposition to the government's motion to allow mining. I quote from Labor's Environment Report Issue 1 of 1999, the author of which was the Hon. John Hill, currently the Minister for the Environment. He said:

> With this one motion, the Liberal government could do more long-term damage to our environment than with any other of its many ill-conceived actions.

He went on to say:

> This government [the former Liberal government] seems to view our national parks as convenient ATM machines, available for cash withdrawals when the need arises.

He stated further:

> Our park system is a governmental commitment to the community at large to take responsibility for the conservation of our natural heritage in perpetuity.

Things have changed. The Labor government, cognisant of the fact that there had been one single mineral exploration lease granted during the term of the last parliament, made its election policy very clear. It said that Labor would 'restore Yumbarra as a single proclaimed conservation park if current exploration lease prove fruitless and expires'. That is a reference to the Gawler Joint Venture Partners lease which has now been relinquished. It meant that for Gawler Joint Venture Partners the exploration lease proved fruitless and did not lead to their seeking further mining.

So, the conditions of that election promise have been fulfilled, yet it appears that Labor, now in government, is considering allowing mining in the park. It is not true to say that there will not be further damage if additional mining leases are granted. The minister's comments in this house are in conflict with the Minister for Mineral Resources Development.

Time expired.

COFFIN BAY NATIONAL PARK PONIES

Mrs PENFOLD (Flinders): Last week, nearly 200 people attended a public meeting to protest the proposed removal of the Coffin Bay ponies from the very large Coffin Bay National Park by the Minister for Environment and Conservation. However, the minister has declined to discuss the decision with a delegation as requested by a motion at the meeting. The minister, in answer to a question in the house on Monday 24 March, stated:

> I think that would be a waste of time. Of course, that is your privilege if you wish to bring a group of your constituents to see me and to waste their time, mine and your own—let that be on your shoulders.

The ponies, whose ancestry is traced back to Timor ponies, have been in the area now known as the Coffin Bay National Park since 1847, having been brought to Australia when the first colonial early settlers landed. Mr William Mortlock took over the Coffin Bay peninsula in 1856 and introduced a breeding program. The area was made a national park following the purchase of the privately owned farmland by the state government in the early seventies, by which time the Coffin Bay ponies had been running wild and had bred into their hundreds with three distinct herds.

In a major compromise by the Coffin Bay Pony Preservation Society, a formal agreement was negotiated by the former Liberal government allowing for a herd of 20 mares, their foals and one stallion to remain in the park. This meant that two other herds of ponies were removed and the remaining herd of about 100 ponies at Point Sir Isaacs was reduced to the current tightly managed population.

At that time, the Coffin Bay Pony Preservation Society initiated a management program, and it continues to work with the ponies and departmental staff to ensure that the ponies are well maintained and managed. Every year the horses are trapped and yearlings removed. All ponies in the park over one year old are branded and documented. Students are put through a handling course each year to enable them to gain experience dealing with yearlings that have been untouched. The course also involves picking up the yearlings from the previous year that have not been sold, giving students the opportunity of working with both yearlings as well as two-year-old ponies. The course has received positive feedback and has given the students a sense of self achievement.

The minister in answer to a question in parliament gave kangaroos as one of his reasons for moving the ponies, stating:

> . . . if those ponies are left there, we would have to keep waterholes operational, which means we would have to shoot about 1 000 kangaroos a year.

At the recent public meeting, Mr Stevens questioned the credibility of the minister's Department of Environment and Conservation which presumably gave him this piece of information. An advertisement placed in the *Port Lincoln Times* estimated that there were approximately 30 kangaroos per hectare in the Coffin Bay National Park. Based on those figures, Mr Stevens noted that it equates to some 960 000 kangaroos in the park. Kangaroos need very little water, and I doubt whether closing the waterholes will make any difference to their numbers except in a drought, when feed would also be a problem but with a much lower population than indicated by the department.

In a report written in November 2001 by the Environment, Resources and Development Committee, concern was expressed that ponies degrade the wilderness area in the park. The Coffin Bay Pony Preservation Society in a further concession has suggested that the wilderness area be fenced off and the ponies relocated within the park. This would be a simple procedure, particularly as for the majority of the time the ponies are in other areas away from where the wilderness area is proposed in any case. The Coffin Bay Pony Preservation Society works closely with the local community and parks people, and would like to be actively involved in the regeneration of vegetation in the park that has been degraded by rabbits and 150 years of farming, with stock numbers for sheep alone estimated to have been as high as 10 000 in good years.

At the public meeting Mr Stevens emphasised that the issue of the Coffin Bay ponies is really about national parks management; it does not change whether or not it is a wilderness protected area. The Coffin Bay ponies are unique, and their tourism value cannot be underestimated. Tourism

must be a major player in our national parks, and this government is being very short-sighted if it cannot see the potential that is available in having these unique and historic animals available for the public to view and wonder at. Hiding the ponies on unsuitable and inaccessible land is ludicrous and an insult to the pony preservation society and all the hard work it has done.

Time expired.

SCHOOLS, NORTHFIELD PRIMARY

Mrs GERAGHTY (Torrens): I take the opportunity to talk about one of the schools in my electorate. Northfield Primary School has a very vibrant and thriving school community. I have long admired the efforts of the school community to ensure that the needs of the students are best accommodated, and on numerous occasions I have met and spoken with parents, teachers and students. I might say that on occasions students have also introduced me to their turtles, fish and other classroom pets, of which they are very proud.

Northfield Primary School is also a school the majority of whose students are recipients of School Card. As all members would be aware, the socioeconomic difficulties experienced by families who receive School Card impacts on all aspects of life and, in particular, the education of their children. Northfield is by no means alone in some of the day-to-day difficulties it faces, but to its credit it is a school which does a wonderful job to assist students and families, despite their circumstances.

Some months ago I was contacted by the principal, Sharon Broadbent who, I might add, is very passionate about the needs and outcomes of the students in her care. Ms Broadbent was concerned about the fact that a significant number of children were arriving at school without having had a substantial breakfast or, indeed, any breakfast at all. The obvious difficulty that this presents is the lack of attention that children are able to give to learning, and at a young age this can be devastating in developing the basic skills and abilities which are so crucial in later years.

The uphill task faced by teachers impacts not only on their ability to deliver lessons to the students but also on other students in the classroom. So, when Ms Broadbent approached my office with a view to establishing a breakfast program at Northfield Primary School, I was only too pleased to help, although I was not quite sure how easy the task would be. We contacted a number of breakfast cereal companies and also some supermarkets.

Mr Brindal: Did you realise I used to teach there?

Mrs GERAGHTY: Did you?

The SPEAKER: Order! The member for Unley is out of his place, and interjections are out of order, anyway.

Mrs GERAGHTY: I am happy to say that Kellog's were kind enough to donate boxes of breakfast cereal to the school, and Woolworth's came up with a food voucher, which was certainly very well spent. I might say that the school, parents and students are absolutely delighted. While all those contributions were of significance, it was the willingness on the part of the North East Community Assistance Project (NECAP) which provided a substantial range of breakfast goodies to the school and which has certainly contributed to the now overall success of establishing this program. I thank NECAP for the compassion it has extended to those in need, particularly the Northfield students.

My office spoke with Ms Broadbent yesterday and was informed that the program is exceptionally popular with the children, and for the first time they were able to be provided with warm drinks such as Milo which, given the recent chill in the mornings and the looming winter, have been most welcome.

As an aside, it must be said that the role of schools is undoubtedly expanding, incorporating services such as after hours school and holiday care, and programs such as the breakfast program in addition to their core role of providing education mean that they certainly have a very full agenda. I commend Woolworth's, Kellog's and NECAP for helping us to put this program together. I know that the learning outcomes of the students will certainly be improved, because the long-term benefits that will be derived by allowing those children to have breakfast in the morning will be invaluable. So, I congratulate the school—parents and staff—on caring so greatly for their students and working hard to make sure that we were able to get this program up and running.

Time expired.

BUSHFIRES

Mr BROKENSHIRE (Mawson): I move:

That this House establish a select committee to inquire into and report upon bushfire prevention, planning and management issues between Government and non-Government agencies, and in particular—

(a) current policies, practices and support for community education, awareness and planning to prevent bushfires on properties, and whether existing powers need to be strengthened to ensure that people who are not prepared to clean up their properties can be forced to do so by the relevant authorities;

(b) current policies on bushfire prevention, cold burns and fire breaks on land under the control of the State Government and especially National Parks and Conservation Parks, whether those policies are being effectively implemented and whether there should be a broadening of mosaic burns in National Parks;

(c) planning controls of Local Governments across the State, whether Councils have suitable planning and policy controls for bushfire prevention and whether or not there should be a recommendation for common planning and bushfire prevention controls across Local Government;

(d) the role and responsibilities for bushfire prevention between Local and State Government agencies;

(e) whether the Country Fires Act 1989 needs to be strengthened to give the Country Fire Service more control over enforcing bushfire prevention;

(f) evaluation of recent programs, namely, bushfire blitz, and community safety and education programs to see which has the best effect on bushfire prevention and planning for a community and whether that program should be extended beyond the Adelaide Hills and Fleurieu Peninsula to cover other rural areas;

(g) current and future methods of advising the community of the issues around fires, once they have started in their area;

(h) the provisions of the Native Vegetation Act 1991 to assess hazard reduction and fire breaks; and

(i) the current and future funding requirements for the Country Fire Service.

I am pleased to be able to move this motion to establish a select committee, which motion includes nine initiatives. I am sure members on the opposite side will see that this is discussed; in fact, I have spoken to the Whip, who I know will ensure that this matter is discussed when the Labor caucus next meets. If we in opposition now had stayed in government and had I still been emergency services minister, these are issues that I would have supported. Unfortunately, sometimes I have seen in this place, and I am sure, Mr Speaker, you and others who have been here a lot longer

would have seen, that select committees can be a bit of a witch-hunt, even if this is not their intent. However, I reassure the house that this is not my intention at all. As I have already said on radio and in response to the Premier's office when I first flagged this, the government indicated in the media at that time that if it was bipartisan in the strict sense it would consider a select committee. I would let the Premier's office know, because I think it needs to know, that I have always said when I have talked about this in the media that I wanted this in all ways to be an absolutely bipartisan select committee.

Many members in this house have spoken about their concerns over a range of issues about bushfire prevention. I know that the member for Fisher has been leading the charge for quite a period of time, expressing concerns in his electorate and in the Adelaide Hills generally, from my understanding of his comments, with respect to planning and management issues around developments.

At the end of the day, members of parliament have a responsibility on behalf of their constituents as well as a parliamentary responsibility for the broader South Australian community to ensure that they have done everything in their capacity to protect the community to ensure that the government has support for initiatives around fire prevention and planning and also, I believe, to ensure that the best possible assessment of issues that relate not only to government but also to non-government agencies and to other tiers of government are considered in relation to the protection of the South Australian community.

I give thanks that South Australia did not go through the bushfire trauma that we saw in the eastern states this year. That was partly because of the good planning and some other bushfire prevention initiatives taken this year and also partly because of a great deal of work done by an enormous number of people, obviously not the least of whom included the volunteers. It also included valuable work done during the latter stages of the Liberal government, as well as bushfire prevention work undertaken by some local government bodies, two of which I know do an incredibly good job: the Alexandrina council (I know that you, Mr Speaker, would also be aware of the work they do) and the City of Onkaparinga.

However, when you look around the state, you see that some councils have not had the vigour, the wherewithal and the commitment to be proactive on bushfire prevention and planning to the degree that I interpret the act requires of them. Presently, there are local government areas in this state that still do not have any planning requirements, yet they are in an extremely high bushfire zone and it would potentially require considerable resources of the Country Fire Service, State Emergency Service and other agencies. A lot of support from volunteers and paid staff in fighting fires is required in those areas almost every year, yet it is amazing that one of those councils still has no planning legislation to consider in relation to bushfire prevention.

I believe it is time that we as a parliament ascertained whether or not there needs to be a strengthening of the country fires legislation to give the Country Fire Service more control over enforcing bushfire prevention. I know that there has been an ongoing debate about mosaic burning, an issue that sometimes creates a little animosity between agencies and even ministers—for example, the Minister for Emergency Services and the Minister for Environment and Conservation, who are coming at issues from totally different spectrums such as mosaic burning and protection of the environment.

When I was minister, this house moved some amendments in regard to that issue. Again, only so much can be done at any one time, and enormous changes have occurred over the last several years in the way of funding emergency services and the management and processes involving bushfire prevention. I think that it is now time, when the summer high fire risk period is over, fortunately, that this parliament appoints a select committee—and I stress that it must be a totally bipartisan select committee—that will hopefully come up with some very good recommendations for the government and, subsequently, the parliament to consider in the form of legislation, together with other initiatives to ensure that we do not see a situation such as that which occurred in Canberra.

I appreciate that the Premier has said, subsequent again to my call for a select committee, that he is calling for a summit in May. I would ask the Premier to consider allowing shadow ministers also to be involved in that summit so that we can get some understanding of where the Premier and his government are coming from on some of the issues that have been raised. But also parallel to that, I believe that this select committee is much broader than a summit, as it gives the whole of the parliament an opportunity to look at the issues; it involves the Local Government Act and the local government bodies as well and gives them a chance to put forward their points of view. Having spoken to many councils over the years, I know that some of them are very concerned that they put an enormous amount of money and effort into proper planning and bushfire prevention, but their neighbouring council—particularly sometimes on the northern side (the high fire risk side of their area)—is not up to those standards.

Surely, we should have appropriate basic standard requirements right across the state when it comes to high fire risk areas. I am not only talking about areas in the Adelaide Hills and the Fleurieu Peninsula in Region 1 of the Country Fire Service: I am also talking about some of the holiday areas, a lot of them around the West Coast, and the work that is required to implement some common planning practices there before we see a tragedy similar to the one that occurred in one particular community on the Eyre Peninsula only in recent years.

I appeal to the government and to the Independent members in this house to strongly consider my call and to support this move for a select committee to inquire into prevention, planning and management issues. We have seen some good initiatives, such as the Fire Safe program, which started today. I was at a field day this morning, as also were Country Fire Service officers. I spoke to some of the fire safety awareness officers and bushfire blitz officers who were there. Both those programs, I believe, have a lot of merit. What is wrong with examining the best aspects of those programs? Bushfire Blitz was initiated with funding for only one year and was initiated because of the high fire risk we faced. We should have an opportunity as parliamentarians on behalf of our electorate—the communities we represent—to see whether we as a parliament could make recommendations to support the government in future bushfire prevention programs, policies and initiatives.

Further, as I have said, when it comes to planning matters, if we rely on individual councils, rather than dealing with it from a state perspective, to look at what is required in relation to planning and bushfire prevention, I believe that we will continue to have the problems with the ad hoc approach we

have seen rather than having a consistent, systematic well thought-through approach. We also need to get evidence from all parties in relation to our national parks and reserves and road reserves as to what should and should not be happening. Again, this week in the local paper in my electorate, we are seeing a debate around whether or not horses should be allowed to utilise road reserves—unopened government roads and the like. Others are saying that it should not be allowed. Part of the argument is around the debate that people may go to those areas on a high fire risk day and cause a fire, etc.

There seem to be opposite opinions and, as I have said, the issue of mosaic burning is a classic example. I am extremely concerned about what I have seen with the lack of mosaic burning throughout a number of the national parks. I know that has improved in recent years, and I give credit for that. However, a lot more improvement is still needed. From reading some material lately, I was amazed at how high the estimated fuel loads are in some of these parks. It is no good having a situation where we do not address these issues in a bipartisan way to give the government some confidence that the parliament, in a sensitive area such as this, is actually behind any initiatives that may be necessary when it comes to taking on bushfire prevention in our parks.

When we were fighting the Ash Wednesday fires, I saw what happened to the Scott Conservation Park. As CFS volunteers, we had called for ages for that park to have systematic burning over a period—for argument's sake, burning out 20 per cent of that park every one or two years. That would mean that, in a systematic way, all that fuel load would be reduced over a five to 10 year period. That was always opposed by the department and some of those on the extreme end of the environmental spectrum on the basis that it would damage the biodiversity. Well, if you were there on Ash Wednesday, believe you me, the biodiversity was damaged all right, because not one living thing was left in that park: there was not a tree that was not absolutely torched as though an atomic bomb had hit that park. That is how it went up. There was some unique wildlife in that area, particularly bird life. I understand that some of that bird life is now extinct, because the whole of that park went up. Sadly, with extreme varieties of wildlife that were only small in numbers in unique park settings, I have been advised we have lost some of that for good.

The Hon. M.J. Atkinson: In the whole world?

Mr BROKENSHIRE: Yes. In Mount Compass in the school are beautiful little wrens that fly from the Northern to the Southern Hemisphere to breed and then fly back again. How they do it is beyond me, but apparently it is one of the few areas where these wrens go—it is amazing. If we are to be certain about protecting the biodiversity of this whole state when it comes to flora and fauna, it is time the parliament had the opportunity to get advice and make good common sense decisions and recommendations for the government and the parliament to take up in the best interests of the South Australian community.

In summary, I do not believe there is anything here that can work against the best interests we all have in South Australia, in this parliament and I am sure in the government, namely, the will to want to protect life and property in the best possible endeavours of this state. There is nothing whatsoever in the motion that is having a go at the government. Rather, it simply suggests putting in some effort together. Plenty of us have the energy and some have more time than others. Let us devote that time to something that will come out with good recommendations, giving the government time to implement short-term, proactive recommendations and assist it with its forward planning over the next three years as we work towards even further improvement in bushfire prevention and planning management.

Finally, I congratulate South Australia as we stand at the moment, because we are well ahead of the other states. I thank everybody for their efforts. We should never be complacent, as there is a lot of work to be done, and this select committee would give that good framework for the government and the parliament to work forward in the best interests of South Australia's communities. I commend the motion to the house.

Mrs REDMOND (Heysen): I support the motion with great pleasure. I have decided, not surprisingly as the member for Heysen, that the management of bushfires should be a priority, in order to control them to the extent that we can in the electorate of Heysen. It seems that there is a vast need for us to come up with a far more coordinated approach than we have in this state presently. Like the shadow minister, I am keen to see us introduce a proper program of cool matrix burning. It is my belief that, although what I might call the greenie element may not be in favour of that, the true environmentalists will be in favour of it because it is what our Australian bush needs.

Not only the Australian bush needs that sort of burning: I have read articles from the USA where they have magnificent ponderosa forests, and these huge trees, 200 feet tall, 200 years old, with enormously thick bark of three inches, have existed for all that time because there has been regular burns through those forests without any detriment to the biodiversity and ecology of the forest. Because of the planned approach of not having burns through those forests, the build-up of potential fire combustible material is such that when the fire comes it is so hot and so intense that it burns through the bark of those incredible pine trees and they are destroyed forever, whereas if a cool burn had been allowed to occur naturally or on a man-made basis with regular timing on a matrix basis—the animals have time to get out of the way, the birds have time to fly away and the lizards and snakes hide under a rock—the ecology would not have been destroyed; it is the way to go. It is only one issue and there are many. We need far better education.

A lot of people have moved into my area, particularly since the opening of the tunnels. They are very much domestic people and are using it as a dormitory suburb, travelling down to the city every day to work and not really understanding the area in terms of its fire risk. Many have moved in since last Ash Wednesday and they really do not understand the nature of the environment they have moved into or the need to take protective measures. Like the shadow minister I welcome the introduction of bushfire blitz programs, but we need to make the whole community far more aware than it is now about the issues involved. One of the ways to do that would be by the introduction of some incentive programs for those who do understand and do the right thing, such as putting in their own pumps and sprinklers.

Recently people wrote to me regarding the excessive cost of getting a couple of backpack pumps. We could work up a coordinated approach to the issue of educating and providing incentives for those who undertake education and try to minimise risk to their homes. Minimising risk to their homes also minimises the risk to all of us in the community and to the firefighters, who are then left to deal with the problem when we have a fire.

Equally, we have building and planning regulations that we need to try to coordinate into the whole process. When I walk around my area I see one house being built at the top of a stringy bark gully, which still has all its natural vegetation and, because of the native vegetation legislation, it will not be disturbed. They have built the house on stilts, it is effectively three stories high, and there is no way to access the gutters, which filled as soon as it was built and have not been cleaned since. They are an enormous hazard. When the building was looked at for approval purposes, no-one contemplated that it was virtually impossible to access the gutters to clean them.

I know that you, Mr Acting Speaker, have looked at some areas in Upper Sturt where, in my view, there are properties or building blocks that should simply never be built on: they are simply too dangerous, particularly where we have native vegetation down in steep gullies that would rise up to meet those blocks.

We also have the issue of weed control—another area in which we need to coordinate that end of the whole approach to fire control. Currently we have animal and plant control boards destroying roadside broom. It is terrific to get rid of it and stop its spreading, but if you kill it and leave it you have then changed the problem from roadside broom and the weed problem to the hazard that then sits along the edge of the road, thereby increasing the fuel potential along the road.

We need to do more in terms of communication. At the moment I understand we have a web site, but I have had a complaint from a constituent and have written to the minister regarding the fact that the website is not updated frequently enough for it to be useable as a tool by someone sitting at work in the city and who wants to know where a fire is and what is happening with it on an extreme fire danger day. Only this morning, I received from the CFS Board a copy of its sirens policy because over this last summer it has been apparent that some CFS brigades are no longer able to use their sirens. That has come about, I gather, because of complaints about the noise pollution resulting from the use of sirens. It is ridiculous if we do not intervene to ensure that the interests of the whole community are served by having the ability to use sirens and overcome the interests of people who have their house next to a fire station and who want to complain about the use of the siren by that fire station.

Part of the initial answer I was given related to the fact that pagers are used to contact CFS members, but that simply is not a sufficient excuse because members of the community at large rely on hearing those sirens. It is important that we look closely at the policy and how it is implemented and make sure that our communities and our CFS brigades are happy with the sirens policy and that we do not consider simply the people living in the immediate vicinity and who happen to have a problem with the noise.

Like the shadow minister, I think the CFS does a magnificent job and it cannot be thanked enough. There is nothing anyone can say that would diminish in my mind the magnificence of the effort they put in. They are all to be congratulated. However, we need to ensure that we do not just congratulate them but indeed that we do everything in our power to minimise the risks to which they are exposed and ensure that they fight bushfires and not the potential wildfires that we have in this state.

Over the past 20 years we have not had that wildfire—we have been very lucky this past summer, but if we keep going the way we are we will not address these issues (and I am sure there are others I have not touched on). We need to make it just as much a priority as the River Murray and have a coordinated, concerted approach to how we will manage the issue of wildfires and that of prevention, particularly in the Hills, about which I am concerned. To that end it is appropriate for this parliament to set up a select committee so that it can look at that range of issues and come up with a coordinated approach. I believe that it is a vitally important function of this parliament that we do everything possible to ensure that we in this state do not face the sorts of things that faced Canberra and Victorian alpine residents over the last summer; and, so, it is with pleasure that I support the motion.

Mrs GERAGHTY secured the adjournment of the debate.

WORKERS COMPENSATION TRIBUNAL RULES

Mr HANNA (Mitchell): I move:

That the rules under the Workers Rehabilitation and Compensation Act 1986 relating to tribunal rules 2001, made on 17 October 2001 and laid on the table of this house on 13 November 2001, be disallowed.

The Workers Compensation Tribunal rules 2001 appeared in the *Government Gazette* on 8 November 2001 and came into operation on 12 November 2001. They were referred to the Legislative Review Committee pursuant to section 10 of the Subordinate Legislation Act 1978. The committee subsequently considered the rules at a number of its meetings and sought additional information from the tribunal about consultation that was undertaken in their development. The committee also contacted the United Trades and Labor Council of South Australia—a body representative of workers which may appear before the tribunal—for its views on rules.

The UTLC advised the committee on 9 October 2002 that it opposed subrule 30(4), which restricts oral submissions to the full bench of the tribunal. In its entirety the subrule states:

If the full bench, having considered the appeal books and the submissions of the parties, is of the opinion that the issues arising on appeal are adequately presented in the appeal books and written submissions, and is unanimously of the opinion that the appeal has no prospect of success, the full bench may determine the appeal without hearing oral submissions from the parties.

The UTLC stated its opposition to the subrule in the following terms:

The information taken by the UTLC is that no restriction should be placed on parties from making oral submissions on appeal to the full bench. We take this position because it could allow for submissions to the full bench to be incomplete in a number of ways. We are therefore opposed to any proposals that would restrict or prohibit oral submissions from being made to the full bench of the Workers Compensation Tribunal of South Australia.

The committee noted that, under the previous version of the rules, there was no such restriction on making oral submissions. It is also noted that the rules were made pursuant to the Workers Rehabilitation and Compensation Act 1986, subsection 85B(1) of which states:

A person is entitled to appear personally or by representative in conciliation proceedings or other proceedings before the tribunal.

The committee also noted that the restriction may be contrary to the principles of natural justice which require that a person be given adequate opportunity to answer a case against him or her. This issue is of particular relevance given that the committee's principles of scrutiny require it to consider whether 'regulations unduly trespass on rights previously established by law or are inconsistent with the principles of natural justice'. Consequently, for the reasons outlined above,

I move the motion standing in my name that the Workers Compensation Tribunal rules 2001 be disallowed.

Mrs GERAGHTY secured the adjournment of the debate.

GRAFFITI CONTROL (ORDERS ON CONVICTION) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001 and to make related amendments to the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

Members would be aware that I have been interested in this matter for a long time. Sadly, I wish I was spending time and energy on other issues, but the matter of graffiti vandalism is still with us in the community. Just to give a couple of examples, this year the City of Onkaparinga, within which my electorate falls, is budgeting $370 000 to try to deal with its aspects of graffiti vandalism. That does not cover the costs incurred by other agencies or utilities: that is purely the City of Onkaparinga's own costs. The costs for the City of Mitcham, which is immediately to the north of my electorate, are of the order of $200 000.

They are just two councils in the metropolitan area. You multiply that throughout the metropolitan area and, to a lesser extent, in the country area, and then add on the cost to organisations, such as TransAdelaide and utilities, and you are talking about millions of dollars. I went to a world conference on graffiti—which might sound as though it was a trip but it was only to Melbourne—in 1990. That is quite a while ago, but we still have this problem because I do not believe we have ever addressed it in the way in which it should have been addressed, and that is why I am proposing this bill and putting it before the house.

We need to be quite clear that when we are talking about the people involved in graffiti vandalism we are not talking about people who have artistic ability. There is a difference between them and people who do graffiti art as art legally on approved sites and who have artistic merit. What I am talking about are the people who tag or engage in illegal activity on other people's property, be it public property or private property. To those who treat this issue lightly, I say, 'If it is such a good activity, why do you not invite them to your place and have them conduct their graffiti vandalism on your premises if it is such a minor issue?' Sadly, the community has come to accept this vandalism as almost inevitable. I do not take that view and I do not accept it at all, and I believe that we should be doing something about it.

Sure, we need to tackle the root cause of the problem, I have always argued that. If members look at speeches I have made in the past, they will see that I have always acknowledged that we should be looking at those factors—whether it is family dysfunction, learning disability, lack of achievement or whatever—and we should be dealing with them as well as going down the punishment path. I have never argued for just one; I have argued both. However, I would like to see more effort certainly being put into the prevention side in terms of addressing personal or family dysfunction. Nevertheless, we have to deal with what is a very serious problem in our community and one which costs a lot of time, money and effort.

I point out that in the city of Onkaparinga where we are desperately trying to get facilities for young people the amount being spent this year on graffiti programs, removal, and so on, equates to almost the cost of providing two skate parks. It is just an incredible situation that this money being spent on treatment of graffiti vandalised sites could go into youth programs, youth facilities and other community resources.

The bill is not targeted at young people per se. In fact, if members read the bill (as I am sure they will), they will see that it is not youth specific. The reason for that is quite sound. I will just relay some information provided by the Attorney-General in a letter to me last month concerning some questions I asked about graffiti vandalism—and I was pleased that the Attorney responded.

He pointed out that, of people appearing before the court in relation to graffiti vandalism during 2002, of the 65 offenders who are referred to in his letter 50 were adults. I find it amazing that we have people 18 years and over engaging in this sort of vandalism, and members would have to ask the question why. Clearly, in his letter he indicates that many of the juveniles would be dealt with through a family conference arrangement, or their offending may have been dealt with in some other way. Therefore, it is not accurate to say that the majority of offenders are adults; that would distort the reality. However, the point I am making is that my bill is not directed purely at young offenders: it is directed at anyone who engages in graffiti vandalism. I am staggered that in our community we have people who are supposedly adults causing this damage to the wider community.

The bill is very simple, amending as it does the Graffiti Control Act (which I was pleased to see pass through parliament some time ago). It also amends the Criminal Law Consolidation Act in a parallel way. It is true to say that the courts can do some of the things that I am suggesting. They can require compensation to be paid, and they can require offenders to clean off graffiti, although not necessarily their own graffiti, because that may be too dangerous. What my bill does is beef it up so that there is a lot more teeth in it in terms of the court requiring someone who is found guilty of an offence to provide compensation, as the court thinks fit. That gives the court discretion to take into account financial circumstances, the seriousness of the offence, and so on.

However, it then gives the courts the power to require an offender to engage in a removal program under proper supervision and under the direction of a proper authority, similar to what we have for community work orders, because clearly we need to have proper equipment and supervision. The intention is that those offending would do it in their own private time—holidays, weekends or whatever—and the message would soon get out that this is not a good thing to be doing, particularly when your friends become aware of what you are doing on those weekends or in your holidays.

The bill provides that, in the case of a first offence, the court may order that the offender participate in a program. In terms of a first offence, it is not a mandatory requirement to participate in a program. However, for repeat offenders it provides that the court must order the person to participate in the program. I said earlier that the courts at the moment have the power to require participation and compensation to be paid. However, it staggered me that in the letter from the Attorney dated 7 February he said:

A physical search of all court files has revealed that only one offender, a juvenile, brought before a magistrate at a sitting at Millicent was ordered to remove the graffiti.

The Hon. M.J. Atkinson: We answer your questions honestly.

The Hon. R.B. SUCH: I am delighted about that, and I think South Australia is well served by our current Attorney-General. The shadow attorney-general is also an excellent, socially committed person. I am pleased that we have the two members, who, in my view, are people of great talent, integrity and commitment. They are people who will do things. It is a staggering revelation that only one person has been required to clean off graffiti and that was in Millicent. I do not know the surname of that offender (and I will not suggest that it starts with a 'W '), but that is the only person who has ever been required to remove graffiti.

When I wrote to the Law Society and submitted a copy of my draft bill, it wrote back and said, 'No'—and I will paraphrase—'things are fine. You do not need to change anything; the penalties are stern.' They have a different definition of stern from what I have. This bill is designed to have an appropriate penalty. It is not draconian, it is not cutting people's hands off which is the sort of thing many people want. The penalty matches the offence. We all know that, if someone spills something, whether it is a child or an adult, the rule is that you clean it up: you made the mess, you clean it up.

As I indicated earlier, you cannot always have the person clean off their graffiti, because they might have done it in a dangerous location. However, there is plenty of graffiti that can be painted over. As a repeat offender you would be required to participate in one of the organised groups using proper equipment and under supervision and in your own time. Comments from the public already have indicated that they see it as a commonsense measure, and I believe it is. In general terms, the bill is relatively straightforward. I trust that members will support it. It does not take away the court's discretion in terms of compensation. The court can still and should take into account financial ability to pay and the circumstances of the family involved. It does give the courts more direction in terms of requiring participation in clean-offs, rather than what is happening at the moment, which virtually involves no clean-off requirements.

The bill does not specifically address—and I know the Attorney has an interest in this matter—the keeping of statistics which identify graffiti type offences rather than the generalised property offence classification. That is important. I understand that the court system and the statistics section within the Attorney-General's Department are looking at that issue in order to better define what represents graffiti offences. That is not specifically part of this bill. However, members would agree that, if we want to monitor and get some understanding of what is happening in terms of particular offences, it is important that they be classified appropriately and not put under a generic heading of 'property offence' which could cover a multitude of activities.

In summary, this is an appropriate measure. I have thought long and hard about this. The current arrangements have helped, but I do not believe they are working in the way they should. We have the securing of spray cans and a prohibition on juveniles being able to access them. My original view was that juveniles should be able to access them but with proper identification. The parliament and the Attorney of the previous government had a different view, and I was happy to go along with that in order to get that bill through. This measure makes sense. We should relate the punishment to the crime, and the word will be spread. People will not want to be seen by their mates to be cleaning off graffiti. One would hope that, whether they are a juvenile or an adult—because this will apply to both—the public activity of cleaning off graffiti will be a very powerful deterrent. I do not profess that that will be the total answer, because we need to tackle those causal factors as well, often including lack of self-esteem, family breakup, all those types of issues. You cannot substitute and say, 'Let's tackle only part of the issue.' We have to tackle the causation factors and send a message that the community does not want to keep on spending millions of dollars on non-productive activity which could go into providing facilities and services not only for young people but for the wider community, as well. I commend the bill to the house.

Ms THOMPSON secured the adjournment of the debate.

DIGNITY IN DYING BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of patients who are hopelessly ill, and who have expressed a desire for the procedures subject to appropriate safeguards. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This bill is identical to the one in another place for a very good reason—it is the same bill as that drafted on behalf of the Hon. Sandra Kanck in another place. That does not mean to say that I do not support the bill; I do. However, I do not claim credit for the drafting or the direct input into the bill. I do not intend to take up much time of the house, because this bill has been before the house in a similar format before. It has been put to me that there are many new members in the house who wish to express a view on the matter before us. That is their democratic right. That is their right as elected representatives, just as it is the right of those who oppose it to express their view.

I am aware that within the wider community a substantial majority of people have indicated support for this type of measure. I appreciate that there are many people, particularly in the Catholic and Lutheran faiths, who oppose this measure. However, at the same time I am aware that within some of the other Christian churches there is very strong support for the right of people to access what is commonly called voluntary euthanasia. I take the view that, if it fits within someone's conscience and their religious beliefs, that is a matter for them and their conscience, and is between them and their God and no-one else should intervene. Obviously, not all people take that view, and this measure will no doubt be vigorously opposed by members in this place.

Ultimately, it comes down to a question of freedom of choice. No-one is being required to participate or to engage in this activity if they do not wish to. By its very nature it is voluntary, and it is voluntary in relation to any professional involvement, and that is the way it should be. This bill is before the house to allow debate to continue. It is a topic of great interest in the community, both for and against, and people who do not have a fixed view on the matter. It is important it be brought once again to the parliament. It has been debated recently in another place. It is important that this house also have that opportunity, and I commend the bill to the house and trust that it will receive vigorous and fair debate.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

ROAD TRAFFIC (COUNCIL SPEED ZONES) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

As members would no doubt have realised by now, this measure is a consequence of the recent introduction of the 50 km/h default speed limit which was meant to apply to residential streets. As one who was a great supporter of that and argued for it for a long time, I am pleased to see that it is in place. However, I must say that some of the collector roads—those between residential streets and arterial roads—got the status of a 50 km/h speed limit when they probably did not deserve it. However, this is another matter that I am pursuing with the minister. Ultimately, the issue of whether or not a particular road is 50 km/h or whether it should have remained at 60 km/h should be a professional judgment and made according to the proper standards that are accepted nationally and internationally.

I welcome the fact that we have a 50 km/h speed limit in residential streets. I acknowledge that, as a result of the actions of some councils, that limit has been extended to some of the collector roads where it was not originally intended to operate, but I will leave that matter for the time being. This has happened largely because, over time, governments have taken ages to implement the 50 km/h default road rule. I commend the current Minister for Transport for doing this. I said in a letter to him that he is a man of action; he has proved to be just that, and I commend him for it.

I was disappointed that the previous government did not take the initiative. I am not sure why it did not, but it should have and it could have. What we have now, as a consequence of the 50 km/h standard default road rule, is some councils wanting to cling on to the 40 km/h residential speed limit. I do not believe that is appropriate, and I do not believe that the majority of the community think it is appropriate either. We are one community. I cannot see the logic or the rationale of having principalities within our metropolitan area (or within the state) where people have different road rules applying to them. I am not picking on the City of Unley. I have great respect for the City of Unley where many of my relatives and friends live.

Mr Hanna interjecting:

The Hon. R.B. SUCH: No, they are not party political people. The interesting thing is that when it was announced that I would move to get rid of the 40 km/h speed limit unless it was approved on a restricted basis on application to the minister, all the phone calls in support of my proposal came from the City of Unley. Every caller said, 'Get rid of it.' I have not had one phone call from anyone in Unley—I probably will tomorrow—saying, 'We want to keep it.' I understand that the Deputy Clerk lives somewhere in that area. He might have a different view, but at this point the people who rang my office to say, 'Get rid of it,' were from Millswood and Unley. For what it is worth, I put that to the house. It is an interesting reflection that the people who have it do not want it.

Unley, which is the most quoted case involving 40 km/h signs, did this because no state government would get off its backside and clarify the issue of residential speed limits. You cannot blame the City of Unley for implementing these zones, but the point is that the government has now acted and introduced the 50 km/h residential speed limit, so the 40 km/h limit should go. It should go not simply because of that but to bring about consistency. In Unley you can go from 60 to 50 to 40 literally within a stone's throw, and I do not think that is a good thing. It does not form part of a consistent approach. Likewise, in parts of Mitcham, the City of Onkaparinga and other council areas you find these pockets of 40 km/h speed limits suddenly appearing. Let us be honest: the reason they are there is political pressure exerted by people in those precincts. Good luck to them, but we need to move on as a community.

The police are more likely to enforce a consistent speed limit than one which is artificial. A 40 km/h residential speed limit is not a recognised international standard in the way in which the 50 km/h standard is. I think every jurisdiction in Australia—the ACT being the latest—is introducing a 50 km/h residential default speed limit. Why would anyone want to have these pockets of 40 km/h speed zones when it is not a recognised standard? It is an artificial standard. The RAA does not support it, and the University of South Australia found in a detailed study that the results in Unley did not indicate strong support for 40 km/h speed limits in terms of having a positive impact. Murray Young and Associates, traffic experts, also did an analysis which suggests that the 40 km/h speed limit is not effective, because motorists have a fair idea of what is a reasonable speed for a road and, unless the speed limit is realistic and credible, they will not obey it. That is part of the reason why the 40 km/h speed limit should go from those areas that have it.

My bill is not dogmatic; it does allow a 40 km/h limit in rare situations on the approval of the minister. There can be situations, rare though they may be, where that would be warranted. I note that this week the City Of Onkaparinga debated that the esplanade in some of its beachside suburbs should be 40 km/h, although I believe one member argued for a lower speed limit. My bill does not stop the minister from saying that in a special case a road can be justified to be 40 km/h and authorising that. This idea of having large areas embracing 40 km/h in dozens of streets or pockets and precincts is redundant and unacceptable given that we have moved on to a 50 km/h default speed limit.

The bill is straightforward. It gives councils six months to remove the signs. Interestingly, some of the people from Unley who rang my office said that we should also get rid of the humps. Humps are covered in a different way with a 20 km/h advisory sign, but some of the people in Unley want to get rid of them as well. I am not raising that issue; I am talking simply about the 40 km/h limit being removed. Clearly, there would be some technical relationship between the general speed and whether or not there is a hump or any other speed restriction in a street. As I said, my bill gives the councils six months to get rid of the signs. If they do not, the minister—

Mr Koutsantonis interjecting:

The Hon. R.B. SUCH: No, we will not cut off any hands. If councils do not remove the signs, the minister can direct the Commissioner for Highways to remove them and extract the cost of doing so from the council. I think that would be a very mild penalty. The other important aspect is that the bill does not negatively impact on roadwork areas. That is not covered by this bill. We will still have speed restrictions where workers are engaged on roadworks or where other works are in progress. This provision will not apply to roads

that are temporarily closed under the Road Traffic Act or any other act, and it will not apply to temporary speed zones or school zones or any other circumstances for which the minister might create a zone via regulation.

I think it is a simple, sensible provision. I know that privately a lot of members of this place have agreed with me on the ground of consistency. I hope that when they go to their party room they will be brave and support this bill because, at the end of the day, what we want is consistency and enforcement. We want to know that when we turn off a busy main road we have to slow down, but doing 60, then 50 and then 40 I think is a recipe for chaos and uncertainty and will lead to more accidents. People who are unfamiliar with these areas will be bamboozled by three different speed limits within a distance virtually not much more than the length of their car.

It has taken people a little while to get used to the 50 km/h speed limit: if there is no sign, by default it is 50 km/h. Because some councils were able to get their way with collector roads, they look like arterial roads, but they are de facto arterial roads, and you do not really know that the limit is 50 until the speed camera has got you. That is a related issue, which I am taking up with the minister.

To conclude, I ask members to support this. I am not in any way trying to attack Unley or any other council. My own council is involved in establishing some 40 km/h areas, but they are historic; I think they belong to a prehistoric era. It is time to move on, and I am sure that on reflection the people of Unley will see the wisdom of this. We would all like other people to travel down our street at 5 km/h, but we live in a community and we share all the roads. We should have similar rules and not have special rules for some people and different rules for others.

On the basis of consistency, enforcement and commonsense, when you turn off a road you should know you will be doing 50 km/h if it is residential, but not have this two-stage, complicated arrangement which, as I said at the start, is not the fault of the councils; it is because government was slow to act. Finally we have a minister who has acted and done the right thing. Now I ask members to support this, and I ask the people of Unley and elsewhere to reflect on the merit of a commonsense proposal. I commend the bill to the house.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY

Ms THOMPSON (Reynell): I move:

That the 42nd report of the Economic and Finance Committee, entitled Emergency Services Levy 2002-03—Final Report, be noted.

This inquiry was initiated as a result of the 38th report of the Economic and Finance Committee into the emergency services levy 2002-03. That interim report was formulated to adhere to the requirements placed upon the committee by section 10(5)(a) of the Emergency Services Funding Act 1998 to inquire into and report within 21 days on determinations proposed to be made by the Minister for Emergency Services regarding the emergency services levy. The committee felt that additional issues warranting further investigation were not possible to explore within the short time frame available. As a result, the committee decided to withhold its recommendations until this final report, enabling more detailed analysis and investigation into the emergency services levy arrangements.

Mr Acting Speaker, I think you may agree that it would have been possible for the committee to continue for some time inquiring into the structure and purpose of the emergency services levy, because it is indeed a baffling levy to investigate. However, we were aware that the time was rapidly coming when the Minister for Emergency Services would again be before the committee looking at the levy rate for the forthcoming year. As the committee wished to make some recommendations and seek some further clarification from various ministers, we thought it important to report now to enable the ministers to consider our recommendations before finalising the structure or the rate of the next report.

In examining the levy—or the tax, as it is more rightly called—the committee was particularly concerned that the ratio of collection and administration costs and total collections is so high. The ratios are higher when one considers the source funds, as approximately half the total levy is collected by transfer from the Consolidated Account. Of the $78 million directly collected from owners of fixed and mobile property, a total of $7.645 million is spent collecting those funds and, on a distribution per dollar of revenue basis, a further $1 million is spent on administration costs. In other words, for every dollar of emergency services levy collected from property owners, 11¢ is directed to administration costs incurred in collecting and managing the emergency services levy. Even worse, when we look at the collection of the fixed property levy, we find that, of the $51.7 million collected last year in relation to fixed property, 13.54 per cent, or 13¢ in every dollar, goes on collection costs. The committee was of the opinion that this level of costs warranted further investigation.

The committee sought evidence from relevant parties, received written submission and held public hearings. In addition to the evidence previously collected for the 38th report, evidence was sought from Revenue SA and Transport SA regarding collection costs and the structure and operation of the emergency services levy database. The committee also conducted a site visit in November 2002 to gain a better understanding of the structure and use of the database. We also looked at previous evidence given to committees looking into the matter of the emergency services levy and previous reports from those committees, whether they be the select committee or the Economic and Finance Committee as previously constituted.

The previous Economics and Finance Committee in particular commented again and again on the high cost of collection of this levy, and it was obvious from the answers to our questions that the costs result from the structure of the levy. Revenue SA representatives advised us that this largely came from the fact that, when the levy was being shaped, no advice was sought from them about the costs of collection and the implication for collection costs of the structure of the levy.

In the course of the committee's inquiries into the emergency services levy, it identified several areas for improvement, change or review, and I was certainly gratified to note that the ministers involved are taking this matter in hand and examining ways of improving efficiency. However, it seems that the people involved in the collection are working pretty efficiently; it is the structure of the tax which is the problem and which is causing an apparent waste of money from taxpayers. I will briefly highlight the issues arising and the associated recommendations. I would also commend to

all members of the house a reading of this report. It comprises 60 pages, so it is not something that you can browse through quickly, but I will give a few samples of the interesting information that can be found within this report.

On page 17 of the report the question of amortisation is raised. It was this committee which discovered that amortisation charges had apparently not previously been disclosed to the previous committees. Amortisation is included in Revenue SA costs each year as a deduction from the total it recovers from the fund. However, the committee has not been informed of the amount of recovery forgone which is attributable to amortisation or when the amortisation will conclude.

Then there is a little snippet about the breakdown of concessions and remissions. I point out that, in criticising the costs of collection of concessions and remissions, I am not saying that these concessions are not warranted. I am saying that a wise government would look at how to compensate people for concessions or considerations that they believe are warranted, without incurring huge costs.

[Sitting suspended from 6 to 7.30 p.m.]

Ms THOMPSON: As I was saying before the dinner break, I urge members of the house to look at the 42nd report of the Economic and Finance Committee and examine some of the issues of complexity of this levy and some of the factors which lead to the high cost of collection of the levy.

I referred to the issue of concessions and remissions, and pointed out that, in raising this issue, I did not want anyone to construe that these concessions may not be warranted. In fact, I think that we all know the value of a concession on the emergency services levy to some of the pensioners in our electorates. The issue is whether the same benefit could have been afforded to those who now benefit at a lesser cost. The concession to single farming enterprises is worth $673 040.45; the concession to pensioners and various other beneficiaries is valued at $6 178 861.20, and yet again we see a high cost for allowing these concessions. It was unclear, but it seems that the cost of allowing these concessions is itself something like $3 million.

We are all familiar with the pensioner concessions, but the concessions in relation to senior citizens and single farming enterprises are quite different from anything already in existence, particularly in relation to the seniors' concession and, because it is so different, there are considerable costs in establishing and maintaining that database.

There has long been discussion as to whether the emergency services levy could be collected by councils more cheaply. This time we had pretty clear evidence from RevenueSA about the issue of differences between the structure of this levy and the way councils go about collecting rates—different bases of assessment; different criteria for the calculation of rates; and the difference in the way the liability for ownership is established. The fact that the levy is structured so differently (for instance, from the requirements of the database for the Valuer's department and the registration of property) has meant that costs have been incurred in establishing a huge and extremely robust database.

To return to some of the structure of my remarks today, the committee was concerned about the quality and completeness of information provided to it in the course of its inquiry and recommends that the Treasurer implement the following reporting requirements to assist the committee to inquire into and report on the emergency services levy in the future.

With regard to annual reporting requirements, the committee seeks to be provided with specific information about amortisation costs and the administrative costs incurred in the process of collecting and administering the emergency services levy that are absorbed by the Department of Treasury and Finance or any other agency. The committee identified in these areas costs that had not previously been disclosed. About $700 000 in amortisation costs and a similar amount but varying from year to year is absorbed by the Department of Treasury and Finance.

The committee also recommends that, in addition to the standard reporting format, in future years a total administration cost be reported to the committee, including a breakdown of actual costs versus reimbursed costs. This will consist of collection costs from RevenueSA and Transport SA, amortised costs, administration costs absorbed by any agency, the Emergency Services Administration Unit appropriation made direct from the fund, and for each category a comparison of actual and recovered costs.

During the course of the inquiry, the committee had concerns with the accuracy of evidence presented. The committee recommends that the Minister for Emergency Services clarifies the issues relating to conflicting evidence presented to the committee and report the findings to the committee for the accuracy of the record. I point out that the conflicting evidence was not that presented to this committee but between what was told to the previous committee and what is now presented.

The committee further recommends that those ministers responsible for providing information to the committee concerning the emergency services levy identify measures that have been put in place to ensure awareness by departmental staff of the necessity to provide pertinent and precise evidence to the parliament and its committees.

The committee had concerns arising from the information provided by Transport SA regarding the collection of the levy on mobile property, including government vehicles. The committee recommends that an accurate assessment be undertaken by Transport SA and provided to the Minister for Transport to establish Transport SA's actual cost of collection for the emergency services levy to ensure the collection is undertaken at cost. The assessment should identify direct costs associated with collection of the levy and a copy of the findings should be provided to the committee by Transport SA. This is because the current costs are based on a memorandum of agreement, but no basis for that agreement was identified.

Further, it is recommended that Transport SA report to the committee the exact method and process used to register the fleet of government vehicles and identify the actual costs incurred in that process.

The committee has continued concerns about the level of administrative costs associated with RevenueSA's collection of the fixed property based levy. The committee recommends that RevenueSA undertake a review of its systems and processes relating to the emergency services levy to identify potential efficiencies. We recognise that this review is under way.

Further to this notion of increased efficiency of revenue collection, the committee recommends that the Treasurer investigate opportunities for utilising the existing emergency services levy database for the collection of other levies.

Finally, the committee notes with interest a review into emergency services already announced by the government and awaits the outcome with interest.

Mr MEIER secured the adjournment of the debate.

SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Bill read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The Summary Offences (Offensive Weapons) Amendment Bill 2003 is for aggravated offences of carrying an offensive weapon, or possessing or using a dangerous article, in or in the vicinity of licensed premises at night. The proposed new offences are to be added to section 15 of the Summary Offences Act 1953. These new offences will carry maximum penalties of two years' imprisonment or a fine of $10 000 or both.

Section 15 of the Summary Offences Act already deals with carrying an offensive weapon, possessing or using a dangerous article, possessing or using a prohibited weapon, and other offences that are intended to prevent the commission of crimes of violence with weapons. Like these existing offences, the proposed new offences are intended to be preventive.

The simple offence of carrying an offensive weapon has a history going back at least to the English Vagrancy Act 1824. The early South Australian offence was limited to a person being found by night armed with an offensive weapon or instrument and who, being required to do so, did not give a good account of his means of support and assign a valid and satisfactory reason for being so armed. The maximum penalty was imprisonment with hard labour for three months.

In 1953, the offence was changed from a vagrancy offence to an offence against public order. The 1953 offence was wider in scope than the old offence, in that anyone (not just vagrants) could be found guilty of the offence, and the offence could be committed at any time of the day or night. The carrier of the offensive weapon no longer had to give a good account of his or her means, but could avoid conviction if he or she could prove that he or she had a lawful excuse for carrying the weapon. The maximum penalty was three months imprisonment or a £50 fine. This offence remains on our statute books. Many people are charged with it. In 1985, the maximum penalty was changed from three months to six months imprisonment or a $2 000 fine, or both. In 2000, the maximum fine was increased to $2 500.

In 1978, section 15 was expanded by the addition of new offences of manufacturing, dealing in or possessing a dangerous article. The list of dangerous articles was revised, with effect from 2000, when the prohibited weapons laws came into force. The maximum penalty for a dangerous article offence is 18 months imprisonment or a fine of $7 500 or both.

The prohibited weapons provisions prohibit manufacturing, dealing in, possessing or using prohibited weapons. Prohibited weapons are declared by the Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000. These were drafted in accordance with a resolution of the Australasian Police Ministers Council that all Australian states and territories should enact consistent prohibited weapons legislation. The only defence to this offence is that the person is exempted by, or under, the act or regulations. The exemption must be proved by the accused person. The maximum penalty is two years imprisonment or a $10 000 fine or both.

There are also indictable offences of having custody or control of an object, intending to use it, or to permit or cause another to use it, to kill, endanger life, cause grievous bodily harm or harm. The maximum penalties are imprisonment of 10 years or five years, depending on the intended degree of harm.

Of course, threatening with or using a weapon violently constitutes another offence, which might range from common assault to murder. The government promised before and during the election campaign to introduce legislation dealing with the carriage of knives in or near licensed premises at night because it believes that there is a higher than usual risk of violence in and around licensed premises at night time. Our intention is to supplement the existing preventive weapons offences. A discussion paper was published about how the election promise might be carried out. It was available on the internet and was sent to many organisations and individuals. All liquor licensees were notified through the Liquor and Gambling Commissioner's newsletter to licensees. About 65 responses were received, nearly all of them pointing out that there was a need for a defence to the proposed offence; otherwise many people going about their ordinary business, observing their religious or cultural requirements, or engaging in their usual recreational pursuits, would be unfairly captured. A number of useful submissions were received. The bill now before the house was drafted after careful consideration of submissions.

The new offences will apply to knives and to all other offensive weapons and to dangerous articles. Although knives have attracted public attention, other weapons such as baseball bats, broken bottles and tyre levers can be used with equally lethal or injurious results. The new offences will not extend to prohibited weapons, as prohibited weapons offences already carry a maximum penalty equal to that for the proposed new offences. With one exception, that penalty is the maximum for an offence against the Summary Offences Act.

An offensive weapon is defined in the Act as including a rifle, gun, pistol, sword, club, bludgeon, truncheon or other offensive or lethal weapon or instrument. Anything can be an offensive weapon if the carrier intends to use it offensively—even that *Notice Paper* the member for Morialta is wielding at the moment. Thus, to give a few examples: a baseball bat, a billiard cue, a screwdriver, a hammer, a picket, a length of pipe and a broken bottle have all been treated as offensive weapons in appropriate circumstances. No, we have not yet had a rubber band, as wielded by the member for Goyder, nor the comfy cushion as wielded by the opposition in Question Time.

Dangerous articles are items that are declared by the Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000. They include, for example, devices or instruments for emitting or discharging an offensive, noxious or irritant liquid, powder, gas or chemical that is capable of immobilising, incapacitating or injuring another person either temporarily or permanently; anti-theft cases; blow guns; and, bayonets. In recent times, possession of capsicum spray has probably been the most commonly detected dangerous articles offence.

'Carry' is already defined widely in the act. A person is taken to be carrying an offensive weapon if he or she has it on or about his or her person, or if it is under his or her immediate control. Thus, for example, a person who has an

offensive weapon in a handbag or in a bicycle or motor cycle pannier or under the car seat would be carrying it. 'Possess' is of even wider meaning. However, for the purposes of the new aggravated offences, probably there will be little practical difference between 'possess' and 'carry'.

The factors that distinguish the proposed aggravated offences from the existing offences of carry an offensive weapon or possess or use a dangerous article are location, time and penalty.

The new offences will apply to people who are in, or in the vicinity of, any licensed premises at night. 'Vicinity' is a word that is used in many South Australian statutes. To some extent, it takes its meaning from the context. Its ordinary meaning, as described in the seventh edition of the Concise Oxford Dictionary, is 'surrounding district, nearness in place (to); close relationship (to)'. Thus, a person who is in the street outside licensed premises is in the vicinity of them. A person who is some distance away in the car park of the hotel would be in the vicinity of the hotel.

The new offences will extend to any licensed premises. Although we think that there is a generally higher risk of violence around certain licensed premises, it is not possible to define them in a legally and practically satisfactory way by reference to the type of licences, permits and authorisations held by the licensee of the premises and used at a particular time. For example, members might be surprised to be informed that some premises that most people would call 'pubs', including some in Hindley and Rundle Streets, are not operated under hotel licences. Also, there are premises that operate under different licences, permits and authorisations at different times of the day and night and a part of the premises might be operated on a different licensing basis than another part.

Special events that attract a large crowd of people, often young people, who are being supplied with liquor, may be held once only, or only occasionally, and a licence is issued for the occasion. Also, the circumstances that are thought to increase the risk of violence, particularly the congregation at night of many people drinking alcohol, are sometimes present at other licensed premises, such as some restaurants and places where wedding receptions and similar celebrations are held. The government hopes that including all licensed premises will make the new laws more effective.

The time element will be night time, and 'night' is defined in the bill to be between 9 p.m. and 6 a.m. This is the same as the definition used in the Criminal Law Consolidation Act 1935 for nocturnal offences. The prosecution would have to prove that the accused was carrying or possessed an offensive weapon or a dangerous article, that it was night time as defined, and that the accused was in, or in the vicinity of, licensed premises. The accused could exculpate himself by proving on the balance of probabilities that he had a lawful excuse for carrying or possessing the offensive weapon or dangerous article.

This will make what would otherwise be intolerably draconian legislation capable of fair and reasonable application. As the High Court said in 1947 in the leading case of Poole v Wah Min Chan about the equivalent defence of reasonable excuse, it entitles the person who has the thing to explain his possession of it by reference to his knowledge and intent. Of course, the prosecution is at liberty to lead evidence to rebut, or to comment adversely on, the accused person's evidence of his claimed knowledge, reasons and intent. The court will weigh this all up and decide whether the accused person has proved the defence.

Examples of people who are likely to have a lawful excuse for carrying an offensive weapon in or in the vicinity of licensed premises include customers who are using a knife supplied by the licensee for dining, chefs who are working, or going to or from work, tradesmen called in to do repairs at night and people who pass near a hotel or restaurant when going fishing. Carrying a weapon for self-defence is rarely a defence. The courts, including the High Court, have ruled consistently that it is a defence only if the accused can prove that he was in imminent danger of attack.

If the accused person can prove a lawful excuse for carrying the weapon at night in, or in the vicinity of, licensed premises, then no offence is committed. There is another partial defence that might be available to the accused, and that is ignorance. If the accused person did not know that he or she was in premises where liquor was sold or supplied, and also did not have any reason to believe that he or she was in such a place, then the accused person could be liable only to conviction for the lesser offence of carrying an offensive weapon, or possessing a dangerous article, without lawful excuse.

It would be difficult for an accused person to prove this degree of ignorance of the facts of his location, as in nearly all cases it will be obvious. The defence of ignorance against a charge of being in the vicinity of licensed premises is a little different. Because of the width of this offence, there will be a defence of not knowing that one is in the vicinity of such premises. If this is proved, the accused person could be liable only to conviction for the lesser offence of carrying an offensive weapon or possessing a dangerous article without lawful excuse.

For example, if a person who had a knife in his pocket walked at 1 a.m. along Stephens Place, Adelaide past the Queen Adelaide Club, licensed premises that has no sign outside indicating its name or nature, it is quite likely that he will be able to prove that he did not know he was in the vicinity of premises at which liquor was sold or supplied. If he proved this, he could not be convicted of the aggravated offence that carries the maximum penalty of two years' imprisonment or a $10 000 fine or both. But, unless he could also prove that he had a lawful excuse for carrying the knife, he would be convicted of the offence of carrying an offensive weapon without lawful excuse, an offence that carries a maximum penalty of six months' imprisonment or a fine of $2 500 or both.

Existing provisions of the Summary Offences Act will enable the police to search people whom they reasonably suspect have a weapon and to seize the weapon. Subsection (2) of section 15 will enable the courts to order forfeiture of the weapon to the Crown if the person is convicted. The new offences should discourage people from carrying any type of weapon when they go to licensed premises at night. It should discourage people who are hanging around the outside of licensed premises at night from having a weapon. The police will have power to search for and confiscate weapons in these situations when appropriate. I commend this bill to the house. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Summary Offences Act 1953

Clause 4: Amendment of section 15—Offensive weapons, etc
This clause inserts new subsections (1ba), (1bb) and (1bc) into section 15 of the principal Act.

Proposed subsection (1ba) provides for an aggravated offence where a person carries an offensive weapon or carries or uses a dangerous article—

- at night; and
- in, or in the vicinity of, licensed premises.

The maximum penalty for an offence under this subsection is a fine of $10 000, or imprisonment for a period of 2 years.

Proposed subsection (1bb) provides a defence to prosecution under new subsection (1ba), where the defendant did not know and had no reason to believe that he or she was in premises where liquor was sold or supplied, or, in the case of someone not actually in licensed premises, that the defendant did not know that he or she was in the vicinity of premises where liquor was sold or supplied.

Proposed subsection (1bc) provides that the court may, on the trial of a person for a contravention of subsection (1ba), convict the person of an offence under subsection (1) or (1b) of section 15 of the principal Act if the court is satisfied the person is not guilty of the offence charged, but is guilty of the lesser offence.

The clause also inserts definitions of 'licensed premises' and 'night' into section 15 of the principal Act.

Mr MEIER secured the adjournment of the debate.

VETERINARY PRACTICE BILL

Second reading.

The Hon. R.J. McEWEN (Minister for Trade and Regional Development): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Veterinary Practice Bill is the result of extensive consultation with the veterinary profession and industries associated with the keeping and welfare of animals. It supports provisions for protecting animal health, safety and welfare and the public interest by regulating a high standard for the veterinary profession in South Australia well into the 21st century.

The main effect of the Bill is to supersede the *Veterinary Surgeons Act 1985* in providing regulation of the veterinary profession that is consistent with national competition policy principles and to streamline procedures for registration of veterinary surgeons and the handling of complaints by the Veterinary Surgeons Board.

The Bill removes restrictions on ownership of practices by non-veterinarians while at the same time containing provisions aimed at avoiding any conflict of interest in such situations. There will be a register of interests held by veterinarians or prescribed relatives in prescribed veterinary businesses. Veterinarians will be required to inform clients of those interests where relevant and there will be offences relating to inducements for veterinarians giving recommendations or prescriptions benefiting those businesses.

In addition, there will be a register of veterinary service providers (ie persons other than veterinary surgeons who provide veterinary treatment through the instrumentality of a veterinary surgeon) and it will be an offence for such a person to direct or pressure a veterinary surgeon to act unlawfully, improperly, negligently or unfairly in relation to the provision of veterinary treatment.

The Bill defines veterinary treatment, which only veterinarians may perform for fee or reward, but makes provision for regulations to exempt common farm practices such as lamb-marking from the definition.

The current Act contemplates the Veterinary Surgeons Board conducting an inquiry following the laying of a formal complaint. This Bill will give the Board further powers to investigate complaints to determine whether a hearing is required or not. This will not only save the Board money by reducing the number of formal hearings but more importantly will save individual veterinarians from the time, expense and angst of formal hearings where prior investigation reveals such a hearing is not warranted in the circumstances.

The constitution of the Board for the purposes of a formal disciplinary hearing has been set at 3, which will make it easier to ensure that the members sitting on a hearing have not been involved in the investigation of the matter and that a majority decision is reached.

The appeals process has been simplified by making the appeal to the District Court instead of the Supreme Court.

The size of the Board for all other matters will be increased from 6 to 7, by including the addition of an extra non-veterinarian consumer representative.

Specific provision has been made in the Bill for accreditation of veterinary hospitals. This will ensure that all veterinary hospitals are of a very high standard consistent with standards applying in other parts of Australia.

Provisions have been made for guidelines for continuing professional education to encourage veterinarians to maintain their standards. In addition, a provision has been made to restrict veterinarians who have been out of practice for more than 3 years from resuming practice unless the Board is satisfied that they have sufficient experience in current practice methods.

Board procedures have been streamlined in several ways such as allowing meetings by teleconference where appropriate, by specifically providing for informal resolution of complaints that are found to have been caused by misunderstanding and by allowing an approved auditor to provide the annual audit of accounts rather than by formal submission to the Auditor-General.

The Bill provides for exemption by proclamation from the restriction on providing veterinary treatment where circumstances warrant it such as may occur in an emergency disease outbreak. In addition the limited registration provisions could be used to provide for those non-qualified people who could be issued permits under the existing Act.

I commend the Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines terms used in the measure.

Veterinary treatment is defined as:

- the diagnosis, treatment or prevention of a disease, injury or condition in an animal; or
- the administration of an anaesthetic to an animal; or
- the castration or spaying of an animal; or
- a prescribed artificial breeding procedure.

There is a power for the regulations to include or exclude procedures in or from the definition.

Veterinary surgeon is the concept used to describe a person registered on the general register or on the general register and the specialist register.

A veterinary services provider is a person (not being a veterinary surgeon) who provides veterinary treatment through the instrumentality of a veterinary surgeon.

Clause 4: Medical fitness to provide veterinary treatment

This clause provides that in making a determination under the measure as to a person's medical fitness to provide veterinary treatment, regard must be given to the question of whether the person is able to provide veterinary treatment personally to an animal without endangering the animal's health, safety or welfare.

PART 2

VETERINARY SURGEONS BOARD OF SOUTH AUSTRALIA

DIVISION 1—CONTINUATION OF BOARD

Clause 5: Continuation of Board

This clause provides for the continuation of the Veterinary Surgeons Board as the Veterinary Surgeons Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

DIVISION 2—MEMBERSHIP

Clause 6: Composition of Board

This clause provides for the Board to consist of 7 members appointed by the Governor and empowers the Governor to appoint deputy members.

Clause 7: Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It sets out the circumstances in which a member's office becomes vacant and in which the Governor is empowered to remove a member from office. It also allows

members whose terms have expired to continue to act as members to hear part-heard disciplinary proceedings under Part 5.

Clause 8: Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 9: Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

DIVISION 3—REGISTRAR AND STAFF

Clause 10: Registrar

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

Clause 11: Staff

This clause provides for the Board to have such staff as it thinks necessary for the proper performance of its functions.

DIVISION 4—GENERAL FUNCTIONS AND POWERS

Clause 12: Objects

This clause requires the Board to exercise its functions with the object of protecting animal health, safety and welfare and the public interest by achieving and maintaining high professional standards both of competence and conduct in the provision of veterinary treatment in this State.

Clause 13: Functions

This clause sets out the functions of the Board. These include:

- to prepare or endorse codes of conduct and professional standards for veterinary surgeons;
- to prepare or endorse guidelines on continuing education for veterinary surgeons;
- to establish administrative processes for handling complaints received against veterinary surgeons or veterinary services providers (which may include processes under which the veterinary surgeon or veterinary services provider voluntarily enters into an undertaking).

Clause 14: Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

Clause 15: Committees

This clause empowers the Board to establish committees to advise the Board and assist it to carry out its functions.

Clause 16: Delegations

This clause empowers the Board to delegate functions or powers under the measure to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

DIVISION 5—PROCEDURES

Clause 17: Procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

Clause 18: Disclosure of interest

This clause requires members of the Board to disclose direct or indirect pecuniary or personal interests in matters under consideration and prohibits participation in any deliberations or decision of the Board on those matters.

Clause 19: Powers in relation to witnesses, etc.

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

Clause 20: Power to require medical examination or report

This clause empowers the Board to require a veterinary surgeon or person applying for registration or reinstatement of registration as a veterinary surgeon to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply, the Board can suspend the person's registration until further order.

Clause 21: Principles governing proceedings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

Clause 22: Representation at proceedings

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

Clause 23: Costs

This clause empowers the Board to award costs against a party to proceedings before the Board.

DIVISION 6—ACCOUNTS, AUDIT AND ANNUAL REPORT

Clause 24: Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

Clause 25: Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

PART 3

REGISTRATION OF VETERINARY SURGEONS

DIVISION 1—REGISTERS

Clause 26: Registers

This clause requires the Registrar to keep a general register, a specialist register and a register of persons whose names have been removed from a register and have not been reinstated.

Clause 27: Authority conferred by registration on general or specialist register

This clause sets out the kind of veterinary treatment that registration on the general or specialist register authorises a registered person to provide.

Clause 28: General and specialist registers

Clause 29: Register of persons removed from general or specialist register

These clauses set out the information to be included on each register.

Clause 30: Provisions of general application to registers

This clause requires the registers of registered persons to be kept available for inspection by the public and permits access to be made available by electronic means (such as the Internet). It also contains provisions relevant to the maintenance of the registers.

Clause 31: Requirement to inform Board of changes

This clause requires registered persons to notify a change of address within 3 months.

DIVISION 2—REGISTRATION

Clause 32: Registration of natural persons on general or specialist register

This clause provides for the full and limited registration of natural persons as veterinary surgeons in general practice or specialties.

Clause 33: Application for registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide veterinary treatment or to obtain additional qualifications or experience before determining an application.

Clause 34: Removal from register or specialty

This clause requires the Registrar to remove a person's name from a register on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

Clause 35: Reinstatement on register or in specialty

This clause makes provision for reinstatement of a person's name on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide veterinary treatment or to obtain additional qualifications or experience before determining an application.

Clause 36: Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their veterinary practice, continuing veterinary education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register the name of a person who fails to pay the annual practice fee or furnish the required return.

Clause 37: Variation or revocation of conditions of registration

This clause empowers the Board, on application by a veterinary surgeon, to vary or revoke a condition imposed by the Board on his or her registration.

Clause 38: Contravention of conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration.

PART 4

VETERINARY PRACTICE

DIVISION 1—GENERAL OFFENCES

Clause 39: Prohibition on provision of veterinary treatment for fee or reward by unqualified persons

This clause makes it an offence for a person to provide veterinary treatment for fee or reward unless, at the time the treatment was provided, the person was a qualified person or provided the treatment through the instrumentality of a qualified person. However, these provisions do not apply in relation to veterinary treatment provided by an employee of the owner of the animal in the course of that employment or by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case.

Clause 40: Illegal holding out as veterinary surgeon or specialist

This clause makes it an offence for a person to hold himself or herself out as a veterinary surgeon, specialist or particular class of specialist or permit another person to do so unless registered on the appropriate register or in the appropriate specialty. It also makes it an offence for a person to hold out another as a veterinary surgeon, specialist or particular class of specialist unless the other person is registered on the appropriate register or in the appropriate specialty.

Clause 41: Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is limited or conditional as having registration that is not subject to a limitation or condition.

Clause 42: Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide.

Clause 43: Board's approval required where veterinary surgeon has not practised for 3 years

This clause prohibits a veterinary surgeon who has not provided veterinary treatment for 3 years or more from providing such treatment for fee or reward without the prior approval of the Board. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Clause 44: Veterinary surgeon to be indemnified against loss

This clause prohibits veterinary surgeons from providing veterinary treatment for fee or reward unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person in the course of providing any such treatment. It empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

Clause 45: Information relating to claim against veterinary surgeon to be provided

This clause requires a veterinary surgeon to provide the Board with prescribed information about any claim made against the veterinary surgeon or another person for alleged negligence committed by the veterinary surgeon in the course of providing veterinary treatment.

DIVISION 2—PROVISIONS FOR AVOIDANCE OF CONFLICTS OF INTEREST

Clause 46: Interpretation

This clause defines terms used in the Part.

Clause 47: Veterinary surgeon or prescribed relative to inform Board of interests in prescribed businesses

This clause requires a veterinary surgeon or prescribed relative of a veterinary surgeon who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest.

A prescribed business is a business consisting of or involving—

- the provision of a veterinary service; or
- the manufacture, sale or supply of a veterinary product.

A veterinary service is—

- veterinary treatment, veterinary pathology or veterinary pharmaceutical services; or
- veterinary hospital services; or
- any other service declared by the regulations to be a veterinary service for the purposes of this Division.

A veterinary product is—

- a veterinary pharmaceutical product; or
- any other product declared by the regulations to be a veterinary product for the purposes of this Division;

Clause 48: Veterinary surgeon to inform client of interests in prescribed businesses

This clause prohibits a veterinary surgeon from recommending that a veterinary service provided by a prescribed business in which the veterinary surgeon or a prescribed relative has an interest, and from prescribing, or recommending that a veterinary product manufactured, sold or supplied by the prescribed business be used in relation to an animal unless the veterinary surgeon has informed the person apparently responsible for the animal in writing of his or her interest or that of his or her prescribed relative. However, it is a defence to a charge of an offence or unprofessional conduct for a veterinary surgeon to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the recommendation or prescription that is the subject of the proceedings relates.

Clause 49: Offence to give, offer or accept benefit for recommendation or prescription

This clause makes it an offence—

- for any person to give or offer to give a veterinary surgeon or prescribed relative of a veterinary surgeon a benefit as an inducement, consideration or reward for the veterinary surgeon recommending or prescribing a veterinary service or veterinary product provided, sold, etc. by the person;
- for a veterinary surgeon or prescribed relative of a veterinary surgeon to accept from any person a benefit offered or given as a inducement, consideration or reward for such a recommendation or prescription.

DIVISION 3—VETERINARY SERVICES PROVIDERS

Clause 50: Information to be given to Board by veterinary services provider

This clause requires veterinary services providers to provide certain information to the Board.

Clause 51: Improper directions, etc., to veterinary surgeon by veterinary services provider

This clause makes it an offence for a person who provides veterinary treatment through the instrumentality of a veterinary surgeon to direct or pressure the veterinary surgeon to act unlawfully, improper, negligently or unfairly in relation to the provision of veterinary treatment. It also makes it an offence for a person occupying a position of authority in a trust or corporate entity that provides veterinary treatment through the instrumentality of a veterinary surgeon to so direct or pressure the veterinary surgeon.

DIVISION 4—VETERINARY HOSPITALS

Clause 52: Illegal holding out of facility as veterinary hospital

This clause makes it an offence to hold out a facility as a veterinary hospital or animal hospital or permit another person to do so unless the facility is accredited as a veterinary hospital by the Board.

Clause 53: Accreditation by Board of facility as veterinary hospital

This clause contains procedural matters relating to the scheme for accreditation.

Clause 54: Requirement to inform Board on becoming owner or occupier of facility accredited as veterinary hospital

This clause requires a person to provide certain information to the Board relating to accredited facilities.

PART 5

INVESTIGATIONS AND PROCEEDINGS

DIVISION 1—PRELIMINARY

Clause 55: Interpretation

This clause provides that in this Part, the terms "occupier of a position of authority", "veterinary surgeon" and "veterinary services provider" includes a person who is not but who was, at the relevant time, the occupier of a position of authority, a veterinary surgeon or a veterinary services provider.

DIVISION 2—INVESTIGATIONS

Clause 56: Powers of inspectors

This clause sets out the investigative powers of an inspector.

An inspector may investigate a matter where there are reasonable grounds for suspecting—

- that there is proper cause for disciplinary action against a person (*see* Division 4); or
- that a veterinary surgeon is medically unfit to provide veterinary treatment; or
- that any other person is guilty of an offence against the measure.

An inspector may also investigate whether the requirements determined by the Board to be necessary for accreditation of a facility as a veterinary hospital are met in relation to a facility so accredited by the Board.

Clause 57: Offence to hinder, etc., inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a

requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector.

Clause 58: Offences by inspectors

This clause makes it an offence for an inspector to address offensive language to another person or, without lawful authority, to hinder or obstruct, use force or threaten the use of force in relation to another person.

DIVISION 3—MEDICAL FITNESS

Clause 59: Obligation to report medical unfitness of veterinary surgeon

This clause requires certain classes of persons to report to the Board if of the opinion that a veterinary surgeon is or may be medically unfit to provide veterinary treatment. The Board must cause report to be investigated.

Clause 60: Medical fitness of veterinary surgeon

This clause empowers the Board to suspend the registration of a veterinary surgeon, impose conditions on registration restricting the right to provide veterinary treatment or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation, and after due inquiry, the Board is satisfied that the veterinary surgeon is medically unfit to provide veterinary treatment and that it is desirable in the public interest to take such action.

DIVISION 4—DISCIPLINARY ACTION

Clause 61: Cause for disciplinary action

This clause sets out what constitutes proper cause for disciplinary action against a veterinary surgeon, a veterinary services provider or a person occupying a position of authority in a trust or corporate entity that is a veterinary services provider.

Clause 62: Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint (laid before the Board in the manner and form approved by the Board) relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious.

If, after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can—

- censure the person,
- order the person to pay a fine of up to $10 000,
- impose conditions on the person's right to provide veterinary treatment,
- suspend the person's registration for a period not exceeding 1 year,
- cancel the person's registration,
- disqualify the person from being registered,
- prohibit the person from carrying on business as a veterinary services provider,
- prohibit the person from occupying a position of authority in a trust or corporate entity that is a veterinary services provider.

If a person fails to pay a fine imposed by the Board, the Board may remove the person's name from the appropriate register.

Clause 63: Contravention of prohibition order or order imposing conditions

This clause makes it an offence to contravene an order of the Board or to contravene or fail to comply with a condition imposed by the Board.

DIVISION 5—GENERAL

Clause 64: Constitution of Board for purpose of proceedings under this Part

This clause sets out that the Board is to be constituted for the purpose of hearing and determining proceedings under the Part of the legal practitioner and 2 other members, at least one of whom must be a veterinary surgeon.

Clause 65: Provisions as to proceedings before Board under this Part

This clause deals with the conduct of proceedings by the Board under this Part.

PART 6
APPEALS

Clause 66: Right of appeal to District Court

This clause provides a right of appeal to the District Court against—

- a refusal by the Board to register, or reinstate the registration of, a person under the measure; or
- the imposition by the Board of conditions on a person's registration under the measure; or
- a decision made by the Board in proceedings under Part 5; or
- a refusal by the Board to accredit a facility as a veterinary hospital or a decision of the Board to suspend or cancel the accreditation of such a facility.

Clause 67: Variation or revocation of conditions imposed by Court

This clause empowers the District Court, on application by a veterinary surgeon, to vary or revoke a condition imposed by the Court on his or her registration.

PART 7
MISCELLANEOUS

Clause 68: False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure.

Clause 69: Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person).

Clause 70: Victimisation

This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1994*.

Clause 71: Self-incrimination and legal professional privilege

This clause provides that a person cannot refuse or fail to answer a question or produce documents as required under the measure on the ground that to do so might tend to incriminate the person or make the person liable to a penalty, or on the ground of legal professional privilege. If a person objects on either of the first two grounds, the fact of production of the document or the information furnished is not admissible against the person except in proceedings in respect of making a false or misleading statement or perjury.

If a person objects on the ground of legal professional privilege, the answer or document is not admissible in civil or criminal proceedings against the person who would, but for this clause, have the benefit of that privilege.

Clause 72: Punishment of conduct that constitutes offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

Clause 73: Vicarious liability for offences

This clause provides that if a trust or corporate entity is guilty of an offence against the measure, each person occupying a position of authority in the entity is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the offence by the entity.

Clause 74: Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Veterinary Surgeons Act 1985*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

- as required or authorised by or under this measure or any other Act or law; or
- with the consent of the person to whom the information relates; or
- in connection with the administration of this measure or the repealed Act; or
- in accordance with a request of an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide veterinary treatment, where the information is required for the proper administration of that law.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any

other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure.

Clause 75: Protection from personal liability

This clause protects members of the Board or a committee of the Board, the Registrar, staff of the Board and inspectors from personal liability in good faith for an act or omission in the performance or purported performance of functions or duties under the measure. A civil liability will instead lie against the Crown.

Clause 76: Evidentiary provision

This clause provides evidentiary aids for the purposes of proceedings for offences against the measure and disciplinary proceedings under Part 5.

Clause 77: Service

This clause sets out the methods by which notices and other documents may be served for the purposes of the measure.

Clause 78: Variation or revocation of notices

This clause enables the Board to vary or revoke a Gazette notice published under the measure.

Clause 79: Regulations

This clause empowers the Governor to make regulations for the purposes of the measure.

SCHEDULE

Repeal and Transitional Provisions

This Schedule repeals the *Veterinary Surgeons Act 1985* and makes transitional provisions relating to the constitution of the Board and other matters.

Mr MEIER secured the adjournment of the debate.

RIVER MURRAY BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 2502.)

Mrs HALL (Morialta): The importance of the River Murray to South Australia, I believe, has been demonstrated in a very clear way during this debate by virtue of the number of members who have canvassed the many different issues over the last few days. I think the awareness of so many members in relation to so many different aspects of this bill is a great tribute to the work that has been done over, probably, the last five or six years in terms of the importance of this river to our state. We are all absolutely aware that the focus on the river has changed dramatically over past decades, and sometimes it is hard to realise that just as short a time as, maybe, one decade ago very few people understood the implications of what was happening to the river and its future.

This has been a significant achievement, and I believe it is a tribute to many state and federal MPs across the parties, as well as industry leaders and the many stakeholders who have been involved in bringing us to this situation. I pay tribute to the previous Liberal government because of the enormous involvement and focus of various ministers and the leaders regarding this issue over the two terms of government. I also acknowledge the very significant role the minister has played since the change of government last year and make reference to the River Murray forum that was held just a few weeks ago. It was very significant that so many people attended—not only members of parliament but leaders from across the board—and so many people spoke. I also think the eminent speakers who made their various presentations probably took it to another level of awareness for all who were part of that day. I understand the concern that was evident in the lead-up that it may have just developed into a talkfest (and I guess everyone would have their own interpretation of whether in fact that was the case), but coming into the ministerial council meeting in October, I am quite sure that we are all hopeful that ongoing achievements and progress will be made.

One of the consistent themes that I found coming out of the forum was that there were so many issues and so many complexities. However, one speaker put three issues forward that certainly had an impact on me. In his view, the main issues were: managing salinity, increasing the flow, and ensuring that sustainable land management programs were agreed to and put in place. I did think, when I wrote them down, how simple that sounds. The practicality of their implementation will be something in which we will all get very involved. As has already been said, we know it is a very complex bill because it has been already agreed that more than 20 separate pieces of existing legislation will be affected by this measure.

A number of speakers, as I have said, have already covered specific issues and concerns of their particular area, and it seems to me, again from what has been said by speaker after speaker, that there will be hundreds of questions, although I suspect many of them will be segmented into certain areas. I do hope that the generosity of spirit that has been shown during the debate thus far continues throughout the committee stage. I am confused by some areas in the bill and certainly some areas of the bill concerning the possible application of the provisions covering the minister's responsibility are still yet to be clarified for me. In particular, I refer to the words 'the minister is to fulfil new duties and objectives,' which is set out quite clearly in part 2.

I also refer to the objectives for a healthy river in part 7, the general duty of care, then the power to make regulations that could stop activities which harm the river; issues of planning (which I believe at the moment are adequately covered in the Planning and Development Act); closer control over water licences; and of course the issue of the numerous statutory objectives of the river. It has already been raised that there appears to be a lack of penalties or monitoring for breaching some of those objectives. I have no doubt that all these issues will be canvassed during the committee stage of the bill.

We are all very conscious of the need for a reasonable balance to be achieved between the environmental, social, recreational and economic needs of the river and the numerous communities and stakeholders involved in this very significant debate. One of the key speakers at the forum to which I referred earlier said that it would not be the scientists who would solve the problems of the River Murray. What remained unsaid in that part of his presentation is that it will be the politics of the river that, in the end, will probably bring about a solution. From my perspective, I thoroughly support the bipartisan approach that has been adopted thus far, but I do think that some issues will need to be seriously debated in the future.

One of the most important questions that has to be asked about this bill is: is it in fact a major government initiative designed to marshal state resources to deal with the problems of the River Murray in South Australia—and we hope it is—or is it one more piece of window-dressing? And that could be part of the paper mountain of empty plans and promises that seem to have characterised the first 12 months of Labor in office. Mr Deputy Speaker, none of us would want to see the River Murray treated like our hospital system—and I am sure you would agree—because every time the government allocates more dollars to it, it seems to reduce the number of hospital beds and none of us wants that to happen to the River Murray.

The fact is that Labor has some form when it talks about the River Murray. I happen to know from days as a journalist

that it was in 1970 that the Dunstan Labor Party voted consistently against the Dartmouth Dam and the 25 per cent increase in South Australia's dry year quota of water. It maintained that opposition for nearly two years, until pressure finally from New South Wales, Victoria and the commonwealth forced the government to validate the bill. Members can understand that I say very seriously (and I hope it is not the case) that we should be afraid yet again when Labor turns its attention to the river, and I hope it does not repeat any aspects of its previous behaviour.

I do trust that we will get many of the answers that we are all seeking. When I was looking at material for this bill, I came across a Murray-Darling Basin fact sheet, which is really quite sobering when one looks at the statistics. It talks about Australia as the largest user of water per head of population in the world, in some areas potential demand already exceeding the total water available. It talks about limited and unreliable rainfall making our rivers the most variable in the world. It talks about the Murray-Darling Basin being the home to one in 10 Australians. It goes on to talk about 25 per cent of the national cattle herd and 50 per cent of the sheep in Australia. It talks about 41 per cent of the nation's gross value agricultural production, providing an annual economic input into the national economy of $23 billion.

It goes on with a whole range of statistics, which indeed, when you look at the complexities of this bill, are very sobering. The last fact listed on this sheet says that the direct cost of salinity to Australia currently is estimated to be $300 million per annum and increasing. They are the sorts of figures that concern us all. I thought before I talk about one particular aspect of the bill in which I am interested, I will refer to three paragraphs from a document which says quite a lot. The document states:

> In the most parched state in the driest inhabited continent, there is no natural resource more precious than our water. The maintenance of sustainable water resources is not only essential for the continued well-being of all South Australians, it is also vital for the economic and environmental future of our state.
>
> Sustainable use and management of our water resources for economic, social and environmental purposes underpins the very existence of government, industry and community sectors in South Australia. Without that water there is no future.

The reason I use that quotation is that it is very similar to the sentiments that have been expressed certainly in the minister's second reading explanation and in many of the contributions that have been made so far. In fact, that came from the Liberal Party policy document at the last election and I think that it does signify the very real concern in a bipartisan way and the importance that all the political parties and parliamentarians now put on this issue.

I thought now that I would like to deal with one particular aspect of the River Murray that has grown so spectacularly in the South Australian section of the river; that is, as we all know, the issue and the areas of recreational boating and leisure. As we know, there are thousands of shacks, houses and hundreds of houseboats, and here I refer to the internationally acclaimed and multinational award winning houseboat operator, Mike Coory, and his family with those magnificent, unforgettable houseboats.

There is also all the water skiing and fishing that takes place on the river. When I was preparing my notes I thought it was important to note some of the material that had been provided and prepared by the Boating Industry Association of South Australia (BIASA), which does a magnificent job in working across state, federal and local governments and most of the government agencies in this state. It works with an impressive range of agencies nationally.

BIASA talks about the recreational and commercial boating industries providing vital economic support to the communities of rural Australia through a wide range of commercial tourism and recreational pursuits. It goes on to give some astonishing figures. For example, it talks about the 50 000 registered private recreational powerboats in South Australia. It also talks about the little sailing boats—dinghies, skiffs, and so on—which number at least another 20 000. It goes on to talk about the fact that nearly 90 per cent of the registered powerboats are under six metres and are used mainly by mum, dad and the kids for fun. It talks also about the growth of the houseboat industry and its importance not only to the tourism industry generally but specifically to the river areas and the river community. It talks, too, about the numbers of these boats which are located at Adelaide addresses but are moored and used predominantly in the country, that being particularly in and around the Coorong lakes and along the river.

It contains an enormous number of figures; for example, it states that 76 per cent of people who have a trailer boat use them for recreational fishing, and there is around 400 000 in our state alone. Another interesting figure it provides is that 20 per cent of these boats are used for 'messing about'. I thought that was pretty interesting. BIASA is one of the five stakeholders in the national body that works very closely with the future of the river and is concerned to do all it can to assist its members to enjoy the river and all that it provides. Its members have a very strict code of ethics, and the code contains many issues connected with commercial dealings and guarantees best practice in matters affecting the natural environment.

Another interesting aspect of the work that BIASA has prepared—and I am sure members would find it very sobering if they think about the implications of it—is as follows:

> In South Australia, on the river and lakes, we see from a boating and recreational perspective, one million holiday days taken annually.

When you think about the implications of that, indeed we know that it is one of the very important stakeholders in this debate. I will ask a number of questions relating to the boating industry when the bill goes into committee. However, I wind up my remarks by talking about the fact that there is absolutely no doubt that there cannot be any solution to the challenges faced by our river overnight. There will always be a need for remedial action somewhere amongst the claims and counterclaims between water use, the river environment and the available financial resources.

To guard the river in all its facets, we will need to continue a very structured consultation and negotiation process between all the interested parties and stakeholders across four states and across the commonwealth. There is absolutely no doubt that the controls of the river have thus far worked too slowly. We know that. It has been widely acknowledged and we hope that this goes, in part, to improving it. However, there is no doubt that there should have been caps on water allocations long before they were agreed to. There ought to have been an effective policing and monitoring of their operation.

Again, the issue of upstream licences is complex and controversial. The issue of funding—who will pay for it and how it will be paid for—is a vital question on which we will certainly come to some basic agreement, sooner rather than

later. However, we must acknowledge that greater progress has been made in recent times, and in my view—and I know it is shared my many of my colleagues—we in South Australia must maintain our state's powers in relation to the River Murray. It is not in our interests, as some would claim, to hand over state powers to the commonwealth. The current system, for all its faults, has protected us in the past. It is cooperative and it is working, although we may argue about the speed at which it is happening.

The simple arithmetic is that at the next federal election South Australia will have 11 House of Representatives seats out of a total of 148. We will have 12 senators out of a total of 76. That is something that we should never give away. We must keep the authority we have. We must keep the power we have as a state. We should not put South Australia in the hands of the eastern states or, more pertinently, should I say in the irrigation channels of the eastern states. In my view, there is absolutely no question that at the end of this process we need to find a formula that is both fair and equitable, because at the end of this performance and at the end of this debate, when this bill finally leaves this parliament, the future existence of our own state of South Australia is at stake.

Mr GOLDSWORTHY (Kavel): I also want to raise a number of serious concerns I have with this bill, as have all my colleagues on this side of the house who have preceded me. Firstly, I would like to give some of the background leading up to this bill. The proposal which has been brought before this parliament purports to further the cause of the River Murray. This bill seeks to make the responsible minister a one-stop shop with regard to the River Murray. Twenty pieces of legislation will be amended if the bill is to pass as it is.

For the purpose of this bill, the definition of the River Murray is 'the Murray River system, main stem and all anabranches, tributaries, wetlands and flood plains'. That is a fairly significant area. The natural resources of the River Murray include soil, water, air, vegetation, animals, fish and all other organisms and ecosystems associated with the river system, as well as cultural heritage, natural heritage or amenity or geological value associated or connected with the Murray River system, including minerals or other substances or facilities administered under any of the mining acts to the extent that activities undertaken in relation to them may have an impact on the river.

This bill seeks to establish a River Murray protection zone (RMPZ) which would fall under the jurisdiction of the minister responsible for the legislation. This area would include the defined River Murray area, plus 500 metres inland from the prescribed boundary. The minister responsible would be required to fulfil new duties, an objective set forth in the bill. These include a reference to the constructing authority for the Murray-Darling Basin Authority (MDBA), and the objectives for a healthy River Murray force the minister to report to parliament annually. The bill as tabled requires the minister to give a state of the river report every three years, providing a comprehensive report of how the condition of the river relates to the administration of the legislation.

However, I understand that we have since received an amendment asking for a five-year reporting period. The minister also is forced to give an implementation strategy, which is not a progress report, simply a statement of ministerial priorities, a duty of care not to harm the river. It establishes parliamentary committees; the power to make regulations that could stop activities which harm the river; takes the river into account for planning measures; gives a closer control over water licence conditions; and provides the control and ability to impose conditions with regard to planning, mining, agriculture and industry that fall within this RMPZ. Despite the seeming congregation of ministerial power in this bill, any of the minister's decisions will still be subject to the cabinet process.

I also understand that under this bill one of the minister's functions is to promote integration, through certain mechanisms, which essentially comes down to a promotion of new legislation and the way in which its outcomes will affect the community, along with public consultation.

The bill puts forth numerous statutory objectives for the river. According to these objectives, all development that is undertaken in the RMPZ will have to accommodate the needs of the river, and we understand that. But before I continue with this particular issue I would like to take a look at the previous Liberal government's achievements in relation to this vitally important matter.

The previous South Australian Liberal government implemented the State Water Plan 2000, a five-year, high-level plan, which contains policies and actions to enable a coordinated and integrated approach to managing the state's water, and to work with the Murray-Darling Association and the Environmental Foundation to support the Save the Murray Trust. Also, there was a $100 million commitment over seven years to combat salinity and water quality. This will attract similar funding from the commonwealth under the Prime Minister's National Action Plan for Salinity and Water Quality.

The Liberal government also actioned the South Australian River Murray Salinity Strategy in July 2001, which is a 15 year strategy for maintaining river salinity below the crucial 800 EC level for 95 per cent of the time. Also, the Liberal government promised to work closely with irrigators to explore ways in which they could account for their long-term salt contributions, and was committed to working closely with the MDBC and other basin partners to maximise environmental flows.

Further to this, the Liberals committed to obtaining a 20 per cent increase in the median flow to the Murray Mouth by 2005 through better management of the water system and the creation of a water trust. The Liberal government promised over the next four years to continue to develop and expand salt interception within the state, and that now prevents more than 540 tonnes of salt from entering the Murray daily.

Finally, beside the long-term goals of increasing environmental flows to prevent closure of the Murray Mouth, the Liberal government had committed to working continuously with the MDBC, the basin commission, and the other basin partners to action the short-term necessity of dredging the mouth if and when necessary.

That is all history, but I actually have a couple of questions that I would like to raise regarding the River Murray Protection Zone, and they are: what criterion was used to determine which areas fell into this designated zone? Who has been consulted in determining this particular zone? I have been given a copy of the proposed area and note that the eastern region of the Mount Lofty Ranges is included, which takes in the townships of Mount Barker, Littlehampton, Nairne, Callington, and other communities.

A significant part of this zone, including those towns I just mentioned, is in my electorate. I would like to know whether

the District Council of Mount Barker or the Adelaide Hills Council have been consulted in this process. I would guess they have not. So much for the supposed openness and transparency of this government. In the house yesterday I was given by my deputy leader a copy of the map that shows the River Murray Protection Zone. There were no letters, no communication and no advice from the minister's office whatsoever, none at all.

Mr Brindal interjecting:

Mr GOLDSWORTHY: As I said, it certainly does. As I said, there was no communication from the minister's office. It seems that over the past 12 months there has been only one minister in this government that I have been able to get any sense out of when raising issues relating to my electorate, and that is the Deputy Premier. He is prepared to meet with me or with delegations from the electorate and to talk to me about issues that relate specifically to my electorate. The only minister that I have been able to get any sense out of is the Deputy Premier and Treasurer. So I do not know what the rest of the government is up to.

I also have other concerns that relate to the minister's responsibility for this zone. What role will he play in approving development applications in towns such as Mount Barker, Nairne, Littlehampton, and others, and towns farther afield, such as Renmark, Berri, Loxton, Waikerie, and all those towns up and down the river? It is not clearly stated in the bill. Do the powers that this bill gives the minister include any housing or development applications? As is reasonably well-known in the house, the Mount Barker, Littlehampton, Nairne area is one of the fastest growing residential regions in the state.

Those townships fall within this proposed protection zone. Does it mean that when somebody comes to build a house at Nairne or Mount Barker, or wherever, the planning approval/development application will have to go across the Minister for Environment's desk? If we think farther afield, out in the farming areas, if a farmer wants to build an implements shed within this zoned area, does that have to go through the minister's office? If it does, I can tell you that we will all be waiting for a very long time for any approvals to come through.

However, notwithstanding those concerns that I have raised, it is obvious that action is needed and action is needed hastily. I attended the River Murray Forum, as did many members of this chamber, several weeks ago, and listened with interest to all the speakers' contributions and comments concerning the need for action and money to put the plans in place.

However, I did note the comments that the member for Chaffey made, and, whilst urgent action is needed, and recognised, this state has led the charge on this. The member for Chaffey, if I can paraphrase her comments for a moment, said that what we have in South Australia is not all doom and gloom. There have been significant improvements made in the methods of irrigation. We do not use open channel irrigation methods any more, which is old technology. It is now brought into vineyards, orange groves and other fruit blocks by closed systems. It is piped in for use on those blocks, in place of some of the old channels, where leakage, evaporation and other adversely impacting influences existed.

There have also been other improvements made in irrigation techniques. South Australia has been a trailblazer in this. While we have done some very good work here, there is obviously more work to be done. However, I would like to look farther upstream and make some comments about activity there. I know it is easy to have a swipe at the cotton growers and the rice growers in New South Wales and Queensland, but it is worth while to speak about the amount of water used in those primary production pursuits.

I attended the Murray River forum here in the chamber several weeks ago, and I asked the Chairman of the Murray-Darling Basin Commission, who was here that day and whose name escapes me at the moment, about the amount of water that is used in growing rice. He told me that 9 000 tonnes of water is used on one hectare of land for rice growing, with the plants using only one-fifth or 20 per cent of that water. If you drive across the Hay Plains you will see literally paddocks as far as the eye can see that are flood irrigated for this purpose, with only one-fifth of the water being used by the plants. I was advised by the Chairman that another fifth seeps away into the soil, with the remaining 60 per cent going in evaporation. I spoke to the member for MacKillop about this yesterday. He told me that that amount of water—9 000 tonnes per hectare—equates to about 35 inches in the old measurement being put on that land. You do not have to be a mathematical genius to work out that 60 per cent of 35 inches is over 20 inches—20 inches of water on that land has gone up in evaporation. It is a rhetorical question, because the answer is obvious, but I ask: is that an efficient use of water?

Mr Brindal interjecting:

Mr GOLDSWORTHY: I did, but I said just over 20 inches. We do not need to get totally accurate here.

Mr Brindal interjecting:

Mr GOLDSWORTHY: Well, good on you; good boy! Furthermore, other states need to act with similar urgency as this state has and put in place initiatives that improve the amount of water flowing down this vital corridor. In closing, I support the essence of this bill but, as my colleagues on this side of the house have stated, I am concerned that the implications and consequences resulting from this bill have not been thought through properly. I am concerned that once again the minister has been led down a path by the bureaucracy and that this bill will create more problems than it looks to solve. A recent example is the crown lease issue that the minister has been entangled with. We talk about the triple bottom line these days: developing the economy, the environment and the community. It will be vitally important to achieve a correct balance in this. However, in the current climate with this Labor government I doubt whether they will achieve this. As usual, this government is big on rhetoric and small on substance.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I appreciate the opportunity to contribute to this debate. From the outset I would like to declare an interest. First, I am a trustee of an orange orchard within the prescribed zone; a trust of which I am a trustee has an orange orchard at Ramco near Waikerie in the Riverland. The other huge interest I have is that I represent the seat of Finniss, which encompasses the lakes and the lower reaches of the Murray River, and therefore this is an issue about which I am very passionate. I love the Murray River. For three generations my family has been connected with it very closely indeed, and for some 30 years I have always taken one week's recreation on the Murray River. So, I have a fair feel for and understanding of that river and some of the problems it is now facing. I would like to touch on those briefly.

I attended the forum here. I appreciated that forum, believing that it was an excellent opportunity to bring together national perspectives on the problems involving the

river and to consider where we need to head with those problems. I thought that the contributions from some of the key speakers at the forum, particularly those from interstate, were excellent in putting an appropriate perspective on the seriousness of the problem and also the nature of the solutions to those problems. A lot has been said about the river. When I was premier I flew over, sat down and talked to John Fahey, then premier of New South Wales, and Jeff Kennett, then premier of Victoria, and got them to commit to a number of programs. Then there was a change of premier in New South Wales. I flew over and saw Bob Carr and I discussed with him what I had discussed with John Fahey and got his commitment to that.

We have made some headway over the past 10 years, and at times people fail to consider the audit, the cap and the works that have been carried out along the river and the commitment made by the federal government. I spent many occasions urging Prime Minister John Howard to establish a significant fund to put money into the rehabilitation of the Murray River. I was delighted that at a lunch I chaired for John Howard here in Adelaide prior to the 1996 election he made that commitment and in fact delivered on those funds as part of the National Heritage Trust. But the situation has continued to get worse, significantly because of seasonal conditions but partly because there has been continued overuse of the water out of the river system. We now face 5 minutes to 12 in terms of ensuring a substantial increase in the flow for environmental protection of the river system.

The commission and the ministerial council have quite rightly put down three options. I believe that only one of those three options is realistic, and that is the high level option whereby 1 550 gigalitres of water must be put down the river. The time frame they have outlined is totally unrealistic; to talk about 300 or 500 gigalitres over the next five years is just too slow indeed. We need a much faster program where state and federal governments share this responsibility to buy back water and put that water back into the system.

Let me argue why that time frame is too slow and why it has to be that highest option of 1 550. At present and for the past 16 months there has been no flow over the barrages in that part of the river in my electorate. In other words, the river has effectively become a dam or a bathtub, where water is flowing in but the water does not get high enough to flow over the barrages and go down the Coorong or out to sea. Equally, I understand that South Australia has had the longest protracted period where it has had its full entitlement flow but no extra water. So, for 14 or 15 months we have had entitlement flow into South Australia, that is, 1 850 gigalitres a year. So, for the first time we are able to see over a full year the impact of entitlement flow on the lakes and the lower reaches of the Murray River. The news is very disturbing indeed; in fact, it is a potential disaster.

We have found that, with only entitlement flow into South Australia and the existing irrigation use within this state, the volume of water in the lake and lower reaches of the Murray has dropped by about 200 gigalitres. That is alarming, to say the least. People have to appreciate that at the end of spring the lake level is up, normally up to about 0.85 metres in terms of a datum line taken in conjunction with the average height of the sea. It normally goes up to 0.85 and would drop down to perhaps 0.4, 0.45 or 0.5 by the time we get to late autumn before we go into the next winter season. If we go back 12 months, the datum line got up to about 0.85. However, this last spring the level got up to only about 0.7 or 0.75. In other words, it is about 100 millimetres to 150 millimetres, or 4 inches, lower than it was 12 months earlier. Of course, now the level has dropped quite dramatically in what has probably been a pretty average year in terms of evaporation and temperature. The water level is believed to be down about 0.35. I do not know whether the minister has the most recent reading this week, but it is about 0.35.

We know that Dog Lake, which is a large area of water near Langhorne Creek, on several days has been absolutely empty, even going back into the new year, because the wind has blown the water away. But it shows that the water is starting to get very low. I understand that within a few weeks it is likely that the water will be too low to pump out of Dog Lake. The experienced people down there tell me that the last time that occurred was in 1967-68. However, all those old hands are arguing that it is already worse than it was in 1967 and 1968. In other words, it is probable that the lake is at the lowest level since the 1930s when the barrages went in. My concern is what happens if we are expecting another 12 months of entitlement-only flow, and that is what everyone is forecasting.

The Hon. J.D. Hill: Or less.

The Hon. DEAN BROWN: Yes. That is the maximum entitlement flow, because we know that the storages upstream are empty or very close to empty. Many of the storages are certainly very low: Dartmouth is below 25 per cent; Hume Reservoir is down to 6 per cent; and one could go on through them. So we know that any surplus water will go into those storages. South Australia can therefore expect entitlement flow or less. If we get entitlement flow into the river, by this time next year we will be a further 200 gigalitres lower than we are now, and that means that we will be a further 100 or 150 millimetres lower than where we are now. That means that we will be breaking grounds that we have never seen in the river since the barrages went in.

That spells disaster for my communities. Clayton relies on the river for its only water supply. Already we know that at Clayton the salinity level was up to 3 000 European units (EUs) about two months ago. We know that on the southern side of Goolwa the salt level has been between approximately 3 000 EUs up to about 4 500 or 5 000 EUs over the last eight months. That level means that even lawns are being killed by this water, as residents on Hindmarsh Island have experienced. Their lawns have died and in many cases they have stopped using the water on their lawns. We know that the vineyard on Hindmarsh Island stopped irrigating with the water because it was to salty. The South Lakes Golf Course has stopped irrigating, because the water is too salty.

So we now have the dual problems of very low levels, which are likely to drop further, and very high salinities which are likely to go higher. That spells a disaster in terms of communities such as Goolwa, Clayton, Milang, Langhorne Creek, and the 16 000 acres of vineyards being irrigated from this area.

I am a strong advocate for radical action to be taken, because time is running out very quickly indeed. I said that I would argue the case why a three or five year time frame to try to buy back somewhere between 300 and 500 gigalitres is too long. We need to be heading towards at least, in my view, 1 000 gigalitres of water within a five-year time frame, with the clear objective within seven years of going to 1 550 gigalitres.

I congratulate the government on putting forward a bill that is willing to break new ground and look at how new assessments can be made, and I support in principle this bill.

However, I also have some severe reservations about it. I attended the briefing by the departmental staff that was arranged through the minister some four or five weeks ago. We were told that some aspects were still being finalised, including which tributaries and which areas around them would be included, and what powers would therefore be imposed on what we call the tributary zone.

Yesterday at lunch time, I got the map, having asked for it—and I appreciate the minister's sending people down to see me—that now for the first time reveals exactly what areas are involved in what we are calling the tributary zones. It covers a huge area of my electorate and on up into the Mount Lofty Ranges. Therefore, we are not in reality talking about half a kilometre on either side of the main tributaries into the lakes or the river—that is, the Finniss, Currency Creek, the Angas and the Bremmer: we are basically talking about the whole of the water catchment area that flows eastward into the river under this.

Under the bill, the minister would have very significant powers indeed. We are talking about areas at the back of Mount Compass. In fact, on the map that I saw yesterday—and I asked them to have a look at this, but I have not had the chance to follow it up—I think that there are even some areas, although not huge, which flow across into Myponga but which do not flow into the Murray system at all. Equally, yesterday I was handed the proposed draft—

The Hon. J.D. Hill interjecting:

The Hon. DEAN BROWN: I know that area extremely well. I probably go past it on average six times a week, and I know where the water flows from one property and whether it goes into the Murray catchment area or into Myponga; and this is immediately north of Mount Compass. Yesterday, we were given the draft—and I acknowledge that they are only a draft—River Murray Variation Regulations 2003 which accompany this bill. That gives the minister the power of development control over this tributaries area.

Therefore, the minister will have absolute control in terms of development applications for areas such as horticulture; any irrigation, even if it is not coming out of the river system—it may be coming from an underground basin or from a dam; aquaculture; industry of any type; intensive animal keeping; and commercial forestry; and other areas, including land subdivision, although much of that cannot be subdivided because of other controls that have already been imposed under the Development Plan.

Under that there is a clause under schedule 21 which allows the minister to intervene in relation to any proposed development, even if it is a domestic dwelling, where more than nine cubic metres of earth are moved. I ask the minister to pay particular attention to this point: under regulation 20(c) of the draft regulations, I understand, as briefed by the staff yesterday, that where more than nine cubic metres of earth is moved as part of any development the minister would have development control.

The facts are that the foundation work for virtually every home would involve the movement of more than nine cubic metres. The staff had not appreciated that fact when I pointed it out to them. Even a bit of landscaping around the home would move more than nine cubic metres. Therefore, I have serious concerns. I also had the opportunity to look—and, again, I appreciate the cooperation of the staff—at detail of individual towns.

For example, the township of Goolwa, which is a township close to the river and therefore could potentially have an influence on it. The area excluded is the business section closest to the river, which is likely to have the biggest impact. The area included as being under direct control in the central area has been all the residential areas and some of the outlying farmland areas. I would have as much concern about the central business district as I would about the residential areas. The business district is closer to the river and is more likely to have intensive development than are residential areas. I have grave concerns about where the lines have been drawn. The Alexandrina council has not been consulted on this issue at all, I find. Therefore, I have severe reservations about the way it has been put together. That does not mean I am opposed to the principles involved, but it does mean that I cannot accept it as it is without considerable work being done to clarify it.

This house does not have direct involvement in terms of questioning and developing regulations that it has with legislation. We can disallow them, but we do not have any say in terms of the development of those regulations or the detail. Given the present format, because of the wide-ranging implications of this legislation, we need to look at clarifying and finalising the regulations and clearing up some of this enormous uncertainty before the legislation is passed by this house.

I support the legislation in principle and I think my community would support it in principle. It would have huge reservations about the power and the potential delays and implications regarding a significant area of the eastern part of my electorate within the Mount Lofty Ranges and how this may then be interpreted in terms of development and other controls that one minister would have. There would be concern about the way in which we are effectively taking so many of the planning and other controls that might otherwise be in the hands of the local council and therefore the local community out of those hands—and that applies even to potentially complying developments, because we are talking about them. I support the legislation at the second reading stage, but I would like to see detailed discussion, even outside the committee, to help clarify some of these points and to rectify what I believe are some of the serious anomalies that currently exist in the draft regulations.

Ms CHAPMAN (Bragg): I record my appreciation for members of the department who provided briefings to members on this important piece of legislation. I also record my appreciation for the invitation to attend the River Murray Forum 2003, which was convened by the South Australian government. That was a very important forum for me because, probably like other members, I believed it was important for us to be fully apprised of the contemporary circumstances of the River Murray—not just its current state of health but the areas that need attention and what options there are. Much was said at that forum by eminent speakers who came here from across the nation and who certainly added to my understanding of the current urgency and importance of remedial action. If nothing else, it was clear from that forum that we cannot do nothing and that, moreover, we must do something.

The member for Finniss has outlined the importance and detail of the program that came out of that forum and detailed for the benefit of the parliament how inadequate that proposal will be if we are to do more than just keep the river alive but indeed restore it to a state of health, which after all is the primary objective under the River Murray Bill, namely, not just to protect but also to enhance. That restorative outcome requires not just no further detrimental action but significant

action. Unlike some other speakers who have welcomed and embraced this legislation with some enthusiasm, I am quite disappointed with the extent of legislative action and/or lack of announcement from the government as to what is to be done. The bill sets up a structure that does three things: first, it changes the pecking order in cabinet; secondly, it establishes another bureaucratic army; and, thirdly, it sets out a procedure of reporting to the parliament which, overall, is inadequate to deal with the urgency of the situation.

If we had 10, 15 or 20 years to plan a process to keep our river healthy, it would be a good start, but in my view it is totally inadequate—and I wish to record that. I highlight three major implications of the bill about which I have concern. Although it is being presented by the government and paraded to the public as a great example of innovation, I place on the record that we have had water conservation acts and legislation to protect the water resources of this state, as best I can see, since the 1860s. In particular, I refer to one of the pieces of legislation that still stands, namely, the Water Conservation Act 1936. It has its origin in the Water Conservation Act 1886. This has been followed generation after generation in this state. It is an acknowledgment of the importance of conservation and protection of the waterways in the state, as has been the provision of very serious fines, penalties and regimes for enforcement to protect the state for well over 100 years.

It is still an offence for persons to unlawfully take or divert water from rivers, creeks and the like. It is still an offence for a person to 'pollute water, in particular to throw, convey, cause or permit to be thrown or convey any rubbish, dirt, live or dead animal or any noisome thing into any waterway under the care, control and management of councils, to bathe therein, to wash' and so on. This is nothing new for the parliaments that have operated in this state for well over 100 years. I also place on record that comment has been made, both to me and in my presence, that there seems to be some kind of lack of understanding by metropolitan residents in this state or an appreciation of both the seriousness of the River Murray's state of ill health and the need to attend to it.

I represent an electorate that is entirely within the metropolitan area of Adelaide. Perhaps a little to my surprise, like me, many who reside in that area have lived or worked for a substantial part of their lives in rural and isolated parts of South Australia, indeed in other parts of Australia. I have found that there is a very real and clear understanding by metropolitan residents of the significance of this issue and the importance to act and act promptly. We hear 'the driest state, driest continent' description of our state and, unlike other states with significant watercourses and resources, much higher rainfall and the like, we in this state are very much dependent on two or three main sources, the most significant of which is probably the River Murray.

In my first year as the member for Bragg, I undertook a survey of significant state issues that were important to the people of Bragg. We gave them a number of alternatives to consider, including law and order, health, aged care, hospitals, schools, education generally, the environment, environmental issues and pension entitlements—a large gamut of issues that have clearly emerged, decade after decade, as being important to people in South Australia. We included in that survey the River Murray and, before it was even a major public issue (this was a survey that took place in the middle of last year), before there had been an announcement of a River Murray Bill and before there had been any forums, the people of Bragg overwhelmingly identified the River Murray as the single biggest issue of importance to them.

I want to make it clear on the record that metropolitan Adelaide (and Bragg is only a snapshot of that, I accept) does understand this issue, is prepared to do something about it and is committed, together with all South Australians, to do something about it. But that, again, only reflects the disappointment I have in that recent forum and now, as we are debating a bill, in the inadequacy of the government actually to address the issue rather than just have the window-dressing. Adelaide, of course, as a metropolitan area, in any year on average consumes about 40 per cent of its water from the Murray. In difficult years, as we have just seen, we go into very concerning statistics of something like 90 per cent of the water for consumption.

So, we understand that this is a serious issue and that, without water, we will perish. I also wish to place on record that, whilst the action of the previous government has been traversed, and I do commend former minister Brindal and the Hon. Dean Brown who spoke on action they have taken, it is fair to say that former minister Wotton had the courage to introduce the more far reaching Water Resources Act 1997—

Dr McFetridge interjecting:

Ms CHAPMAN: Indeed, the former member for Heysen. I remember former minister Arnold. Even going back to the Hall administration there was active recognition and legislative action to protect and enhance the river. I can recollect a speech—not in this house—made by former premier Hall in 1968, which of course is now 35 years ago, in which he announced the appointment of a person to be responsible for water. He indicated that, unless we did something, the River Murray would be in serious trouble within 30 years, and probably if it had not been for the major desalination programs and activity of the former government he would have been spot on in terms of the serious health of the river.

It is probably fair to say that whilst the salinity action taken overall by the previous government helped to arrest the rate of damage, regrettably, of course, it has not been able to turn it around, and we now know quite clearly that there needs to be much more restorative action. We hear about E flows; it seems the next most significant way to manage the damage issue is to increase very significantly the flow in the river. Of course, that is not the only issue with which we must deal. We have to deal with feral pests and other soil erosion issues to restore comprehensively the river and keep it healthy.

I wish to place on record my compliment to those who have acted positively and constructively in past administrations. Also, as detailed by the member for Finniss, Senator Robert Hill, a former minister for environment, joined other state ministers to take hold of this issue to bring it to the attention of the Australian public and to arrest the damage. As I indicated in opening, the appointment of a minister who will have responsibility for the River Murray just elevates the status of that minister in the cabinet. It purports to identify some extraordinary powers.

My assessment of the material that has been produced to date with a number of amendments (I think that, to date, we are up to eight volumes of amendments) is that, whilst it sets out a number of powers of veto in rather inconsistent areas, it still seems to me, as has always been the case, that there is power within certain areas (and that is particularly along the River Murray itself and its immediate surrounds rather than the tributary areas) for the cabinet to overturn those decisions. Perhaps we will have to wait and see who is going to make

the decision and who is going to have the power to overturn whom in these decisions and what discourse may then arise as between different ministers.

Other ministers responsible for planning, soils, farming, mining, tourism and other lifestyle aspects will perhaps be in conflict and there will be some management. Whilst the introduction of this bill gives special pre-eminence, privilege and attention to the River Murray and its surrounds, as now defined in this map and in the draft regulations, will it be paramount in the consideration of the health of the River Murray when it is matched up with other water resources in the state, limited as they are?

I raise that because, if it is to have such paramountcy as to be the most significant water resource and there is a conflict in the situation whereby water is to be protected in the River Murray as distinct from water in other parts of the state, then that does raise a real concern. I want to reflect briefly on the future of water resources in the state and the competition for it. I see a serious competition occurring in relation to other waters being reserved—whether we get down to desalination programs and reconsider Lake Eyre Basin, artesian water in this state and catchment of other water. In my view, we need to make it very clear and the government needs to make it very clear which will take precedence and which watercourse will be more important than others.

In my pre-politics life, in recent years I was involved in raising funds from international water companies for the University of Adelaide to establish a major research centre, which this month is being built at Flinders Chase on Kangaroo Island. Its major function will be to facilitate water research. Water is a significant international issue, which has been recognised by French, English and Australian water companies. They have donated hundreds of thousands of dollars for this development. They understand its international significance, and they have put their money where their mouth is.

I would like to see this government also look at ensuring that that type of contribution to research into water catchments and water protection is followed. It happens that Kangaroo Island has a complete catchment area almost unique in Australia which is unpolluted and which is excellent for the purposes of research. We should be proud of that and we should take up the opportunity to extend research significantly in this state for future water, not just for us but, of course, for water management around Australia. In relation to future water, we know that other natural resources are very limited and we know that the River Murray is currently heavily relied upon. We may need to look at major areas involving assistance from desalination.

I note with some interest that around the world nuclear powered desalination plants seem to be the flavour at the moment, and they are catching on very strongly. I was interested to read the commentary of Dr Clarence Hardy, who heads the Australian Nuclear Association, in relation to Australia perhaps having to acknowledge how we will seriously introduce desalination when we know that the solar powering of that is extremely expensive and its commerciality has some limitations. I note in an article in this month's issue of *Australian Science* that he argues that concerns over radioactive waste—the major hurdle for the proponents of adding nuclear-powered plants to Australia's energy mix—are unrealistic. He says:

> It's very small volume, it can be controlled and if you allow people to put it deep underground and lock it away geologically it won't come back to the surface. It could play a role in Australia, but not until we've had a complete educational culture change; stop regarding it is as the work of the devil, and give due regard to all the problems of fossil fuels.

He makes an interesting observation of the River Murray and says:

> By the middle of this century, when the Murray-Darling river system has been reduced to a salty billabong that occasionally leaks into the ocean, South Australia may have to consider the trade-offs.

This is a very serious direction. It is one person's view of what may be an answer in relation to water resources in the future, but it really calls us to attention when others from the outside (as such) look at our Murray-Darling Basin and describe it in such a manner. It ought to be a serious wake-up call for all South Australians to ensure that we do attend to what is clearly our responsibility.

Funding is a serious issue. I was disappointed at the end of the forum that we are not looking at a serious financial commitment, which is clearly needed. There seemed to be a lot of discussion about the word 'compensation' and avoidance of it. That concerns me, because clearly this money—and a lot of money—must be found. It was all very well for the Treasurer this week to suggest to the parliament that it is the opposition that has to find millions of dollars or suggest where this is to come from, but, if we are to seriously deal with this issue, the money has to be made available.

I simply place three major areas of concern on the record rather than traverse them. The duty of care is a new concept in legislation in this manner. I am concerned that it does not bind the Crown; I do not know why. Other immunity from liabilities are restricted in other legislation, for example, under the Water Resources Act: it protects the employees but the Crown is still liable. Why this is the case, I do not know. In relation to the authorised officers, there is a great range of heavy penalties if you do not answer questions or comply with them, yet for some mysterious reason there are no direct penalties for breach of the act, other than the imposition of protection notices and reparation orders. That is a complete mystery to me. The objectives and power for the Governor to change those objectives by regulation I find most concerning.

The Hon. I.F. EVANS (Davenport): I will not hold the house long in relation to this bill. I congratulate previous speakers from the opposition who made contributions, particularly the member for Bragg and the excellent contribution by the member for McKillop and others. I want to touch on a few issues in relation to this bill—

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: I said, 'and others'. The member for Torrens needs to listen. I will make some comments in relation to the bill. Other members of the opposition have summed up large amounts of concern pretty well. I want to make some broad observations. In my experience, there are two types of ministers in this place. There are the gatherers, namely those who seek to gain more power, more control, bigger budgets and bigger portfolios; and there are those who seek to divest themselves. This bill illustrates that the Minister for the River Murray is the type of minister who seeks to attract greater power (or at least tell us that he is attracting greater power) through a whole range of legislative measures. This River Murray Bill, if we are to believe what we are told, is a source of extra powers to the minister and indeed the government.

I take up a valid point made by the member for Bragg. I did not hear all her contribution because I was coming from my office, but, as I understood her contribution earlier in the piece, she made the point that Australian governments and South Australian governments have had forms of environmental protection legislation and land management and water management legislation for decades, yet we still end up with land and water management problems.

I have no doubt that when the parliament sits in 100 years' time it will be reworking the legislation to reflect the problems it has then. I do not think for one minute that this bill is the answer to the government's problems in relation to the Murray.

I put the government on notice that there is a very easy way to judge the success of this bill. If the River Murray improves in three years' time, then the bill has been a success, because obviously it has given the power to the minister and the minister has taken appropriate action. My belief is that what South Australia needs for the Murray is programs: it needs programs on the ground to deal with the issues today. The problems we are dealing with today have taken decades to surface, salinity being a key one through the clearance of land in the Mallee. The effect on the river has taken decades to flow through, as I understand the advice given to me in other capacities.

What we need now, in my view, is more programs on the ground. What the government is delivering to us is more legislation which talks about more bureaucracy being the answer to the question. I do not believe it is the answer to the question. I have a different view from the government about whether it is the answer to the question, but I say to the government, 'Get on and get the bill through. Get the powers that you need and then you have no excuse. Go out deliver the programs on the ground.'

Some will seek to play some short-term politics on the Murray, but I take the long-term view, as I believe it is the only view to have. The long-term view on the Murray is simply this. As I understand it, 49 per cent of the salt that enters the Murray enters the river once it gets across the South Australian border. To me that illustrates that the salinity in the Murray is largely a South Australian problem, although of course we inherit an equal proportion from Victoria, New South Wales and Queensland. That is a huge issue for South Australia to deal with, and what really concerns me long term for this state is a revenue stream to deliver the programs to deal with the problems.

If you believe the rhetoric, the government is running around telling anyone who will listen that it has no money. If members look at the big expenditure in state government budgets, they will see that about 24 or 25 per cent is for health. South Australia has an ageing population. With an ageing population comes increased health costs and a bigger cost on the budget. What concerns me about this whole concept is not so much that the government thinks the answer to the problem is more legislation, more rules, more regulations and, as a result, more bureaucracy and more bureaucratic cost: more to the point is the fact that we have no answer—not even a hint or a suggestion—about where the state long term will get whatever figure we need to fix the Murray.

That whole point is absent from this debate. I know the member for Bragg and others have picked up on that point; that is, where is the financial commitment to the programs to fix the Murray? I know that our previous government committed to programs. I know the government has rebadged them and reannounced them in their own form, and that is fine, as every government does that to some degree. However, we have a problem that will continue for decades, and we do not have a readily identifiable source of income. It is one thing to have the bill, but it is another thing to have the revenue stream to deliver on the bill. What really concerns me is that the bill is about being able to say to people, 'Aren't we good; we passed a bill on the River Murray,' and that makes everyone feel warm and fuzzy about something being done. However, the reality is that the cheque and the programs to back it up will not be there. What really worries me is that governments have four year terms, so there is always the chance the government will change. A government is likely not to outlay a 20 year expenditure program or whatever to fix the issue.

I have not gone through the bill line by line as yet, because I do not have carriage of this bill as it is shadow minister Brindal's bill. However, to my mind there are no real measurable points by which we can judge whether the river has improved, although one would assume salinity level would be one and that water quality would be another. I would assume that they would be measurable points so that we could look in five years' time and say that the River Murray's water quality—or whatever we are trying to measure—has improved. The measuring points on the whole exercise need to be far better explained.

We need to understand that we are talking not about a river in the sense of how we imagine a river but about a series of reservoirs—a series of dams, if you like. My understanding is that the Murray-Darling Basin river system is the most managed river system in the world, and that brings with it its own special problems. I had the privilege of sitting on the Murray-Darling Basin Commission for some period during my time as minister for the environment, and it was an interesting experience. I found it frustrating, because the eastern states did not commit. It works by consensus, and that probably has worked in South Australia's favour over the life of that authority. However, it was a very frustrating experience, because each of the state governments tended to be in election cycle.

I pick up the member for MacKillop's point that, if you are talking about the Murray, you are talking about improvements. If you are talking about increasing environmental flows, you are essentially talking about redistributing the current water use. So, in other words, some users may miss out on their existing entitlements or existing volumes of water, because you need to get some water in your environmental flows. You can do that either through buying licences or through industry efficiency and those sorts of exercises. Because of those difficult policy questions, there was usually a state government that was reluctant to go down that path in a public forum because of the electoral cycle. That was a very difficult and frustrating process in regard to the Murray.

I have placed on file an amendment on the reporting mechanism proposed in the bill. As I understand the bill, it was proposing that the minister would develop a state of the River Murray report and the minister would table it in the house. From memory, the original bill had it for three years. The minister is moving his own amendment to make it five years. I have a couple of problems with that. Firstly, it should not be the minister who prepares the report. The minister has trumpeted in this place an EPA, and I support the concept of an EPA. The minister brought in legislation which he believes made it more independent. We all understand that it was independent prior to the legislation.

My view is that, if we are going to have independent advice to the parliament, it should not go through the political filter of the minister's office. So, I am proposing an amendment whereby a state of the River Murray report would be prepared by the EPA and brought to the chamber via the presiding officers. That way I know that, if that amendment is accepted, in the future the parliament will get advice direct from the EPA, and then there is no risk of its going through a political process and being filtered via the ministerial office. My amendment also seeks to change the presentation of the state of the river report to every three years, not every five years. The reason I make it every three years is that, if you make it every five years, some parliaments will sit for a full term and never receive a report. So, rather than have the report every five years—

Mr Williams interjecting:

The Hon. I.F. EVANS: They would never be reported to: they're always reported on. The amendment catches that as well, by saying that the report should be prepared and tabled through the Presiding Officers via the EPA every three years. That, I think, brings to the parliament totally independent measures and advice.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: The member for Torrens says I was that conscientious in government. I thank her for the compliment.

Mrs Geraghty: That was tongue in cheek.

The Hon. I.F. EVANS: Was it? I'm relaxed: I have no problem with having the EPA report to the parliament. If you are going to have these independent bodies, why not bring the information directly to the parliament? I do have this view—and you can speak to the public servants and they will tell you that I expressed this view to them on a regular basis—that if the bureaucracy believe that their portfolio deserves more budget (and there are not too many bureaucrats who do not believe that: there is always another program) the only way you will convince the cabinet to give it more money is to win the public debate. And the only way you will win the public debate is to put the information out there and have the public debate, good news or bad.

The member for Torrens will remember that it was I as minister who decided to put all the information from the EPA's monitoring reports on the web site so that for all the universities, those students who wanted to research the information and double check the information to make their own interpretation, it was available. And I did it for that reason: because ultimately the environmental arguments need to be brought to the people. If you bring the environmental arguments to the people, as with any argument, you bring them understanding.

With the Murray we are talking about increasing environmental flows, and what the community will accept today they probably would not have accepted a decade ago, because the community now has a far greater understanding of the issues of the Murray because governments, to their credit, have been prepared to stand up and say, 'Listen, public: we've actually got some problems and we're going to have to deal with them and you'd better have all the information so you can actually work out where we are.' I do not have a problem with that concept. I am happy to have a public debate because it educates the public, and I think that is an important role of the parliament. I do not think that we should think that the bureaucracy or the industry experts, for that matter, or the politicians are always necessarily right or have all the answers. There is some very good information out there if you open the right channels.

I do have some reservations about the bill. I am concerned that the bill is, as I said earlier, more concerned with bringing in more regulation and more bureaucracy, with more money therefore being invested into the bureaucracy. And you cannot change 28 or 30 acts, I think it is, by giving the powers to one minister, so there is a dual role for ministers. What that means is that you will have members of the bureaucracy double checking each other. Currently the EPA or the minister's department does not have all the expertise to judge on all those matters. The answer to that is that the minister will have to bring into his own department or the EPA the appropriate expertise to deal with all those powers that he currently does not have. He will have to take his own independent advice.

Mr Brindal interjecting:

The Hon. I.F. EVANS: The answer to that is that it will cost more money. What concerns me about this bill is just that point. There has not been a state government in this state for 20 years that has stood up and said, 'Stop paying taxes: we've got too much money.' They have always said, 'It's a terrible budget. We are not going to deliver a balanced budget because we haven't enough money.' What we are doing is putting more money into the administration of the bureaucracy to deal with the Murray.

My view is that we have enough evidence before us about what needs to happen. We have enough experts within the state who are telling us what we need to do. I will bet that if you ask the bureaucrats whether they have four or five unfunded programs they would say, 'Of course we have,' and say that they could easily use the money that will go into the administration of this act on on-ground programs. That is the principle that concerns me about the bill. I am not so cross about bringing in a bill for the sake of bringing in a bill if that is the minister's wish. What really worries me is that in three years when we are asked, 'What have you done about the Murray?' the answer we will give is, 'We've introduced the River Murray bill.' The answer should be, 'We've invested the money in all these programs and are now providing more programs on the ground than we ever have.' That is where the bill and the government miss the point.

With an ageing population, increasing health costs and a government that is yet to release an economic development plan, we have to ask ourselves, 'In the long term, where will the government get a regular income stream to provide all the programs on the ground to deal with the issues of the Murray?' That is another area where the bill is lacking; it has no long-term financial plan or commitment—not even a hint of what the bill will cost or what the on-ground programs will do for the Murray. With those comments, I indicate that I support the bill, but I have some grave concerns.

The Hon. M.R. BUCKBY (Light): I also rise in support of this bill. To say that the Murray is one of the most important assets that we have in this state is undoubtedly an understatement. We rely so much on the water from the Murray River to ensure that our agriculture continues, industry is developed and furthermore that the residents of South Australia actually have a water supply and one which is drinkable coming into our homes. For that very reason it is critically important that the government get this bill right.

We are at a point in time where we spent a day here in a forum of parliamentarians, scientists and business people discussing the future of the Murray and the importance of

turning around the issues that currently exist. The salinity content of the Murray and the amount of water that is being taken out of it, particularly by the upstream users over whom we in South Australia have no control whatever, are of concern. That forum was a day when I felt that some very good facts came out.

One of the questions this government will have to address is what sort of economic or budgetary commitment it will make to the Murray River. The previous government set aside $100 million for the restoration of the Murray in this state, and the challenge for this government is to ensure at least that amount or more. Having listened to the scientists who spoke to us on the day of the forum and who indicated some of the figures that are needed to restore the Murray to a reasonable standard in 50 years, I know that the figures are quite mind boggling, and that is a real challenge for this government.

Another challenge that emerged for this government is to ensure that the message from South Australia is taken to other states. Here we are at the bottom end of the river, with very little control over the quality of the water that comes in from other states. It is incumbent on this Minister for the River Murray and the Premier to ensure that pressure is placed on Victoria, New South Wales and Queensland indicating that, while we will undertake better irrigation practices and better use of our water, they too must commit to those practices, particularly in Queensland, where land clearance still goes on. Native vegetation clearance stopped a number of years ago in South Australia. New South Wales has huge water licences for rice and cotton growing, and that issue has to be addressed.

Another fact that needs to be addressed is that New South Wales and Victoria still have open drains delivering water to irrigators. That issue has to be addressed, because 50 per cent of the water that travels down those drains is lost in evaporation. That is water that we cannot afford to lose.

This bill, as the member for Davenport has said, talks a lot about the responsibilities of the minister, the area in which we consider that there are concerns and what controls are needed to ensure that there are good practices in agriculture, horticulture and industry along the banks of the river in South Australia. But we have heard nothing at this stage from the government in terms of a financial commitment to the river. That is particularly important. It is all well and good to have a plan, to have a bill, to have an act in the end, that says, 'Yes, we are going to do all these things,' but, unless the government backs it up with a financial commitment—and now is the time that we have to do that—all the paperwork and all the words that are spoken in this place are not worth anything. That is one of the challenges for this government.

In the time that I have available I want to turn to the planning and development issues because I believe that we should be seriously concerned about those issues in this bill. It is not only this side of the house that is concerned but also organisations such as the Local Government Association. This bill delivers to the minister power over the River Murray that no minister has had before. It allows the minister power to veto, for instance, a PAR that is developed by a local council. It then begs the question: who is responsible for these particular areas?

In 1993, the Hon. Greg Crafter introduced an act that brought all the development and planning issues under one minister and one act—the Development Act. That was a very smart move because, before that time, it was all over the place. People did not know where they had to go to get sign-off and it was administered by various ministers, as a result of which there was conflict and you ended up with delays and frustration for people who wanted to undertake a development in this state and, particularly, for local governments developing their planned amendment reports.

Unfortunately, this bill splits the power between two ministers—the Minister for the River Murray and the Minister for Urban Development and Planning, and I do not believe that that is a good idea. In fact, all of the planning issues in this bill could be subsumed into the regulations of the current Development Act and administered under that act and by that minister. In fact, the act could say that the minister must confer and that the opinion of the Minister for the River Murray must be sought without having it in this act.

Let us say that I am the planner of a local government area with a PAR that is affected by this particular area—and I remind members that this area takes in 500 metres on either side of the channel, not only of the River Murray but also of the tributaries of the River Murray, for instance, the Marne River and Currency Creek on either side. When you look at the map, it takes in a great portion of the Adelaide Hills, including Mount Barker, Keyneton and Eden Valley. It is a very wide area that will be affected by this bill.

Dr McFetridge: Not Murray Bridge or Mannum.

The Hon. M.R. BUCKBY: No. As the member for Morphett points out, it does not take into account Murray Bridge and Mannum, even though they sit on the banks of the river, I am perplexed as to why those towns have not been included within the boundaries of the River Murray zone. I will be interested to find out from the minister his answer as to why those towns have not been included.

Mr Brindal: The poor man has 5 005 questions to answer.

The Hon. M.R. BUCKBY: I am sure that he has 5 005 questions, and he will be able to answer the lot. I find that intriguing. But the point is the powers delivered to the Minister for the River Murray in this bill. If I want to build a shed at Mount Barker, it needs to be signed off by the Minister for the River Murray. If he or she (whoever is the minister of the day) does not agree with where I want it placed or its intended use, and the planning minister is quite happy with it, the Minister for the River Murray has veto.

If the Minister for Planning say, 'Well, I don't agree with you', it then moves to the Governor (which is the cabinet of the parliament) and, as a result, the matter is sorted out within cabinet. So, the confusion for the person trying to undertake a development is: who is the person in control? If I have a beef because my development has not been approved, do I have to confer with the Minister for Planning or the Minister for the River Murray? If the cabinet refuses the development, I can then go to the Environment and Resource Development Court. However, the court has to take the statement of the Minister for the River Murray, and it would be very unlikely to overturn that statement because it is deemed to have specific importance.

As I have said, all these matters could be addressed in the regulations of the current Development Act and still remain under the control of the planning minister. I believe that is the best way to go, because that keeps it simple. We often say in this house in terms of the bureaucracy and red tape that people strike a brick wall because they have to go to another department or seek the advice of another minister. The Development Act and planning principles are complicated enough without making them more so. The more we can keep this simple and under one act the better it will be. I agree with the former member the Hon. Greg Crafter that placing the power for development and PARs of councils under one

minister is the right way to go. There would be certainty, and councils would know which minister they have to deal with if there is an issue.

The Local Government Association is also particularly concerned about plan amendment reports and the statutory instruments that are pursuant to clause 21(4) of this bill. Its letter states:

> . . . has particular ramifications for local government, especially in relation to the preparation by councils of Plan Amendment Reports under the Development Act. The LGA considers that the minister's power of refusal, as opposed to providing comment, would have the effect of preventing a PAR from proceeding, thereby weakening the authority of councils in regard to this process. To go down this path would be to set an undesirable precedent that would undermine the fundamental role of the Development Act and the minister responsible for that act. The Local Government Association therefore seeks an amendment to remove the minister's power of refusal of statutory instruments, particularly as it applies to the PAR process.

That letter is dated 19 February.

The Hon. J.D. Hill: I think we have advanced past that, though.

The Hon. M.R. BUCKBY: I am pleased to know that the minister has, because my discussions with the LGA were otherwise; they felt there was still no resolution. I will await the minister's amendments to see whether we have resolved that particular issue. This is the time when this parliament and this government must act very responsibly in terms of the River Murray. We are at the point where we have one shot at this issue, because the scientists at the forum told us that, if we leave this issue now and delay it for 10 years or for a further period, we are moving down the track to where, in 50 years' time, either the water from the River Murray will not be drinkable or there will not be enough of it to ensure that we can support our population in South Australia.

It is therefore the responsibility of the minister, of the government and of this parliament to ensure that this legislation is clear in its terms, is simple so that the public can work with it and also is responsible in terms of planning and local government. Local government is where approval and direction is given for those who apply for developments. I have pleasure in supporting this bill, but we will be questioning the minister on some issues at the committee stage.

The Hon. J.D. HILL (Minister for the River Murray): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. J.D. HILL: In replying to this debate, I thank all members for their contribution so far. It has been a long debate, but it has been worth while, and it has been interesting to hear the views expressed by all members. I cannot think of too many debates where so many members have spoken for such a long time with such passion and with such different points of view about one issue but all, ultimately, pushing in the same direction; that is encouraging. Obviously, we have some issues to resolve at the committee stage.

In my response, I will not go through the individual issues that members have raised, or we will be here well past 12 o'clock. It was a very productive debate, and it was conducted in a good spirit. I want to say a few general things in answer to a couple of the issues that have been raised, because they cross a number of speakers. I will start by saying why the government has introduced this legislation, both in a short-term sense and in a broader sense. The issue which motivated the idea behind this bill was a photograph in the *Advertiser* some two or three years ago of cliffs at Nildottie with pipelines.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: That issue was one of some moment and controversy at the time. When the photograph was analysed, one discovered that a range of instrumentalities had given approval for various aspects of that project, but nobody—no government agency, no minister—had had an opportunity to look at the overall project because, had they done so, they probably would have said no. I notice that the member for Unley is nodding his head. He was the minister responsible for the Water Resources Act, but he was not responsible for the Planning Act and a range of other acts where approval was sought for that development. So, there was a clear weakness in the way we managed the River Murray, and that photograph demonstrated it. That said to me, 'There must be better ways of dealing with this complex system with a huge range of complex issues and lots of legislation.' That was the prime motivation behind this bill.

The second motivation is a broader and more philosophical one based on the government's overall policy of how we deal with the Murray River. The select committee I was on (and other members have spoken about it) was very important. I do not know how many years I will serve in this place, but one of the things of which I will be most proud when I leave is that I was on it. It was a ground breaking committee which has led to a whole range of things happening already, and it will lead to a lot more. One of the things that became clear to me on that committee is that government policy ought to be developed on a range of principles and that we needed bipartisan support for the Murray River in South Australia. That is absolutely essential. We must have a common view on what we ought to be doing, and we have developed that in this state and I am proud of that. We need very good national leadership. We need the commonwealth government in particular to show true leadership and to put money on the table. I think we are moving it in that direction.

Mr Brindal interjecting:

The Hon. J.D. HILL: Slowly but surely. We need good cooperation amongst the partner states in the Murray Darling Basin Commission. There is no point in us criticising the eastern states about what they do because that will not help them cooperate with us. We have to work with them, become partners, maintain that partnership and work together to try to overcome the problems. In order to get that to happen, we have to show that we are prepared to look after our part of the Murray River in the best way possible. World's best practice has to apply in our state.

We need to do everything we can to look after the Murray River in South Australia. We need to employ a range of strategies to do that. This piece of legislation is just one of those strategies. Things done by the former government are part of that, and things that this government is attempting to do are part of that as well. This is just one of those strategies but an important one because it demonstrates in a very clear way to the other states how committed we are to dealing with the problems associated with the Murray River in our state. We will be able to deliver world's best practice to river management in South Australia through the passing of this legislation.

A number of members have commented that they support the general thrust of the legislation but they have concerns.

Among those concerns is the fact that the legislation puts an enormous amounts of power in the hands of the Minister for the River Murray, who currently is me. It has been suggested that there might be some personal motivation behind this, that I am simply a power monger, but I will leave that for others to judge—

Mr Brindal: That was your own party.

The Hon. J.D. HILL: I do not think so. I will leave it to others to judge. I hope my role as minister is a constructive one, to build instruments, structures and institutions that can last well beyond my term in office. I may be the Minister for the River Murray for one or two terms at the most, but certainly not beyond that. It is an instrument to build an institution that will last well beyond my term in this parliament and will serve the people of South Australia. It is a powerful piece of legislation because it needs to be. We need this powerful piece of legislation to effect the outcomes on the grounds which we believe are required.

The member for Davenport made the point that in three years we should be able to measure, through the salinity level and the water flow, whether or not this legislation has been successful. That is being a little too clever. This bill is not about salinity levels or water flow. They are issues that need to be addressed in other ways by other procedures, and I assure the house that I will be coming back with action in relation to those issues in due course.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley has had his go.

The Hon. J.D. HILL: This legislation is about managing the operations across the protected areas in South Australia and in particular about activities on the Murray that are damaging to the Murray. It certainly might affect water quality, and it may impact on salinity levels. I cannot see how it can particularly affect water flow. We need to go to the eastern states for those things. There are some things that we will be able to improve. I guess the main thing that we will be able to do is stop it from getting worse. This legislation will stop it from getting worse; it will stop bad practices in South Australia now. We can examine those powers when we reach the committee stage. I understand that a lot of questions will be asked, and I am happy to answer them over as many hours as the parliament decides are required.

In conclusion, I want to mention two other matters. The member for Schubert raised the question of the Marne River requiring prescription. I have already told him privately, but I will put it on the record, that on 20 March I prescribed the Marne River. So, that has been done, and the member should be happy about it.

The SPEAKER: Hear, hear!

The Hon. J.D. HILL: I am glad to hear that you are, too, Mr Speaker. Secondly, a number of speakers raised the issue of the Lower Murray-Darling irrigation area, the swamps area. While that is not entirely relevant to this bill, it is a topical, important and relevant issue, and I will briefly address the issues that were raised. Claims have been made that the government has cut funding available to that project. I just say, as dispassionately as I can, that that is not the case. The government has not reduced the funding available to that project. In fact, the project is being funded out of the National Action Plan on Salinity and Water Quality, and that is a 50:50 partnership with the commonwealth government: the state puts in half and the commonwealth puts in half.

Under the previous government, $24 million was originally allocated under the original NAP scheme for that project. That was revised downward to $22 million, under the previous government, when the commonwealth's contribution to NAP for South Australia was not the $100 million that was anticipated but was, in fact, $93 million. So, $22 million was signed off on, or decided upon, under the previous government. That is the figure that I had to work with when I became the minister.

The former government also commissioned a funding study to allocate public and private good in relation to the rehabilitation of the Lower Murray irrigation swamps. That funding study, which reported to me, but which was commissioned by the former government, recommended a sum of $19.3 million as the money that should be contributed to the public good. The department suggested, and I agreed, that that figure should be increased to $22 million, to be consistent with the figure that was decided upon by the former government, and we allowed $2.7 million for unfunded contingencies. So, that is where the $22 million has come from. There has been no cut at all. There has been no funny business about this. This is the amount of money which was decided upon under the former government and which has been agreed to by me.

The former government put out a press release in the early stages of this matter, prior to the election, when there had been no detailed analysis of what was required, and it set a figure of $40 million, which it believed would be the appropriate amount.

Mr Brindal: That must have been right.

The Hon. J.D. HILL: It was based on activities that had happened in other areas. That figure has been revised down to about $30 million or $31 million—$22 million coming from the state and commonwealth contribution and $8 million or so being required to be put in by the irrigators. The figure has fallen from $40 million to $30 million partly because that was a back of the envelope kind of figure. However, the lower figure also takes into account that rehabilitation will not occur over all the swamp area; it will occur only on the best bits, if you like. It was always anticipated that about 20 to 25 per cent of the land would be retired. If you take that into account, that also brings the figure down.

Another allegation has been made that, if one compares this rehabilitation scheme with other rehabilitation schemes along the river (the Central Irrigation Trust, I think, is one that is mentioned), one will see that a formula of 40:40:20—that is, 40 commonwealth, 40 state and 20 private—is the basis on which those schemes have been funded.

The advice I get is that if you look at the same sorts of things that were funded in those schemes, in comparison to this scheme, in fact, it is 45, 45, 10. The difference is that more on-farm activity needs to be funded, that is, more private activity needs to be funded in relation to the swamp scheme. I feel very much for the irrigators in that area, because this really does change the way in which they operate. It is very threatening and it is a very difficult thing for them to manage. It is not helped by claims that there have been large funding cuts or that there has been bad motivation on behalf of the department, departmental officers or the government. None of that is the case.

We have worked through this based on the same premises established by the former government. I would hope that the leaders of those irrigators would show some real leadership, work with the community and help them work through these difficult problems so that we can get a structure in place that allows us to make the improvements that we need from a river health point of view and that the dairy farmers need

from an industry development point of view. I think there is potential there for a good outcome. It does need some cooperation and it does need some willingness from the community in terms of showing some true leadership, and I do not think that they have always been getting that.

That is all I wish to say. I will have a lot more to say about the bill during the committee stage. I do thank members for their contributions and I do commend the bill to the house.

Bill read a second time.

The SPEAKER: The second reading having passed, as is my wont, I will place on the record those views for which I believe my constituents are entitled to hold me accountable and which, if members believe them relevant, may become the subject upon which they could have amendments to any specific clause drafted which they might think, in their opinion, could improve the bill. That is not for me to say or do. It is, however, legitimate for me, I think, to say also that, like the minister and other members of the Select Committee on the River Murray, which was held during the last parliament, I, too, was pleased to serve and I, too, want to commend the other members of that committee.

I make the remark that it was probably one of the most productive, angry outbursts I have ever made in my life where, in the privacy of the lobbies, I made it plain to certain other members and ministers, not far from this chamber, that I thought the structure of a five-member select committee and the limited terms of reference that it was being given did no justice to the subject that was before us or the trust the people were entitled to have in us in addressing the problem and dealing with it. And, to my pleasant surprise, the numbers on the committee were expanded.

I was to be included in it and the discussion that ensued resulted in our not only taking evidence from people and parties along the river but also from users outside the river valley, and visiting other users of the water in the system upstream, interstate, ensuring that they understood our belief and concern about the River Murray, its importance nationally and their part in it, and the way in which it had an effect upon us, and vice versa. The minister's contribution and that of the Member for Mitchell, the Member for Norwood and the minister of the day (who is the shadow minister currently) and, indeed, all members of that committee, ably chaired by the Hon. David Wotton, will, I am sure, be a reference text for decades, not just to politicians and bureaucrats but for students. So, I am pleased to have been part of it.

I move on to the topic of the enormous cost that must be confronted by government at state and federal level to address the problems which the river has, because those problems only exist as long as we as human kind exist and rely upon it. It is in our interests and that of our children, as the forum held in this chamber, ably organised by the government and sensibly organised in a timely manner, was told by those people who addressed it, that is, the cost needs to be taken into consideration as a matter of urgency and dealt with. The source of funds, as I have always seen it, should be for those people who enjoy it, whether they be government agencies, corporations or individual private irrigators using water for any reason whatsoever. Nonetheless, they should have tenured licence and that should be a free market.

In consequence of the free market coming into operation, every eight to 10 years every megalitre of water would then come back on the market and what quantity of water in the licence expired would be put back on the market would be a decision made by those charged with the management of diversions from the river—diversions for potable water use in the community, for industrial use and for irrigation. The market itself would determine the price. No-one in government at any level could be accused of attempting to manipulate that. Water would find its way to the best and most profitable use to which we as a society could put it, and it would attract, in consequence, a contribution to the public purse. Clearly, at the present time, water changing hands is worth $1 000 a million litres (that is a megalitre). A gigalitre is 1 000 million units. There is something over 10 000 gigalitres being taken from this system at the present time and if around $1 000 was being paid for the right to use that for 10 years, members themselves can see that would result in $1 billion being generated from the sale out of public hand into the rightful and lawful use of the party which chose to buy it from the public interest that was offering it, namely, the government.

I cannot think of a fairer, more sensible way to raise revenue, for it would not be necessary for all the water to come on the market at once. It could come on the market in equal portions each year and be divided into quarters, so that the water was on offer every three months and, of that quarter on offer, split in halves such that half was offered for sale by tender and the other half offered for sale by open cry auction; an hour after the tenders had closed the successful tenderer could be announced. By that means, everyone would know what the fair price was for access to and use of that public resource. Neither the smallest irrigator nor the larger corporation using the water for industrial purposes or for reticulation for potable purposes would have any advantage over the other in that market. It would provide the community with the means by which it could address the problems of the drainage system from which the rainfall finds its way ultimately to the sea and from which we divert, that is, the Murray-Darling Basin system.

Having waxed eloquent on that point, I will leave it, save for one additional emphasis. More than enough revenue would be generated from that process, as well as the process providing the management tool to decide how much water ought to be put back on the market of that which is retired every quarter, every year, every decade to enable the proper management and appropriate public compensation for that access.

The next point I wish to put on the record is that the act, in my judgment, and many other acts which seek to manage the public resource, should bind the Crown in no way differently, and the Crown's agencies in no way differently, to the way in which the citizen or a body corporate is bound. Currently, I do not think the bill does that. I also share the concern that has been expressed about two ministers being responsible for planning and development. However, a way of resolving that dilemma, as I have seen it in the past and still see it now—and I have heard no argument mounted by anyone that would give me a contrary view of it—is that it ought to be the subject not so much of a minister, or ministers, but the subject of scrutiny and ultimate disallowance by a committee of the parliament. I am referring to this in the ideal model of the parliament having a house of review in which that committee would be established, wherein it would not be a matter for the opposition trying to score points off the government in the review that was made of a minister's decision, but rather a house of review properly assessing what was happening, such that the minister would not dare do

anything that would bring controversy to the decision he or she was making at the time.

I do not doubt for a moment that this minister, like the minister before him, has good intentions. I have been here long enough, and indeed been dealing with ministers even longer, to the extent that I am not confident that all ministers act with the same measure of dispassionate objectivity in the policy decisions they make. Indeed, at times, once the power is there, it can be used for purposes other than might otherwise have been thought it would be used at the time the law was made. I commend the government for the promptness in its term in office with which it has responded to these obvious needs, in follow-up in no small measure to the way in which the previous government was generally responding.

However, I note that the decisions this government has made thus far have been even more difficult and required greater skill to manage the process of public understanding of what is to be achieved by the steps being taken than any previous government, either Liberal or Labor, experienced. It is for that reason that I make a particular comment in the course of these remarks. I thank members for their attention.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 10.16 p.m. the house adjourned until Thursday 27 March at 10.30 a.m.