HOUSE OF ASSEMBLY

Wednesday 24 March 2004

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

ANANGU PITJANTJATJARA LANDS

The Hon. K.O. FOLEY (Minister for Police): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: Yesterday, the member for Mawson asked me several questions regarding policing in the Anangu Pitjantjatjara lands. He asked why nothing had been done about the situation even though I had known about deaths on the lands since at least June 2003. He also made a public statement yesterday wherein he claimed that the extra police patrols for the AP lands, promised in the 2003-04 budget, had not been in the lands since July 2003. On advice I was provided, I make that statement.

I have since received advice from the Commissioner of Police on this matter and I am now in a position to inform the house that the member for Mawson has got it wrong again. I have been advised by the Commissioner of Police that the two-person patrols mentioned by me in the estimates committee on 18 June 2003 have operated in the lands since August last year, other than a two-week period around Christmas. As I told the house on Monday, an additional two-person patrol will be operating on the lands from today. There will also now be a dedicated inspector to coordinate police responses on the AP lands. These resources are additional to the four deployed from August last year and take the SAPOL presence on the lands to seven.

I reject totally any suggestion that the Commissioner of Police has not deployed police for which funding was provided by this government. I am at a loss to explain the constant criticism of the commissioner by the member for Mawson and I hope that following this episode it will cease. I also inform the house that the government has this afternoon received a briefing from Dr Jonathon Phillips, Director of Mental Health, on his visit to the APY lands. As a result of his suggestions, the government is now urgently appointing two male health coordinators to work in the lands with young men at significant risk of mental health problems. Urgent consideration is also being given to a number of further recommendations contained in that report. I will keep the house informed.

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. M.J. Atkinson)—

Rules of Court—

District Court—Inactive Cases.

STATE-LOCAL GOVERNMENT RELATIONS AGREEMENT

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. McEWEN: As minister for State/Local Government Relations, I am delighted to table today a copy of the State-Local Government Relations Agreement signed on 8 March between the Premier and Councillor John Legoe, President of the Local Government Association of South Australia. I am delighted to have Mayor Peregrine and his family here to witness this.

The agreement commits the South Australian government and local government, through the Local Government Association, to improving consultation arrangements and communication practices and to the building of closer, more productive and collaborative working relationships. Appended to the agreement is an agreed set of priorities for joint action over the coming year. The agreement between the state and local government has arisen from the minister's local government forum, an initiative of this state government. Members will recall that the forum, which I chair, comprises the ministers for environment and conservation, housing, and urban development and planning; the President of the Local Government Association; members of the LGA State Executive Committee and senior representatives of local and state government. It is a mechanism through which state and local government can together, in a spirit of mutual respect, guide some of the significant, complex and challenging issues that arise at the interface between the state government and local government.

The agreement has been the subject of consultation within state agencies and local government. It reflects the government's policy of treating the local government sector with respect as a responsible and independent sphere of government. It also seeks to be practical and realistic, identifying the different pressures and priorities on state and local government and recognising that there will be occasions when agreement cannot be reached. The agreement does not seek to remove 'healthy tensions' between state and local government but rather encourages a greater focus on common ground and creative ways of resolving those tensions in the interests of all South Australians. It is designed to guide the relationship between the two spheres of government with respect to issues of mutual interest.

The appended schedule lists significant topics currently before the minister's Local Government Forum, including stormwater management, economic development, planning and development, and septic tank effluent disposal. The agreement signifies the Local Government Association's preparedness to work with councils and the state to deliver better outcomes for South Australian communities and to promote collective local government action. I am proud to have served as a member of the LGA State Executive Committee—as has the member for Norwood—when I was involved in local government, and acknowledge the valuable work that the LGA carries out for councils which ultimately benefits the communities we serve.

The development of the agreement is consistent with the directions of the Economic Development Board's report, which advocates better coordination of activities and more strategic approaches between state and local government. The agreement represents an important compact between the Local Government Association and the state government. It provides the capacity to work together to develop a unified approach to manage the process of consultation with the commonwealth on South Australian issues. As members know, we share a concern about the inequitable way in which the commonwealth divides local government grants between states and territories, particularly on road funding. The agreement is timely as we await the commonwealth's response to the recently released report entitled 'Rates and

Taxes: A Fair Share for Responsible Local Government' (also known of course as the Hawker report).

The current per capita allocation of general purpose grants between states is at odds with the more equitable horizontal fiscal equalisation approach used for the distribution of funds to councils within each state and territory. The minister's local government forum will monitor the agreement, and the appended schedule containing a raft of matters of shared interest to both state and local government will be reviewed annually to keep it current. The agreement represents a commitment to the importance placed by both state and local government in South Australia on working together for the effective delivery of services to the communities.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 15th report of the committee.

Report received and read.

Mr HANNA: I bring up the 16th report of the committee.

Report received.

QUESTION TIME

UNEMPLOYMENT, NORTHERN SUBURBS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment, Training and Further Education. What specific programs have been put in place to stem the decline in employment opportunities in the northern suburbs and, in particular, Elizabeth? The Department of Employment and Workplace Relations figures on small labour markets in Australia indicate that the unemployment rate in Elizabeth has risen to 23.2 per cent in December 2003. This rate has steadily increased from 18.2 per cent in December 2002, an increase in the number of people unemployed in that area of 27 per cent.

The SPEAKER: Yet again the information provided is better provided by way of debate as supporting evidence of a point of view rather than as points made in the explanation of a question. The question is understood and stands alone without the need for that kind of explanation. Notwithstanding the practices of the chamber, which have arisen by marginal and incremental alteration over a fairly short period of time given the length of history of the chamber, it ill-behoves us to continue down that path: it is the path which turns question time into confrontation time, rather than seeking and obtaining information.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): Thank you, Mr Speaker. I will try to observe your ruling in answering the question.

Mr Brindal: What does that mean?

The Hon. S.W. KEY: I am taking notice of what the Speaker is saying is what it means. I will try to answer in the way that he has suggested.

The SPEAKER: The member for Unley will help if he does likewise.

The Hon. S.W. KEY: There are two points that I would like to make in response to the leader's question. First, a comprehensive and holistic program has been put in place through the Office for the North, which includes not only the infrastructure matters that we need to look at in that region but also skills, training and employment in all of South Australia through a very important initiative announced by the previous minister and the Premier, which is called South Australia Works. There is an overall program. There is also within our government a program to look at particular regions and the Office for the North, as I said, has a holistic responsibility for making sure that a whole of government approach is not only applied but also that we connect all our programs. They include employment programs, training programs and retraining programs.

The Hon. R.G. KERIN: I have a supplementary question. To which industries does the minister attribute the fact that 27 per cent more people are unemployed in that area?

The Hon. S.W. KEY: I have a whole lot of views about why there are such poor economic indicators in that region, but I think it would be more appropriate if I responded in a considered way, and I am happy to brief the leader on the initiatives that we are taking in response to a whole lot of indicators that come out of the northern region. For example, the high unemployment rate—

Members interjecting:

The SPEAKER: Order! If honourable members in the opposition wish to debate the matter there are devices available to them. It will not require an amendment to standing orders. Surely an urgency motion is not beyond their ken or capacity.

The Hon. S.W. KEY: A whole lot of measures have been put in place by our government, and that is in stark contrast to the lack of initiatives for the north under the previous government. As I said, I am more than happy to brief the leader about the initiatives that we have been employing.

PLANT GENOMICS CENTRE

Ms CICCARELLO (Norwood): My question is to the Minister for Science and Information Economy. How has the state government made South Australia the focus of South Australia's research capabilities in agricultural bioscience?

The Hon. P.L. WHITE (Minister for Science and Information Economy): I thank the honourable member for her question and her recognition of the importance of this centre. Today I had the pleasure of witnessing the Premier and Professor James McWha, Vice-Chancellor of the University of Adelaide, officially open the state-of-the-art Plant Genomics Centre at the university's Waite campus, along with my colleague the Minister for Industry, the Leader of the Opposition and the member for Waite, acknowledging the bipartisan support for the centre.

The $9.2 million facility will be home to five different research programs including the national headquarters of the Australian Centre for Plant Functional Genomics Pty Ltd and the national agricultural section of the Australian Genome Research Facility. Other tenants include the Molecular Plant Breeding Cooperative Research Centre, the molecular marker facilities of the University of Adelaide and the South Australian Research and Development Institute (SARDI). The new facility can accommodate over 150 scientists and already more than 100 scientists have taken up residence, including new science and technology graduates and post graduates. It means that Adelaide will join Cologne in Germany and Norwich in England as one of three leading research centres in this area, which is a significant achievement for Adelaide and for Australia.

The government's $8.5 million contribution towards the construction of the Plant Genomics Centre has created some of the most sophisticated laboratory facilities for plant research in Australia.

With nearly 1 500 square metres of laboratory space, the centre will be a prime breeding ground for spin-off bioscience companies, aided by BioInnovation SA's Director of Agriculture, Dr Martin Miller, who will be based at the centre, to identify those opportunities for research commercialisation. Part of the research conducted at the centre will help develop new crop plants with improved resistance to such stresses as heat, drought, frost, toxicity and mineral deficiencies to support one of this country's most important export industries. There are many people to recognise for their contribution to this project, but I would especially like to acknowledge the project manager, Mr Peter Boros, principal of Resource Development Pty Ltd, for his significant role in this project, and BioInnovation SA for overseeing the capital works on behalf of the state government, and of course to my parliamentary colleague the former minister for her overseeing role in this project.

EMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment. Given that recent ABS figures show a decline of 22 100 full-time jobs over the financial year, does the minister agree with the predictions of job losses as a result of the proposed fair work bill? I will briefly explain. Access Economics found that:

> If the bill were to cause labour costs in South Australia to rise by 1 per cent, unsupported by productivity gains, the result may be a loss of 1 700 jobs within three years—

Group Training Australia claims that it may cause the loss of 3 500 apprenticeships.

The SPEAKER: Order! The chair is of the view that the question is out of order, because it pre-empts debate on the bill that is before the house.

The Hon. R.G. KERIN: A point of order: the fair work bill, to my understanding, is out for consultation.

The SPEAKER: The chair apologises to the leader. The question is in order. The bill has not yet been introduced; it was a clever ploy.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I thank the Leader of the Opposition for his question. Once again, the Leader of the Opposition has not told the full story. What Access Economics has said in summing up is far from conclusive. Access Economics says that, if there is a 1 per cent increase in costs, there might be slower growth or fewer jobs. There is no conclusive report by Access Economics in regard to this. The government rejects that the fair work bill will impact upon jobs. What the fair work bill is all about—

Members interjecting:

The Hon. M.J. WRIGHT: The interjections, for a change, were correct. It is out for consultation. We do things differently to the previous government: we have gone out with a genuine consultation bill to provide the major stakeholders with the opportunity to provide their input. What the government is all about with the fair work bill—as the former government would never support—is fair work for all workers.

EDUCATION, OVERSEAS STUDENTS

Mr KOUTSANTONIS (West Torrens): My question is for the Minister for Employment, Training and Further Education. How is South Australia performing in attracting overseas students to study here in South Australia?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for West Torrens for his question. I know that he is an advocate in making sure that we attract overseas students into this state. I also take this opportunity to commend the previous minister for the fine job she did in making sure that overseas students had a priority on our government's agenda.

The marketing of Adelaide to overseas students is one of the state's great success stories, with students reaching record numbers. More than 13 000 overseas students are now enrolled in South Australia. This represents an increase of more than 22 per cent since 2002, and a growth rate of more than double the 10.8 per cent national growth in overseas students. I am using these statistics because I know how fond the opposition is of talking statistics, particularly the leader. I am hoping he will be enjoying this. South Australia was one of the only three states, the others being Victoria with 12.8 per cent, Queensland with 13.2 per cent and the ACT with 17.6 per cent, to increase its market share last year. I want to highlight three sectors for special mention: the school sector achieved a 31 per cent increase in students, higher education jumped 27.8 per cent, while vocational education improved by 18.7 per cent. Nine of the top 10 countries sending students to Adelaide were from Asia, with the biggest number of students coming from China, South Korea, Malaysia and Hong Kong.

This is an outstanding achievement in a year of tough international circumstances such as the SARS virus, the war on terrorism and the strength of the Australian dollar. This is strong evidence that parents and overseas students are starting to recognise the advantages of studying in Adelaide. They are increasingly being attracted to our world-class education industry, together with features of safety, accessibility, lower living costs and a relaxed yet vibrant lifestyle. In 2003, South Australia's education export industry was worth more than $300 million to the state's economy, directly supporting about 2 000 jobs. I look forward to the continuing growth of this very important sector and our economy.

EMPLOYMENT, WOMEN

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Employment. What has the minister done to immediately address the fact that 15 000 women in South Australia have lost full-time jobs in the past eight months?

Members interjecting:

The SPEAKER: Order!

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): Thank you sir. I thank the leader for his question. It is very good to see that the opposition is finally interested in women workers and also their employment and training opportunities. There have been a number of great initiatives that I have inherited from the former minister which include SA Works. As I mentioned earlier, SA Works, a $17.6 million project, is looking at targeting people who have been disadvantaged from our work force, and that obviously includes women. One of the things that I think we have to take into consideration—this is part of my research rather than being official statistical information through the ABS or the DEWR or even the ANZ job vacancies—is recognise the need to look at our population strategies in line with our employment strategies and also our retraining and training areas. One of the things that is particularly important is that we need to make sure that

people not only can apply for jobs but also have access to the work force.

One of the major stumbling blocks that is identified in all the research that I have looked at is the issue of available quality child care. This is one of the areas that we really need to get the commonwealth government to take up with more sincerity, because child care is identified time and again as being one of the reasons why working parents have trouble accessing the work force, particularly women parents. They continually identify child care as the major problem. The other issue—this goes back to what I was saying about population strategies—is that, because we have an older population in South Australia, in fact, the oldest population, we need to really look at that with regard to employment. A lot of workers are saying that it is very difficult for them to re-enter the work force not only because of the lack of child care but also because a lot of those potential workers have family responsibilities for looking after older people in the community and relatives who need that one-to-one care. All those work and family life issues need to be taken into consideration.

Our strategy is to look at the circumstances for workers in South Australia. We are looking at the circumstances for older workers through our 'Experience Works' program. We are also looking at our re-entering the work force programs to make sure that we give women and other workers who are returning to the work force an opportunity to do the sort of work that they choose to do. We are also looking at the issues of family and community responsibilities, which our research tells us are a really big problem for women, in particular, who have to juggle all the roles that they have in the community.

The Hon. R.G. KERIN: Mr Speaker, I have a supplementary question. We hear what the minister says, but why have 15 000 women in South Australia lost full-time jobs when, in every other state across Australia, there has been an increase? How can she put that down to child care when that is the same right across this nation?

The Hon. S.W. KEY: I think that the leader is debating the issue. He probably needs to listen to what I said in my earlier answer. There is a whole lot of reasons why women find it very difficult to access the workplace. I think I have outlined those reasons, and I think—

The Hon. K.O. FOLEY: Mr Speaker, I rise on a point of order. I overheard a very disturbing comment from the member for MacKillop. He knows what he said. I ask him to withdraw that and apologise. In the current circumstances, for a parliamentarian to make the comment that I understand the member just made about petrol sniffing, it should be withdrawn and an apology should be given.

The SPEAKER: I did not hear the remark made by the member for McKillop. If, on reflection, he considers his remark to have been ill-advised, I invite him to withdraw.

The Hon. K.O. FOLEY: Mr Speaker, I overheard the member say that I am sniffing too much petrol.

Mr WILLIAMS: Mr Speaker, that is not the comment that I made, but I withdraw and apologise to the member.

Members interjecting:

The SPEAKER: Order! The honourable minister.

The Hon. K.O. FOLEY: Mr Speaker, I ask the member to repeat the comment that he is withdrawing.

The SPEAKER: Order! The minister has the call. The point is dealt with. The member for MacKillop.

B-DOUBLE PERMITS

Mr WILLIAMS (MacKillop): Will the Minister for Transport advise when my constituents, We Us and Co, will receive their B-double permits for several routes around Lucindale, and will she tell the house why delays are occurring? On 3 April 2003, We Us and Co applied for B-double permits for the Callendale and Naracoorte Konette roads. On 11 December 2003, I wrote to the previous minister and requested that the permits be processed, as the company had not received a response to its application. On 23 February 2004 I asked the previous minister in this house to ensure that the permits would be issued in a timely manner. To date, the permits have not been issued, and neither my correspondence nor my question has been answered.

The Hon. P.L. WHITE (Minister for Transport): I thank the honourable member for his question, and I will ask my department what permits may be issued and when.

Members interjecting:

The Hon. P.L. WHITE: The shadow minister pipes up about heavy vehicle permits. In fact, he recently put out a press release and engaged in some scaremongering regarding permits, and said that they were not going to be reissued. That is just not the case. Despite the misinformation being spread by the shadow minister, I will follow up for the member for MacKillop the detailed answer to his question.

ELECTRICITY INTERCONNECTOR

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. In view of recent comments of Essential Services Commissioner Lew Owens, does the minister believe the promise his government made before the last state election that, 'We will build an interconnector to New South Wales to bring in cheaper power' is deliverable? On Wednesday 17 March, Essential Services Commissioner Lew Owens submitted to the parliamentary select committee on the electricity industry in South Australia that 'providing more and more interconnectors does nothing to address the situation in South Australia. We would be much better off building a peaking plant and meeting our requirements when we need it'.

The Hon. P.F. CONLON (Minister for Energy): It is with considerable satisfaction that finally on 24 March 2004 I have had a question on electricity from the opposition. It is such a shame that it is a question that they asked last year. I just wonder whether there is an offence of impersonating an opposition—because they would be guilty. We know that the opposition has different views from us on interconnectors. We know that their views on interconnectors are often confused among themselves. We know that they initially supported the Riverlink interconnector of which they speak and then opposed it. They opposed it when they were privatising. They opposed it because they believed it would increase the value of generators at the sale. Why would it increase the value of generators? Because it would make the electricity more expensive. That is why they opposed the interconnector. We did not.

It is a smokescreen and it pains me to have to explain this again. As a smokescreen what the opposition did was support an entrepreneurial—

The Hon. W.A. MATTHEW: I rise on a point of order, sir.

The Hon. P.F. Conlon: You don't want to ask a question if you don't like the answer!

The SPEAKER: Order! The member for Bright has a point of order.

The Hon. W.A. MATTHEW: The minister was asked a very specific question in relation to very specific information given by the Essential Services Commissioner about interconnectors. The minister has failed to address the substance of that question.

The SPEAKER: The minister may now direct his attention to the substance of the question.

The Hon. P.F. CONLON: The precise substance of the question is whether we will build an interconnector with New South Wales. I am explaining why we are building an interconnector with New South Wales that is not our first choice. It is impossible to do that without providing background to the house. I would be giving an incomplete answer. The primary reason we have had to pursue a different approach from a very valuable interconnector with New South Wales is because of the previous government's support; instead of a sensible interconnector, what was called a market network service provider or an entrepreneurial link with Victoria.

We never supported that link and we never thought it was a good idea. The proof of the pudding was in the eating because the entrepreneurial link subsequently failed. It failed with New South Wales. As a consequence of having been built and what I can only call the most mindboggling incompetency of the ACCC, they converted that into a regulated link; so an interconnector which we never asked for but which the opposition asked for was converted to a regulated interconnector and imposed on the bills of South Australia. As I said once before, it is the cold hand of the opposition reaching from the political grave to increase the prices of electricity in South Australia.

In response to that circumstance I held a meeting last year—something they never had the wit to do—with the ministers for energy in Victoria and New South Wales and agreed a set of works to be constructed between New South Wales and Victoria which will put more power into the Victorian region and, subsequently, South Australia and which may finally give some value to that crock that has been imposed on South Australia by the opposition and the ACCC. I have explained this before. I think it is very disappointing for this parliament—

Members interjecting:

The Hon. P.F. CONLON: Are you asking me whether I agree with Lew Owens on everything? I can tell you that I do not agree with Lew Owens on everything, but I can say that I agree with him on far more than I agree with the opposition. It is disappointing that the people of South Australia have had to wait until 24 March this year to get a question on electricity from the opposition. It is doubly disappointing: it is simply a question they have asked before.

HOSPITALS, COUNTRY

Ms BREUER (Giles): My question is to the Minister for Health. Have country health regions been allocated additional funding and will country people benefit from additional surgery to be carried out at our major hospitals?

The Hon. L. STEVENS (Minister for Health): I thank the member for Giles for this very important question. Yesterday I announced that over 1 000 extra surgical procedures will be carried out over the coming months in our major hospitals, and today I can announce that additional funding has been allocated to boost the budgets of country health units. Members will recall that last October the government allocated an extra $20 million over four years in recognition of the growing demand for services in the country. On top of this, following our mid-year review, I can announce that a further $2.2 million has now been allocated across the seven country regions and to Gawler Hospital. I am pleased that the member for Flinders is writing this down, because perhaps she will correct the misinformation that she has promulgated in the media.

Members interjecting:

The Hon. L. STEVENS: Listen. Eyre Peninsula has been allocated an additional $485 000; Hills Mallee Southern, $447 000; Mid North, $201 000; Northern and Far Western, $305 000; the Riverland, $287 000; the South-East, $177 000; Wakefield, $217 000; and Gawler, another $77 000 on top of the extra 178 surgical procedures to be performed there, and that was announced by me yesterday. Mr Speaker, this means that the claims by the members for Finniss, Goyder and Flinders that country people are being ignored are nonsense. But, of course, there are more nonsense claims as well, particularly by the member for Finniss, that additional elective surgery money announced yesterday will not help country people. Of course, the extra 1 000 elective surgical procedures to be performed will assist many country people who are on the booking lists for surgery at our metropolitan hospitals. And, Mr Speaker, let us just look at the facts.

Mrs Penfold interjecting:

The SPEAKER: Order! The member for Flinders needs to reflect upon what it is I have been trying to explain to the house over recent days. She wants to debate the issue, because she is keen about the idea that there is a mistake or, at least, an injustice. Question time is not what standing orders provide as an opportunity for such debate. We either amend the standing orders or we stick to standing orders and not make fools of ourselves in the wider community by our misconduct of the standing orders which we ourselves have decided we will live by. The minister.

The Hon. L. STEVENS: Some 1 300 of the people on our metropolitan hospital booking lists for surgery are from the country; 15 per cent of people on the booking list at the Royal Adelaide Hospital are from the country; 15.3 per cent of people on the booking list at the Women's and Children's Hospital are from the country; and around 10 per cent of patients booked for surgery at the Flinders Medical Centre, the Repatriation Hospital and the Queen Elizabeth Hospital are also from the country. Many of these country people will benefit from the extra surgery, and the claim by the member for Finniss that country people have been 'ignored'—

The SPEAKER: Order! That is debate: it is not an answer to the question. The minister obviously has completed her answer, much of which has been debate, regrettably, and I call the member for Bright.

GAS COMPETITION

The Hon. W.A. MATTHEW (Bright): My question is again to the Minister for Energy. What extra costs will be passed on to South Australian taxpayers as a result of gas fuel retail contestability being implemented by 1 July 2004 and what, if any, financial guarantees has the government given to industry participants? With your leave, Mr Speaker, and that of the house—

The SPEAKER: No, leave is not granted; the question is clear enough. The minister.

The Hon. P.F. CONLON (Minister for Energy): Thank you, sir. A considerable process needs to be gone through in the introduction of gas retail competition. I assume that the opposition has not changed its longstanding support for the introduction of gas competition. There are substantial costs associated with the introduction of competition, and they are being analysed by the Essential Services Commission as we speak. As to financial guarantees to companies, I am not aware of any. I am not quite sure what the shadow minister means, but what I will say is this: the very strong undertaking I can give the house is that people will not suffer from Labor's introduction of FRC in gas which they suffered from the introduction of electricity competition by the opposition when they were in government.

The Hon. W.A. MATTHEW: I have a supplementary question. Will the minister confirm to the house whether the statements made by Investra that it has received an assurance from the government that it will not be financially disadvantaged if its distribution, metering and billing systems require change when the rules are finally set are a correct assumption by Investra; and will he provide the house with details of what cost assurances he has given that company?

The Hon. P.F. CONLON: I am not quite sure just what the opposition is trying to get at here, but what I can say is—

The SPEAKER: Do not try to second guess the opposition, just answer the question.

The Hon. P.F. CONLON: I have not given, as I recall, financial assurances of any kind as a minister. What occurs in FRC is that Investra expects to recover costs associated with FRC. The fact that we would tell people introducing FRC that they will be entitled to recover their costs is, shall I say, entirely unremarkable.

The Hon. W.A. MATTHEW: My question is again to the Minister for Energy. How does the minister propose to cover the costs which have been specified by Investra and which will be incurred by other companies during the start-up of full retail contestability in the gas industry, and what effect is this likely to have on South Australians? In its submission to the Essential Services Commission, Envestra identifies upfront capital costs of almost $30 million, with additional operating costs of $8 million in the first year of operation and $5.7 million in the second year of operation.

The SPEAKER: They may be interesting facts more appropriate to debate than explanation. The minister.

The Hon. P.F. CONLON: It is again entirely unremarkable that a gas distribution company being charged with the introduction of the full retail competition will seek to recover the costs. There is in fact a system for doing that: it was established by this parliament and supported by the opposition. I am having difficulty finding a point in this line of questioning. What I will say is this. I will give the guarantee to the house that we will deal with full retail competition in gas in a competent way, considering the interests of customers in South Australia. As a result of that, I can assure the house that the customers in South Australia will not take the terrible shellacking they took in electricity because of this mob privatising before they went to FRC. They will not take that dreadful shellacking. I will tell the house this: there is a process—

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson will come to order!

The Hon. P.F. CONLON: —at the moment where the company claims its costs. Now, forgive me for being a little cynical, but I would be of the view that the company will make as big a claim for costs as it can. The Essential Services Commission is charged by this parliament—not by me—with the job of assessing those costs. Can I just assure the house of costs associated with FRC and of costs with REMCO, the market company we have set up and with the retailer as well? All those things have to follow a process of law set by this parliament, and that is what will occur. However, I can give an assurance that, at the end of this process, the thing that matters to this parliament and to South Australia is that the customers under our introduction of competition in gas will not take the dreadful shellacking they took in electricity as a result of the introduction of competition.

TRAINING DEAL

Ms THOMPSON (Reynell): My question is to the Deputy Premier. What are the details of the recent training deal between Flinders University and a Singaporean company?

The SPEAKER: The Deputy Premier is not here. The member for Bright.

GAS COMPETITION

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. In view of Envestra's belief that the government's approach to full retail contestability is likely to result in higher costs, will the government now consider delaying gas full retail contestability to avoid these higher costs being incurred by South Australians? In its submission to the Essential Services Commissioner, Envestra says that what it describes as a tight government timetable and the delay in finalising the market has added to the risks and uncertainty of the project and states that this uncertainty is likely to result in additional costs during industry testing and post 1 July operations.

The Hon. P.F. CONLON (Minister for Energy): What we have today is the most extraordinary thing. We have the opposition talking up Envestra's claims for costs on South Australians, in here supporting Envestra to get as much money as they can out of South Australians. What an extraordinary position for them to take.

Members interjecting:

The SPEAKER: Order! The member for Bright has asked four questions and his name is no longer on the list.

The Hon. P.F. CONLON: Please, sir, don't take him off. Don't punish me. Let me explain why we have to do gas competition and why we have had to do it on a tight time frame. You cannot understand gas competition unless you consider competition in electricity.

The Hon. W.A. Matthew: Which you also messed up.

The Hon. P.F. CONLON: Which we messed up! It was your plan.

The Hon. W.A. Matthew: You agreed to their ambit claim.

The SPEAKER: Order! The member for Bright is warned.

The Hon. P.F. CONLON: The truth is, competition in electricity was committed to by the previous government, not by this government, five years before it was finally introduced in 2001, I think it was. The commitment was made by the previous government. You cannot—

Mr Brokenshire: It was 1992 under Bannon.

The SPEAKER: Order, the member for Mawson!

Members interjecting:

The SPEAKER: Order, the Deputy Premier!

The Hon. P.F. CONLON: You cannot have effective competition in electricity without having competition in gas. It is a lesson around the world. New retailers would not enter the South Australian market unless we undertook to introduce competition in gas. The previous government sold electricity entirely to one retailer. We were faced with the job of introducing competition in electricity from a monopoly starting point. We had to promise competition in gas.

Mr Brokenshire: Buy it back.

The Hon. P.F. CONLON: Buy it back! At least one recognises they were wrong. As a result of that—

Members interjecting:

The SPEAKER: Order! The answer has descended into debate. The question and its answer have therefore been addressed in adequate simplicity. The member for Colton.

RAY STREET DUMP

Mr CAICA (Colton): My question is to the Minister for Environment and Conservation. What action is being taken over dust and odour from the disused waste dump at Ray Street, Findon that impacts on the environment of nearby residents, some of whom live just metres from the dump?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Colton for this important question about a site within his electorate. This issue has been of great interest to residents who live near the Ray Street site. As members may or may not know, the site was operated as a landfill site by the City of Charles Sturt until the 1970s, and since then an application has been made to remediate it and develop the site for medium density housing, so we will get rid of the dump and put housing on the site.

Before the application can be exercised, a major rehabilitation and independent audit of the site has to be completed. What that involves is the painstaking process of excavating and sorting about 260 000 cubic metres of waste and that process is well underway. The member for Colton has been campaigning to make sure that the disruption caused by this process is absolutely at the minimum. I think most of the residents would want to see this work done but they do not want to be affected by the dust, noise and odour associated with it. I got a first hand view of this when I visited the site with the member for Colton and the head of the EPA during a community cabinet in the western suburbs just recently. I also talked to local residents at a community meeting organised by the member for Colton in February who told me that odour and dust blows into their backyards causing considerable distress to them.

I am pleased to advise that the EPA is working with the site's owners and the contractors to improve management of the rehabilitation. They have adopted a number of new measures including the establishment of a weather station to monitor wind speed and direction as well as the moisture and temperature on the site; an independent monitoring of dust so that problems can be identified; and, new contingency plans will be adopted to continue to deal with dust. The guidelines are being submitted to the EPA this week. The weather and dust monitoring has already commenced on the site. Regular visits to the site are also being made by the EPA to assess the effectiveness of site management activities. The EPA has also requested that the site contractor inform residents of the condition of the site and the proposed works. If this is not done, the EPA will, after notifying the contractor, provide this information.

The rehabilitation of the Ray Street dump will take three to five years. I am advised that the EPA will continue to work with the site owners and contractors to make sure that rehabilitation is both effective in dealing with contamination and sensitive to the local environment. I acknowledge, once again, the member for Colton's role in bringing all the parties together and getting some action for his local constituents.

WIND FARMS

Mrs REDMOND (Heysen): My question is to the Premier. What action has the Premier taken to encourage wind turbine manufacturers to reconsider investing in South Australia? Prior to the last state election, the Liberal government was negotiating with Danish companies NEG Micon and Vestas for the location of wind turbine manufacturing plants at Murray Bridge and Millicent—more than 300 jobs were involved. Following the election, the companies decided to locate in Burnie, Tasmania and Portland, Victoria. However, the opposition understands that these companies are looking to establish further manufacturing plants.

The Hon. P.F. CONLON (Minister for Energy): The explanation that was offered with that question did not simply offer debate, it actually offered a completely erroneous, delusional allegation. That is, that the former minister the member for Bright was going to get a turbine manufacturing plant. He could not get a wind farm up. I do not know what they were going to build turbines for.

The SPEAKER: Order!

The Hon. DEAN BROWN: A point of order: under standing order 98, if you are going to apply standing order 97 to the extent that you have today, you equally have to apply standing order 98. I draw that to your attention.

The SPEAKER: I understand the point being made by the deputy leader.

The Hon. K.O. Foley interjecting:

The SPEAKER: I do not need the help of the Deputy Premier, and will relieve myself of the discomfort it causes, if he continues. The honourable member for Heysen was given latitude in explaining the question—latitude to the extent that it engaged in debate. It made assertions about matters which could be fact or merely expressions of opinion. Whilst I was listening to another inquiry—

The Hon. P.F. Conlon interjecting:

The SPEAKER: The honourable the Minister for Energy will just shut up. The chair is speaking. I agree with the observation made by the deputy leader, though not the epithet at the end of it. If the house wishes to engage in debate, it ought to enable itself to do so by altering its Standing Orders. Twenty to 30 minutes of question time for obtaining information on discovering the state of awareness, alertness and whatever else is relevant in the context of a minister or the ministry is all that is necessary. As has been clearly indicated by honourable members who seek to engage in debate across the chamber, the rest of the time of a 90 minute period could be well put to debate. That is what honourable members clearly indicate they want, but flatly refuse to accept the responsibility to provide, and live at the expense of their own personal standing and that of this chamber by continuing to act in this cynical fashion, ignoring what the public tells me it constantly observes, that is, the childish ignoring of

standing orders and indulgence in petty debate and point scoring under the guise of what is called question time.

It is the sort of thing that would not be tolerated in any sporting body or other community organisation of which the general public are members. When they conduct their meetings and members of those organisations ask committee member's questions seeking factual information, they get it, and they stick by the rules. They do not then try to change the nature of the inquiry by engaging in debate until a formal motion is under contemplation by them in their meetings. That is when they debate the information they have obtained, either from inquiries made of the committee, or research or other inquiries made outside the committee. They resolve their affairs far more civilly than seems possible in this place where, to my mind, it seems that people with more balls than brains and more allegiance to parties than the public that they are supposed to represent seek to disparage their own standing by engaging in that kind of debate under the guise of question time.

I will not lecture the house again other than to point out that standing orders 97 and 98 do apply, and unless alterations are made, honourable members who seek to debate questions and answers will relieve themselves elsewhere of that desire, or I will relieve them of their place here. The minister.

The Hon. D.C. KOTZ: Mr Speaker—

The SPEAKER: I have no further desire to participate in any explanation of what the standing orders mean to the member for Newland or anyone else. I have called the minister. The minister has the call.

The Hon. D.C. KOTZ: Mr Speaker, I require a point of clarification.

The SPEAKER: Order! The honourable member for Newland will resume her seat.

The Hon. D.C. KOTZ: Mr Speaker, I would like a point of clarification.

The SPEAKER: The honourable member for Newland is warned.

The Hon. D.C. Kotz interjecting:

The SPEAKER: The honourable member for Newland will resume her seat. The minister has the call.

The Hon. P.F. CONLON: Let me, in a cool fashion, offer an entirely factual answer to the member for Heysen. A fact, sir: in order to have a turbine manufacturing industry in South Australia, one needs to have wind turbines; one needs to have a wind industry. A further fact: it is true that, upon our coming to government, one wind farm had reached financial close; it had not been built. One of the first things that I did in the first fortnight as a minister was to resolve a deadlock that allowed the Starfish Hill wind farm built by Tarong Energy to proceed. The opposition signed a document; we built the wind farm.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! I warn the member for Bright.

The Hon. P.F. CONLON: Can I indicate some further facts, sir? Since that time of South Australia reaching financial close, we have seen the additional Babcock and Brown wind farm under construction at Lake Bonney, a very substantial wind farm, reaching financial close last week.

The SPEAKER: The member for Bright has a point of order.

The Hon. W.A. MATTHEW: I rise on a point of order. The member for Heysen asked the minister a very specific question about the loss of factories that were potentially headed for South Australia. One was in your electorate, sir, in Murray Bridge and one was in Millicent. The member for Heysen asked the government what it was now doing to try to establish a manufacturing industry in the state, having lost those two opportunities.

The SPEAKER: The member for Bright tests my patience to within the minutest fraction of a millimetre by engaging in debate in raising the point of order. The remark 'that are now lost to South Australia' has no place in a point of order. It is a deliberate attempt to further engage in debate on the subject. Whilst I understand his irritation, the minister is entitled to explain where the government's policy is at in relation to the development of opportunities for manufacturing here in South Australia. It is not the chair's place to determine whether that fact is, indeed, relevant or not. But the nature of the reply at this point gets very close to being debate, if it is not debate. If the minister has no other reason to give by way of explanation than that which has already been provided we should move on.

The Hon. P.F. CONLON: Thank you, sir. I just close by saying that you cannot lose what never existed.

Mrs HALL: Sir, I rise on point of order. My point of order relates to standing order 125 regarding offensive words against a member. Mr Speaker, I find it utterly offensive and unbecoming that in the lecture you delivered to this house some minutes ago you accused members of having more balls than brains. That clearly does not apply to a number of members in this chamber, and I ask you to withdraw it.

The SPEAKER: Order! The member for Morialta will resume her seat. The member for Waite has the call.

STATE STRATEGIC PLAN

Mr HAMILTON-SMITH (Waite): My question is to the Premier. When does the Premier intend to release the State Strategic Plan, and can he explain the delay in its release? In estimates in June last year, the Premier said, 'I anticipate that the State Strategic Plan will be in place by the end of this year.' On the last sitting day of parliament this year, the Premier was asked about the State Strategic Plan and he said, 'I am very satisfied with the work that has been done.' Yet on 8 March this year, *The Advertiser* reported that the Premier had called—

The SPEAKER: Order! The honourable member is now engaging in debate. The Premier.

Mrs HALL: Mr Speaker, I rise on standing order 125 again.

The SPEAKER: Order! The member for Morialta will resume her seat. The Premier has the call.

Mrs HALL: Mr Speaker, the female members of this parliament—

The SPEAKER: I name the member for Morialta. Does the member for Morialta be wish to be heard in explanation of her insolence?

Mrs HALL: Yes, Mr Speaker, I do wish to be heard.

The SPEAKER: The member for Morialta will proceed with her explanation of why it is she has defied the chair.

Mrs HALL: Mr Speaker, I raised, on standing order 125—

The SPEAKER: I heard the member and regarded the member in her conduct as outside standing orders entirely, and suggesting, by implication, what should have otherwise been put or could have otherwise been put as a substantive motion, which the honourable member full well knows. The honourable member may now proceed, with due decorum, to make an explanation for her conduct of defying the chair.

Mrs HALL: Mr Speaker, I believed when I raised the point of order that I was proceeding with due decorum. As one of the many members of the female sex in this chamber I find it utterly offensive to be accused—

The SPEAKER: Order! The member is engaging in debate.

Mrs HALL: —of having more balls than brains, and I ask you to withdraw.

The SPEAKER: The honourable member has further vindicated and justified the chair's naming of her, by that last remark.

MEMBER FOR MORIALTA, NAMING

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I move:

That the honourable member's explanation be accepted.

I rise in defence of the honourable member, because she raised a point which I think had a great deal of validity to it. She was trying to raise a point of order that certain words had been used that were offensive against her and all women in this house. In being offensive to women in this house, I think it is perfectly legitimate, therefore, that the member had a right, under standing order 125, to be heard and to raise her point.

Mr Speaker, I appreciate the fact that you were the person who raised the comment and she was in fact raising a point of order against your remarks, but I believe it was perfectly legitimate for any member if they took offence. I imagine women of this house would take offence at those remarks and, therefore, stand on a point of order and expect a fair and reasonable hearing on that point. Therefore, I move the motion.

The Hon. P.F. CONLON (Minister for Infrastructure): I indicate that the intention of the government with some difficulty is to support the proposition of the opposition.

An honourable member interjecting:

The Hon. P.F. CONLON: You don't want me to do that? Fine! What I have just suggested, and what the opposition apparently has difficulty with, is that we support accepting the explanation. It is a case where we believe the heat of the member may have contributed to her difficulties, but I think it would be unbecoming for the house to have a member removed where they have taken offence at a comment about which they may well feel fully justified in taking offence. In those circumstances it is the view of the government that we should attempt to accept the explanation of the member concerned.

Motion carried.

AUSTRALIAN PHYSIOTHERAPISTS ASSOCIATION

Mr GOLDSWORTHY (Kavel): Will the Minister for Industrial Relations explain to the house the delay in his approving the Australian Physiotherapists Association's fee and service package through WorkCover? I have been advised by the association that the package has been sitting on the minister's desk for months awaiting a signature.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The advice that the honourable member has received is simply incorrect. I am broadly aware of this issue. To the best of my knowledge, early this year, documentation required to progress this issue was provided to me and to my office from WorkCover. I understand that after the documentation was examined it was sent back to WorkCover for further information about the proposal. As I understand it, we are yet to receive the documents back from WorkCover, so I reject what the member says. He may have been ill-advised. If he has been—by the sounds of it he has been—he should go back to his sources.

HEALTH, FRINGE BENEFITS TAX REVIEW

Ms BEDFORD (Florey): My question is to the Minister for Disability. What are the effects of the review of the fringe benefits tax exempt status on non-hospital health services?

The Hon. J.W. WEATHERILL (Minister for Disability): The effects of that review are grave for a number of organisations. Some 27 organisations in South Australia will lose their status as public benevolent institutions following a decision by the Australian Tax Office, and they will no longer have fringe benefits tax exempt status. What this means at the level of these organisations is that employees at places such as IDSC, Julia Farr Services, the Independent Living Centre and Domiciliary Care will effectively face a wage cut through tax increases. I have been advised by IDSC that for a person on $30 000 a year this amounts to a wage cut of $140 per fortnight—$140 per fortnight courtesy of John Howard, with a special gift for the battlers.

IDSC alone has 620 staff currently claiming FBT exemption. Many employees in this sector already live on low wages and rely on salary sacrificing to supplement their income. A further decrease in their after tax income is likely to make it extraordinarily difficult to recruit and retain staff, not to mention the effect it will have on the individuals concerned.

This inquiry was put in place by the federal government. It now falls to them to resolve the issue. I will be writing to the federal Treasurer, the Hon. Peter Costello, asking him to reconsider his position. I know when the Prime Minister was asked this question on radio on 24 March he indicated: 'I was not conscious that these changes were going to result in people paying more tax'. Well, I can tell members that $70 per week out of a salary of $30 000 a year will have a massive and disruptive effect on the low income family's capacity to meet their needs.

UPPER SOUTH-EAST DRYLAND SALINITY AND FLOOD MANAGEMENT

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: In December 2002, following strong support from all sides of parliament, the Upper South-East Dryland Salinity and Flood Management Act was proclaimed. That new legislation put in place a strong foundation for work to proceed under the Upper South-East program and reduction of surface flooding and protection against rising salinity levels. The aim of the project is to improve the productive capacity of agricultural land and enhance the local environment in the Upper South-East. In order to give this matter some context, an estimated 250 000 hectares or 40 per cent of the land in the Upper South-East, comprising productive farmland, native vegetation and wetlands, have been degraded by salinisation caused by high ground water levels and flooding. A further 200 000 hectares, including approximately 40 000 hectares of high value wetlands, are at risk. The Upper South-East contains by far

the state's largest, most severe and most costly case of dryland salinity.

In June 2003 the state and Australian governments jointly agreed to the allocation of $38.3 million under the national action plan for salinity and water quality to fund completion of outstanding elements of the Upper South-East program. It was also agreed that local land-holders would contribute $11 million to the work by way of a levy. The cash levy contributions of individual land-holders may be partially or wholly offset through a biodiversity trade-off process that will result in management agreements being executed in relation to biodiversity assets held on private land (remnant native vegetation and wetland areas) in the Upper South-East project area.

In the 15 months since the new legislation was created, the Department of Water, Land and Biodiversity Conservation has been engaged in a number of initiatives aimed at commencement of on-ground works. I have provided regular reports on the progress of these initiatives to the Environment, Resources and Development Committee. Also, the Public Works Committee examined the proposed capital works component of the Upper South-East program towards the end of last year. In its report to parliament dated 23 October 2003 the Public Works Committee supported and recommended the project.

I am now pleased to announce the first in a series of new works under the $49.3 million funding package. A contract of the order of $6 million has been let to Leed Engineering and Construction (a South Australian company) to build 135 kilometres of drains in the Upper South-East northern catchment located to the west of Keith. Construction work will commence within the next few weeks and will progress on three fronts. The Mount Charles drain will be 65.8 kilometres long; the Bunbury drain will be 38.9 kilometres long; and the Taunta Hut drain is to be 29.8 kilometres. The work is expected to take 32 weeks to complete. It involves 1.3 million cubic metres of earthworks and includes 91 crossing structures affecting 41 land-holders. Overall, a total of 410 kilometres of drainage works are to be undertaken under this and future contracts.

It should be noted that this scheme will not establish a flood control system: rather, it is aimed at mitigating the effects of flooding on the production systems of the region. Floodwaters will be directed into the drainage system to enable the water to be drained from the land rather than ponding in low lying country until it had either evaporated or recharged the ground water system. Long-term ponding, especially over summer, will kill pasture, requiring costly re-establishment. This work will establish the drainage system in the northern catchment—a system which is eagerly awaited by land-holders.

GAWLER, MURRAY STREET

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: I inform the house that on 14 March this government signed an historic agreement with the town of Gawler to transfer ownership of its main street, Murray Street, back to the local community. This was an election commitment of this government and it will now allow the local community to develop plans to make the town's main street more pedestrian, business and environmentally friendly.

Murray Street has previously been classed as a major arterial road, allowing heavy vehicles to pass through the main street travelling from Gawler to the southern regions of the Barossa, including Williamstown and Lyndoch. The state government has addressed this in numerous ways. In 2002, Gomersal Road was opened, linking the Barossa Valley to the Sturt Highway. Traffic surveys conducted by Transport SA found an immediate reduction of 30 per cent in the number of heavy vehicles using Murray Street after the Gomersal Road opening. Traffic surveys show that there are still approximately 100 heavy vehicles travelling along Murray Street each day. Some are travelling to and from the southern regions of the Barossa: however, much of the traffic is accessing local shops and businesses along Murray Street.

The transfer of ownership from the government to the town of Gawler will allow the community to make decisions about the way traffic, including heavy vehicles, flows through the town. The government will continue to work with the council and, as part of the agreement with the town of Gawler for the transfer, Transport SA will install traffic lights to fit in with local traffic demands. A deed of agreement between the council and the Commissioner of Highways was signed on 14 March as part of the state community cabinet. It is expected that the transfer of ownership will occur in April.

GRIEVANCE DEBATE

PLANT FUNCTIONAL GENOMIC CENTRE

Mr HAMILTON-SMITH (Waite): This morning, along with other honourable members, I attended the opening of the Plant Functional Genomic Centre at Waite Campus, which is in my electorate of Waite but for which, as shadow minister for innovation and information economy, I am also responsible. I will not repeat the details already given to the house about the Plant Functional Genomic Centre and the wealth it will bring to the state, but I indicate my complete dismay at the address made to the group gathered at the opening by the Premier. In particular, I want my concern noted, and that of many people present, at the Premier's ease in taking full credit for the Plant Functional Genomic Centre's construction and establishment and also his claiming publicly that the project was not funded and that he had to 'find the money'—claims which are easily disprovable and which, frankly, are totally untrue.

I draw the attention of the house to a motion moved here on 18 July 2002 by me and commented upon by the government through the member for Playford. I also draw the attention of the house to a matter of privilege raised against the former minister on 3 June 2002, as a consequence of her having claimed that a number of projects such as the genomic centre (I think in that case it was the ICT Centre of Excellence) had not been funded in the forward estimates. That matter of privilege was about bringing to the attention of the house the fact that a $40.5 million innovation fund had been provided for in the forward estimates, and it was from that $40.5 million innovation fund that the $12 million used to establish the Plant Functional Genomic Centre was established and signed off on by the former government and, in fact, by me as minister. I took it to cabinet, argued it through, got the money out of the $40.5 million fund and got the wheels turning—with considerable help from my colleague in the upper house the Hon. Caroline Schaefer (then minister

for primary industries) and the Leader of the Opposition (then premier), who were enthusiastic in their support.

The Premier's claim this morning that it was not funded was patently wrong and has been the subject of a matter of privilege during which one of his own ministers (the then minister for science, the member for Adelaide) was forced to come into the house and say in her apology, 'I hope that this additional information clarifies the situation for the house and I apologise for any unintentional confusion.' The Speaker then described her apology as 'contrite'. She had to come in and admit that, in fact, the money was in the forward estimates and it had been funded. She got it completely wrong.

The Premier got it completely wrong this morning when he told the public that that centre had not been funded: it had been funded. It was not Labor government money: it was Liberal government money that established that Plant Functional Genomic Centre. It was another of the projects which Labor has opened and which were none of their idea and none of their doing—for example, the railway to Darwin, the SEA Gas pipeline, Adelaide Airport and now the Plant Functional Genomic Centre. Those comments this morning, in my view, misled the group that was present and ought to be clarified by the Premier, because they were blatantly wrong. I also note that, in commenting on my motion, the member for Playford acknowledged that the government's contribution was $12 million, yet today the minister has said that $8.5 million was provided. So, $3.5 million was clearly shaved off the amount of money earmarked by the former government for the centre.

My point in raising this as a grievance is that the Premier has an obligation to be honest with people. It is wrong to go to public meetings and claim that projects were not funded when they were funded and it is clearly on the records of parliament that it was funded. It is wrong to mislead people. One needs to be frank, honest and open with them about what happened. The Plant Functional Genomic Centre is there because of the work of the former government. We understand from good sources that this government did everything it could to take the funding away and scalp the project but that it was argued through because it was too far down the track. You would have scuttled it. We did it. You should be grateful for that.

Time expired.

TEACHERS

Mr RAU (Enfield): I would like to make a few remarks about the education system. In so doing, I come from the perspective of the parent of a young boy who is at primary school, and I am very concerned to see that he grows up with appropriate role models as a young male student. He does, of course, know the members for West Torrens, Playford and, indeed, Colton, which is something that will stand him in good stead, but, beyond that, in his school life he needs some male role models in the education system. The Leader of the federal Labor Party, Mr Latham, raised recently the genuine problem of young male students not having appropriate role models in the education system. He has touched on an important issue, and it needs to be addressed.

What concerns me, however, is that the Prime Minister, in taking up this very important issue, has sought to trivialise it by seeking to impose some sort of quota system for introducing male teachers into the education system. This is fundamentally wrong. This policy of the federal government's, which it has sought to pursue, like all other policies which look at an imbalance in gender but do not ask the question why, proceeds from the assumption that the reason there are not enough male teachers in the school system is that there is discrimination against men. The answer, of course, is that, just because there is not the same balance of gender in any calling (and I am talking now about teaching), it does not mean that there is discrimination.

There is a number of other reasons, aside from formal barriers, that might prevent males from getting involved in teaching, and I will mention a couple. The first reason is the pay structure; the second is the culture of the education establishment; and the third is the genuine concerns that males now have in the teaching service because of complaints about sexual harassment and abuse of children, because it is difficult for any male teacher to be in the company of particularly young children and to offer any comfort whatsoever to those children in perfectly benign circumstances. I understand why that concern is there, but it is a strong disincentive for males to be involved. So, let us look at the real reason men are not involved in the teaching service, and not assume it is a sexual discrimination issue.

Of course, the solution to the problem lies in addressing the real issues which are underlying it. We need to look at the culture of the education establishment. We need to look at whether or not some mechanisms can be found to enable men as teachers to be able to interact with young students in particular in a way which is responsible and acceptable to the community. We also need to look at not only the pay and career structure for men but for women as well in the teaching service. Of course, the Prime Minister, in a cynical fashion, has approached this as an affirmative action problem. Of course, affirmative action is not the solution and it never is. Even though section 7D of the federal act provides for some limited exceptions, this in itself is an absurdity. Affirmative action is the social engineer's equivalent of the alchemist's attempt to make gold from lead. It is misconceived; it is conceptually flawed; it is bound to fail.

Time expired.

DEFENCE RESERVISTS

Mrs REDMOND (Heysen): I rise today to talk about something which many people might think is rather a federal issue but in fact concerns employers in this state and, indeed, employees. What I will talk about is our defence reservists. I am talking about it because a couple of weeks ago (at the beginning of March) I had the privilege of going on a course known as 'Exercise Executive Stretch'. The idea of that course is that the Army, Navy and Air Force, the defence, basically take in people from all walks of life, people preferably who may at some stage employ others to encourage them to the view that reservists are valuable people to have as employees. Many employers feel that because reservists go off to do other work from time to time, they are not valuable employees, but the fact is they are; and that is quite apart from the fact that the commonwealth government will now pay, I think, up to $800 or $900 per day, depending on the amount of money you lose from having your employee away. So, you can get financial reimbursement.

However, the things we learnt over the weekend about the sorts of skills that reservists develop were quite extraordinary. Many people think of the Army Reserve and the defence reserves generally as teaching us to be rather warmongering and aggressive, but in fact we learnt a whole lot of different

stuff. I will briefly run through some of things we did over that few days—and when I say 'we', I mean me, my personal assistant and the personal assistant of the member for Waite. The three of us attended, along with a number of people from various other companies around the state. We had a fairly interesting introduction when we arrived on the Thursday night, but the fun and games really began when we were given our equipment and at 5 o'clock the next morning had the bash on the door to wake us up. We had to pack the backpack, get into the camouflage outfit, set up our camps under hutchie tents and set up our stretcher beds. At that point, we were given our rations for the day, which were the rations of the Army; and we had to figure out what we were to have for breakfast, lunch, tea, snacks and so on.

Having felt as though I had already done a full day's work, we were then taken off to our first exercise for the day and divided into various groups. I will just go through what my group did in the order that we did it. First, we did abseiling off a 20-metre tower, having had some brief training; and I am here to say that it takes a great deal of trust in other people to put yourself backwards over a 20-metre drop, put the balls of your feet on the edge and lower yourself until you are horizontal, and then you start to walk down. I am pleased to say that I did it, notwithstanding I had a badly injured ankle the week before and was only off crutches by a couple of days when I undertook this course. We then did the commando course, which was a lot of fun, climbing over all sorts of things and jumping over creeks. On the first run through, of course, we did not have to get wet and go in the water, but after doing some mental exercises, we then had to do the whole thing, including leopard crawling through concrete tunnels, the mud and sand. Happily for me, I was interviewed just as I finished that particular part of exercise.

In the afternoon, after eating some more of our rations for lunch, we then had the great fun of learning a little about scuba diving, and we then went to do that with the Navy Seals Reservists. I had my first experience of scuba diving, which was pretty funny, because when they let the air out of the buoyancy vest, I sank to the bottom like a stone and had to crawl along the bottom. But never mind, I had a lot of fun. Because of the injured ankle, I was only able to wear one fin, so that was pretty funny. However, the point I make is that 45 per cent—

Mr Koutsantonis interjecting:

Mrs REDMOND: No, I was not able to swim in circles member for West Torrens because I was crawling along the bottom like one of those fish that has feet, but it was a lot of fun. We also had an interesting lecture that night about the Six Day War (which some members may be even too young to remember); that is the 1967 Israeli-Arab conflict, and the details of that were just extraordinary. The lessons learned from military history were also imparted to us. The point I make is that 45 per cent of our defence people are reservists and they do bring a lot of skills in team building, problem solving in a whole range of things, thinking outside the square and sometimes being able to solve complex problems. One last thing I will mention about some of the things we saw is that we went over an Orion aircraft with the guy who actually undertook the flights to collect Tony Bullimore, Dubois and so on.

Australia has invented this wonderful little box called a helibox, which is just a bit of cardboard and string. Basically, they turn the top part of the box, the flaps inside out, string them down and tie them at the bottom so that when they fall, because they are angled, they fall to the ground like a helicopter, thus slowing the impact and allowing the Orion to fly over an area and drop things without actually breaking them to smithereens. It is typical Australian ingenuity: it is really a bit of cardboard and string but a very clever invention.

Time expired.

MEMBERS OF PARLIAMENT, FEDERAL

Mr KOUTSANTONIS (West Torrens): It seems the member for Heysen had a weekend almost as good as mine.

An honourable member: No chance.

Mr KOUTSANTONIS: That's right. I rise today to talk about a few issues. The first one I will talk about, as did the member for Heysen, relates to a federal matter. Mr Acting Speaker, as you might be aware, the ALP has preselected its candidates for the federal election. We have three excellent candidates. We have the Mayor of the City of Salisbury, Tony Zappia, contesting the seat of Makin; Mr Steve Georganas contesting the seat of Hindmarsh; and Kate Ellis contesting the seat of Adelaide. I was reading federal *Hansard* to see how our South Australian Liberal representatives serve our great state. I was disturbed with what I read because I found that our state federal representatives, those people elected from South Australia to represent our interests in the commonwealth parliament, were arguing to have national radioactive waste brought to South Australia. I see the shock on your face as well, Mr Acting Speaker, because I, too, was shocked when I was reading about it.

I could not believe that our senators, our elected members of parliament who are there to represent the interests of South Australia in the commonwealth parliament, could actively be arguing to bring nuclear waste and high level medium waste from New South Wales, Queensland, Victoria, Western Australia, Tasmania, the Northern Territory and the ACT to South Australia. I did not believe it; I had to double-check. I thought that it was not possible that these South Australians could possibly want to have Sydney's radioactive waste brought to South Australia, but I checked it—

Members interjecting:

Mr KOUTSANTONIS: I will say one thing: Paul Keating was from New South Wales; Trish Worth is from Adelaide. The point is this—

The Hon. M.R. Buckby interjecting:

The ACTING SPEAKER (Mr Caica): The member for Light will come to order!

Mr KOUTSANTONIS: Trish Worth wants Sydney's nuclear waste brought to South Australia. It outraged me. I do not usually get outraged in this house; I am usually calm. I have to say that I come in here, pour my wisdom on the house and people listen—

Dr McFetridge interjecting:

Mr KOUTSANTONIS: Yes.

An honourable member interjecting:

Mr KOUTSANTONIS: That is right. However, I was disturbed. I checked what the Hon. Ms Gallus had to say about it—again the same. I checked what Ms Draper had said. Ms Draper does not make very many speeches—and I was surprised to see the number of questions she had asked as well. However, all this information is coming to a letterbox near you soon; that is, information about the voting records of our federal representatives and where they reside, because I know how loyal they are to South Australia. I am convinced that all our federal South Australian members of parliament reside within South Australia. I am sure none of them reside

anywhere else, that is how loyal they are to South Australia. I am sure that every Liberal member of parliament who represents this state owns a house and lives in South Australia as required under the Commonwealth Electoral Act to be on the roll.

I am sure that they all do. I am sure that there are no South Australian federal members of parliament who are enrolled to vote in South Australia but who do not actually live here. If it is the case that we have any senators or members of parliament in South Australia who are enrolled to vote in South Australia, who represent South Australians in the commonwealth parliament and who do not live here, it would be a fraud, it would be a breach of the act, it would be criminal and it would be immoral.

I am sure that members opposite can look me in the eye and say that all their members of parliament live in South Australia. I understand that members of parliament have to travel interstate quite often. I understand the commitment on their time interstate but I am sure that there is a home waiting for them in South Australia—not in New South Wales, not in Sydney, not in Parkes, nowhere in rural New South Wales—where they represent their local constituents. I understand that borders change in electorates and people move in and out of them, but one thing that does not change is our state borders. They will never change, and I am sure that every Liberal MP resides in South Australia. I would be outraged if they did not.

B-DOUBLE PERMITS

The Hon. M.R. BUCKBY (Light): I rise today on the matter of B-doubles and permits. I have had discussions with a number of owners of trucking companies around South Australia who are perturbed, to say the least, about the lack of information that is coming out of the Department of Transport. The minister further reiterated that today when she could not advise the house what is going to happen after July with regard to permits for B-doubles in this state. I understand that she is a new minister, which is fine, but hopefully she will be able to bring back to this house an answer for truck operators in South Australia.

At the moment, B-double owners who apply to the Department of Transport for a permit for access to certain roads around South Australia for the next 12 months will only receive a permit if those roads have been approved by the local government authority until the end of July. No-one can get any answer out of Transport SA as to what is going to happen after 31 July. These people need to know because many of these companies have to discuss with local councils the routes and roads that they will be using to cart grain from farm properties or businesses. Some of them require that information for 26 councils. It is taking about three months to gather that information and to get councils to sign off on those roads and approve of the B-doubles travelling on the roads. We are currently at the end of March. If we take three months forward, we are therefore looking at the end of June.

I have been talking to one particular trucking company, McArdles from Long Plains, which employs 25 staff. That company does not know at the moment whether it will get permits to continue to travel over local roads, and it is extremely concerned about what it should do. Do the drivers unhook the back of the B-double and drive the front part over the road, which they can, and then come back and pick up the other half of their B-double? No message is coming out of the department whatsoever as to what they should do. That is extremely disappointing.

What has been said is that the permit system will operate for the next 16 months, and I think that I am quite correct in saying that because I saw it about a week ago. If the permit system is going to operate for the next 16 months, why isn't the department issuing permits past July? If there is going to be a different system, fine, come out in the open and tell the transport operators of this state that there will be a different system and that it will operate from such and such a date and that the department will undertake consultation with the industry to advise operators of that. All those sorts of things should be going on but this is not being open and accountable government. This is not coming out with information that these operators require.

I was talking to a fellow from Brinkworth only yesterday who said that he had been driving for 37 years. He has a B-double and at the moment he is just about ready to chuck it all in because he cannot get information from the department as to whether he can drive that B-double over the local roads that he needs to travel on for harvest next year to take grain off the farms. It is just ridiculous. Why this cannot be done I have absolutely no idea.

I know that a couple of years ago a transport operator sued a local council because he hit a pothole with his truck and did some damage. He sued the council because the road was not up to standard. I know that accreditation is going forward to ensure that local government does not get sued in that way. I also know that Transport SA has written a letter to local government authorities saying that it will not indemnify them. The B-double owners of this state require some clarity as to what is going to happen after July. That is what they need to ensure that they can keep their trucks on the roads. If they do not get that in time, they will run the risk of not having a permit and they will have to break the law.

PREMIER'S READING CHALLENGE

Mr SNELLING (Playford): I welcome the Premier's Reading Challenge for school students. I have young children and the two older ones are now at school. My wife and I spend quite a bit of time reading to them, although it is more my wife at the moment with parliament sitting as late as it is. It is something that we make time for because we think it is very important. Reading is a key to future learning and, if children pick up the habit of reading early, that helps their education in a range of areas, not just literacy. Reading is a habit.

Dr McFetridge interjecting:

Mr SNELLING: The member for Morphett mentioned Dr Seuss. *The Cat in the Hat* is a personal favourite. I used to read it myself and now I take great pleasure in reading it to my children.

Members interjecting:

Mr SNELLING: The member for Unley, who is interjecting out of his place, said something about *The Grinch*. *The Grinch* is also a very good book and one that my children enjoy. The Premier's Reading Challenge is aimed at school-aged children from reception to year 9, and the aim is for children to read 12 books between the commencement of the challenge, which was last month, and 10 September. Eight of those 12 books must be from the Premier's Reading Challenge book list.

Mr Brindal: I have read 12 books in that time; do I get a reward too?

Mr SNELLING: The member for Unley surprises me with his claim that he has already read 12 books in that time. I find it rather surprising but I will take his word for it. Approximately 200 government and non-government schools have expressed an interest—

Mr Brindal interjecting:

The ACTING SPEAKER: The member for Unley will cease interjecting.

Mr SNELLING: At the conclusion of the challenge, participants will receive a certificate signed by the Premier and, after completing two successful years of the challenge, they will receive a bronze medallion. A silver medal is awarded after three years and a gold medal is awarded after four years. This is a great initiative of the Premier, who obviously has the interests of school-aged children at heart. As well, it is part of making South Australia a clever state. I welcome this initiative of the Premier and look forward to hearing about the progress of this initiative through the year.

SUMMARY OFFENCES (FALSE IDENTITIES—CHILDREN) AMENDMENT BILL

Mr BRINDAL (Unley) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Mr BRINDAL: I move:

That this bill be now read a second time.

The purpose of this bill is to create within the Summary Offences Act something about which the Premier has been very strong on rhetoric and very light on action. It is interesting that, with all the resources of government at the disposal of the government, the opposition can come in here and address a public need before the government can get its act together. I would have rather hoped that I would not have to speak to this bill, because the Attorney-General, the Premier, Uncle Tom Cobbley and everybody on that side of the house have waxed lyrical in *The Advertiser*, telling *The Advertiser* how much we have to do about law and order and what we have to do to protect our young people in South Australia, but the bill that stands before this house that is being introduced today is not a government measure: it is an opposition measure. How many times do we as an opposition have to get up of a morning and see in *The Advertiser* the Premier waxing lyrical about something and sit here while the member for Waite is growing old in the waiting.

We sit here and are promised all this legislation. Daily, we are governed by *The Advertiser*. We are promised that all these things are coming in, but when are they going to arrive? They are in short supply. When something does arrive, what action is taken? We have had a drugs summit; what is happening? We have legislation to close down bikie headquarters, to pull down—

Mr Snelling: Why is that?

Mr BRINDAL: I do not oppose it, but I am waiting for the first one to have anything done to it. It is all right to have a law, but nothing happens. This measure is quite simple. It asks young people to take some responsibility for their own actions. This measure basically provides that children who go into licensed venues with false IDs and who are over the age of 14 are not innocent slates or unaccountable for their actions. They are young emerging adults who in four years time will be capable of voting, capable of entering into contracts, and capable of every exercise of adulthood in our society. They are people who, at 14 and older, go out and get for themselves fraudulent IDs and go to some lengths—and pay money in some cases—to obtain from another person a document which they then know that they must use illegally in the hope of gaining entrance to a place to which they know they have no lawful entitlement to go. The Premier has raised this issue and so far the government's measures are puerile. So far the government's measures are to take away their driver's licence. If they do not have a driver's licence, it is a fairly weak reaction. If they do have a driver's licence, I say that it is a good maxim of teaching—as the minister should know, because she used to be a teacher—that you actually make the punishment fit the behaviour that was wrong. Taking away driver's licences for getting into licensed premises is disjointed and one has little relationship with the other.

Ms Breuer: It works, though. It would hold them up.

Mr BRINDAL: The member for Stuart—

Ms Breuer: Excuse me. Do not accuse me of being the member for Stuart.

Mr BRINDAL: No; she would aspire to that illustrious seat, but never will she fill the shoes of the member for Stuart. I apologise to the member for Giles. The fact is that these people are young and emerging adults. They do something quite deliberately. They go to various places and get false IDs which they use for a purpose of their own—gaining entry to licensed pubs and clubs. At present, the law requires them to exercise no responsibility in this.

I am very proud to be introducing this bill as the shadow minister for youth, because I work on the assumption that our youth are emerging into adulthood and, as they emerge into adulthood, they should be expected to take a measure of responsibility for their actions. I think that bill seeks to do this, because it creates an expiable class of offence. Those members opposite might also notice that it creates a hierarchy of fines. I quickly point out to the house that the hierarchy of fines is there only because you cannot expiate an offence unless there is an offence to be expiated.

While the fines could be imposed on young people, and the fines are at maximum penalty for the first offence of assuming a false identity, or falsely pretending 'by the production of any written information or other material to be of or above the age of 18 years. . . ' For the first offence the penalty is $750; for the second offence it is $1 000; and, for the third and subsequent offence it is $1 500. Those fees are expiable by payment of $300. However, if a police officer decides to deal with an offence under this section as a minor offence, under Part 2 Division 2 of the Young Offenders Act, the period for community service that is applicable is 25 hours for the first offence, 50 hours for the second offence, and 75 hours for subsequent offences.

This was deemed to be appropriate, because there are so many children who, faced with just a pecuniary fine, either come from necessitous circumstances in some of our suburbs where neither they nor their parents have the money and they simply cannot afford to pay the fine and are therefore in default of it, or they come from the opposite extreme and have parents who are sufficiently well heeled in financial terms that they just go to mummy or daddy and say, 'Look. I did a dreadful thing and I am a bit short this week. Can you lend us the $1 000 or $2 000? Of course, I will pay it back.' Most people who are parents know that that means that one day, perhaps when they are 50 or 55, if you are churlish

enough to remind them, they might slip you something like a bunch of roses, but you are very unlikely to ever see the money back. Children who borrow money from parents tend to think it is a bank that only goes one way. Withdrawals are constantly possible, but deposits are never or rarely contemplated.

Quite seriously, what this seeks to do is say to young people, 'If you commit the offence, you do it knowingly and deliberately; you can be expected to take a measure of responsibility.' I would commend to the house this measure of responsibility as appropriate, because it is asking them to do something for the community. It is asking them to give the one thing that their parents cannot give for them, namely, their labour. They can go and see people in an appropriate community service, people in a retirement village, for example, or a school or some other place where they can perform a useful function for 25, 50 or 75 hours. Who knows, they might even enjoy it. But they can also expiate something that they did wrong.

There are those who will say that this will be very unpopular with children or young people: not so. The member for Waite and I went to Unley High School where I asked a number of young people, as I did at Glenunga International High School, and young people I have seen since. When you explain to them that the purpose of this legislation is to say, 'You are old enough to be responsible for your actions and we expect you to take some responsibility for your actions', they overwhelmingly have said 'Fair enough, we accept that.' I do not think that I am stupid, and I do not believe that this measure will stop them from doing it in entirety.

This measure will hopefully make them think. It treats them like they deserve to be treated, as emerging adults. It fails to treat them like little children with no sense of their own worth, responsibility or accountability for their own actions. It allows them, if they are caught, to actually do something to expiate the offence of which they are guilty without involving the parents. There is a final provision which may interest members: where a child has committed a second or subsequent offence of using a false identity, and where it can be proved that the parent wilfully or negligently failed to exercise the appropriate care, the parent is also guilty of an offence. That has a maximum penalty of $1 500 or an expiation fee of $500. This captures some of the Premier's remarks when he says that this is not a matter just for children, it is a matter for families. Where the parent has been knowingly negligent, where the parent has knowingly allowed a child to do this, the parent has a degree of accountability, as does the child.

I do not think that there is a parent in this room who would not be aware that you can put your children to bed or that your children can go into the bedroom, close the door and you can assume that they are sleeping, but they have climbed out of the window. Young people have many subterfuges for conning their parents into thinking that they are in place A when they are, in fact, in place B; it has ever been thus. I would say that the member for Colton is hanging his head, because he probably did that to his mum and dad in his time, as I may well have done it to my mother and father in my time.

This measure does not seek to address that. It seeks to address the fact that, where there is a pattern of offending and where it can be proved that the parent knew and just did not bother, then that parent should be accountable in the same way that the young person is accountable. I commend this bill to the house and hope that it will treat it seriously. I suspect that the ministers opposite will say, 'No, no, no. The member for Unley, and the opposition, is well-intentioned, but we are bringing in our own suite of measures, and our measures will always be better than your measures.' That is the arrogance that they accused us of when we were in government, so I hope that they do not fall for the same trap that they often said we were guilty of. Notwithstanding that, if they have a better measure, let them bring it into the house and I will withdraw this measure. But, at present, what we have been promised by this government is a whole lot of action in this area.

There was a very windy pontification by the Premier when young girls from the Heaven nightclub were taken to the Royal Adelaide Hospital; he was going to fix it all tomorrow, and that was months ago. There is no government legislation before this house to address what the Premier of South Australia said was a serious problem. There is an opposition measure before this house to address what the Premier of South Australia said is a serious problem for our youth. I challenge this house to seriously debate this issue and either pass it or let the government do what it has told the people of South Australia that it will do, and bring in a better and more considered measure. I am quite sure that my colleagues and I will consider that and vote for the best measure before this house.

The government cannot have it both ways. It cannot have the hollow pontification and rhetoric of a spin doctor Premier who gets out and says the right thing about everything on the right day and basically cons the people of South Australia into believing he is doing something but is leaving in his wake a trial of neglect, a trial of doing nothing. We as an opposition will not stand for that. We are introducing this measure because we do not want the Premier to be embarrassed by some young person dying or something going drastically wrong. He would then come into the house and say, 'I promised you six months ago that I would introduce a measure, but it has all been too hard and it is not here, and now someone is dead.' That is not good enough and that is not what the people of South Australia expect from this legislature. They do not expect members to be sitting reading papers when I am making a very important speech. Neither do they expect us not to consider these matters seriously. Therefore, I hope the government will take this measure seriously, if not to pass it itself then to counter it by introducing, in government business, a better measure. They promised this, they should deliver on it: we are. For the want of anything better, I commend this bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: REPATRIATION GENERAL HOSPITAL MENTAL HEALTH CAPITAL PROJECT

Mr CAICA (Colton): I move:

That the 199th Report of the Public Works Committee, on the Repatriation General Hospital—Mental Health Capital Project, be noted.

The Public Works Committee has examined the proposal to apply $9.8 million in taxpayers' funds to the Repatriation General Hospital Mental Health Capital Project. The Repatriation General Hospital has particular expertise in the areas of rehabilitation and aged care and has a key role in delivering in-patient, out-patient and community-based mental health services. Aged acute mental health services are

currently configured through a mix of in-patient and community-based services. For southern and eastern areas, these services are comprised of 53 beds in units at the Glenside campus. These services are fragmented, of an inadequate standard and are under increasing demand. The proposal will remediate the situation and follow the government's Mental Health Services Reform Implementation Plan of June 2000.

The committee was told that the current proposal is to construct a 30 bed aged acute mental health unit in the area presently occupied by wards 18 and 19, with connections to the existing adjacent wards 17 and 20 buildings at the Repatriation General Hospital. This project will enable the closure of 30 beds at the Glenside campus. The solution provides for a new facility with an in-patient nursing unit, administration and support facilities occupying discrete zones but sharing a common entrance and support facilities. This option has been planned to facilitate the retention of the existing ward 20 building which is utilised by the Repatriation and General Hospital Rehabilitation Service. The new facility will include an eight bed closed ward high dependency wing which has facilities configured to meet the specific requirements of consumers requiring treatment in a secure environment.

I would like to pause there, because the word 'consumer' is one that is used by the agencies, and I often think that it is an interesting term with respect to people who are in a mental institution.

An honourable member interjecting:

Mr CAICA: I would call them patients.

Mr Hanna: They are human beings.

Mr CAICA: They are human beings. It seems to me that for the agency, consumers might well be the people who use the facility, but it might be a bit much. I will continue to use that word on the basis that it is used by the agency. However, I put a question mark over that term and believe that perhaps a more humane term, in respect of treating people more like human beings, is 'patients'. I will therefore refer to the specific requirements of patients requiring treatment in a secure environment.

The facility will also include an 18-bed open ward wing configured to accommodate patients in an open ward unit environment by providing facilities with a higher level of patient privacy and support facilities such as a kitchen and laundry. There will be a four bed swing wing that is able to operate with the eight-bed high dependency wing or for the 18-bed wing to facilitate operation as an extension to either the open or closed wings and provide privacy and separation from either. The ward wings both contain living/activity and dining/activity facilities, which are sized and located to accommodate the addition of the swing wing patients into either area. This provides the necessary operational flexibility without subjecting patients to the serious issue of overcrowding. The nursing unit is provided with a discrete transition zone for patients arriving by ambulance or police vehicle. This allows arriving patients who are distressed or agitated to be brought directly into the secure ward in a discrete and dignified manner.

The facility's main entrance and admissions zone includes interview and consulting spaces that are located for use by the community team and other visiting staff and for sessions with nursing unit patients. Car parking for 65 vehicles is required in total. The proposed option provides 65 car parks in various locations on the Repatriation General Hospital site through the formalisation of existing non-designated car parking areas and the creation of a 33 car park extension to an existing car park. The new facility is located on the western side of the hospital site. This allows any future developments to explore opportunities on the north and east areas of the hospital complex. In total, an approximate area of 2 140 square metres is required for the fully integrated mental health facility.

The committee was told that ecologically sustainable elements have been built into the project that include the harvesting of roof and pavement stormwater; water efficient fixtures; passive design; energy efficient appliances; and gas-boosted solar hot water systems. The committee notes the effort devoted to this element of the project and supports the efforts of the stakeholders. The committee is told that the facility will:

- improve the quality of mental health physical facilities and contribute to the improvement in the quality of mental health services;
- cater for present and projected demand;
- be part of an integrated community mental health service ranging between community-based resources and inpatient facilities;
- respond flexibly to the sensitivity of patients' individual, cultural, social and family needs;
- be self-reliant and able to provide a safe physical environment and ensure that there is a sufficient level of safety to protect patients from the risk of self-harm or harm to others;
- provide the least restrictive environment to provide the necessary care;
- be appropriately secure, preventing some inpatients leaving against medical advice; and
- incorporate environmentally sustainable design that both enhances patient and staff wellbeing and contains recurrent costs.

The project has a total estimated capital cost of $9.8 million. The Repatriation General Hospital is assumed to be recurrent cost neutral, and this will not change with the proposed project. The proposed rate per occupied bed for the facility is $310 per day, which is more than $50 less than the rate for Glenside. Economic analysis shows that the net present value of the project over 20 years at 7 per cent is $55.7 million compared with $49.1 million for the 'do nothing' solution. The project is scheduled for completion in January 2006.

The committee understands that, while this project and the Margaret Tobin Mental Health Centre are located in the southern suburbs, they form part of an overall strategy to provide effective mental health facilities and services across metropolitan Adelaide and regional areas. The committee notes the reasons provided for the proposed location and orientation of the facility on the hospital site and accepts that suitable demarcation, safety and landscaping features will be put in place to ensure appropriate levels of security, privacy and dignity for patients in the proposed and adjacent facilities. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr VENNING (Schubert): I rise to support the member for Colton, who is the chairman of the Public Works Committee. I wish to pay tribute to our Repat Hospital. It is a great facility and it has been giving great service, particularly to our returned service men and women, for many years. It was great to go there and again inspect the facility. I am very pleased to see an upgrade such as this, because it is certainly

warranted. Our people receive very good service at the hospital, although it is starting to show its age in many areas. I think the staff do a wonderful job, particularly in relation to the state of the facilities. Generally, we thought that morale was very high and, certainly, the staff members were very positive.

I also want to put on the record my support for the Repat Hospital's remaining under the governance it has always had in the past, and not to be snuck in through a region. I think it is quite dishonest for the government to try to sneak this in as regional hospital, because the repat stands alone. It is unique, and it provides a marvellous service. I look forward to the completion of this project in 2006.

I again commend the members and officers of the Public Works Committee. I enjoy my work on the committee—and I did when I was a member of the ERD Committee. It is one of those jobs where, as a parliamentarian, you find that you are achieving something not only for your own interests but also for the parliament. It is great to work on a committee where politics is not always the bottom line. I again congratulate our chairman, and I certainly support the committee's report. Again, all credit and all power to our Repat Hospital.

Ms CHAPMAN (Bragg): I acknowledge receipt of the report to the parliament, and I thank all those on the Public Works Committee for concluding this project in a manner that will now allow it to proceed. Indeed, it is a service that will be greatly needed and the earlier it can be implemented, the better. I acknowledge the work done by the Public Works Committee in facilitating that.

There is only one matter that I wish to raise. Regarding the introduction of a facility to provide for a further 30-bed aged acute mental health unit at the hospital, the report contains the assertion, 'This project will enable the closure of 30 beds at the Glenside campus.' That is referring to the Royal Adelaide Hospital Glenside campus (which, no doubt, is known to many members in the house), which is a facility dedicated to assisting those with a mental health impediment, whether it be for day time occupational therapy and treatment or a detention area for those who may need some higher level of supervision. It provides a very valuable state-wide service.

The current situation is that, as a result of the Repatriation General Hospital's not having an adequate facility, there is no question that a number of senior and aged persons, and those who may also otherwise be eligible for assistance and support at the Repatriation Hospital, are currently being accommodated at the Glenside campus. Clearly, as returned service men and members of their family, they are entitled to have support and the option of receiving attention at the Repatriation General Hospital. At present, they have no choice, and they need to be accommodated at the Glenside campus. I recently visited a former employee of my family of many years' standing, and a person well loved in our family, firstly at the Repatriation Hospital and then, when the facilities became inadequate, at the Glenside campus of the Royal Adelaide Hospital, for the very reason that the project described in this report is being developed and progressed.

The concern is that, if there is a closure of 30 beds at Glenside campus, effectively we have no net increase in a facility which is urgently needed in South Australia for all those who are suffering from mental health and in need of those services. It does concern me that there simply will be the opening in one facility and the closure in another.

I call upon the government and urge it, in particular the Minister for Health if she has not already done so, to reconsider ensuring that funding is available for the 30 beds at the Glenside campus to remain open. It may well be that the facility is changed. It may well be it may not be in a ward at which there is a high level of security, but, clearly, we need mental health services across the board in South Australia. I urge the minister to consider that matter in order to ensure we keep that facility open and available for other members of the public who are currently in urgent need. I commend the Public Works Committee for the work it has done in advancing this project and getting on with what is clearly an urgent need at the Repatriation Hospital for the returned servicemen to whom we are indebted.

Motion carried.

CONTROLLED SUBSTANCES (PROHIBITION OF SALE OF WATER PIPES) AMENDMENT BILL

Mr BROKENSHIRE (Mawson) obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Mr BROKENSHIRE: I move:

That this bill be now read a second time.

I place on record my appreciation to the parliament for the support it gave me last year for my private member's bill that ensures there is zero tolerance in respect of hydroponic cannabis. I want to congratulate a portfolio area of which I am very proud and which is ably led by our Commissioner of Police, namely SAPOL, because it has really capitalised on that legislation. It has been great to see the busts in relation to hydroponic cannabis. I hope that, as those cases start to go through the courts, the legislation will be looked at seriously to ensure we do everything we can to combat illicit drug use in our state. While I love South Australia, and I hope all other people who live here do, too, I do not like the fact that we see South Australia on the international map as having one of the highest cannabis leaves over it of any capital city in the world. It is not a good message to send to the rest of world that Adelaide, South Australia, is the capital for cannabis production.

I intend to move further initiatives before the parliament when it comes to the fight against illicit drugs. I see it as being a significant privilege in the parliament to be able—

Ms Breuer interjecting:

Mr BROKENSHIRE: Well, I hope the honourable member, instead of throwing insults across the chamber, will support this legislation. I would not think there would be an honourable member in this house who would not have constituents regularly coming into their office talking about the damage to their family and the community from illicit drug use. I am sure it is just as prevalent in the north, east and west as it is in the south—indeed all areas of the state.

What has particularly stimulated me to introduce this bill—and hopefully it will be passed in a bipartisan way—is the fact there is still far too much evidence that cannabis use is damaging South Australians, particularly our young people, both mentally and physically. Members only have to talk to school teachers, community leaders, South Australian police and welfare agencies to hear about the damage they are picking up when it comes to illicit drug use, most of which starts with cannabis. It is horrendous and it is increasing. I am scared about the increase that I see in illicit drug use in South Australia. We have not yet lost the battle when it comes to the fight against illicit drug use in this state, although I have heard comments from senior people in New South Wales who

say that they have lost the battle. I do not believe that has yet happened in South Australia. But we need to move quickly when it comes to combating illicit drug trafficking and illicit drug use.

I argued in the ministry—and I will continue to argue—that a big section of that focus, while it must be holistic, should be around law enforcement. It is fine to continue with the initiatives we put forward, such as the police drug action teams, drug diversion teams, drug courts, drug strategy education programs in schools, harm minimisation, methadone programs, and all the other initiatives we put in place when we were in government—and I thank this government for continuing with those programs—but, if a big piece of the holistic approach and picture about fighting illicit drugs is not about comprehensive law enforcement, then sooner rather than later we will lose entirely the battle against illicit drug use and trafficking in this state.

Ever since my bill relating to hydroponic cannabis was passed, I have looked at bringing in this bill for the prohibition of the sale of water pipes. One or two of my colleagues have said that they are concerned that some of our friends, now South Australians who have come from certain countries overseas, utilise this type of equipment in a legal manner. I am well aware of that. I have many friends from the Middle East and I have been over there with them and seen how these instruments are used in an illegal manner. But the instruments that they use, in my opinion and assessment, are far different from the instruments that you see clearly to be used specifically for the consumption of cannabis.

I was really infuriated when I happened to go into a shop to get a milk drink a little while ago because, in the glass cabinet where I used to get that service and where there used to be pies and pasties, there was a change of product. I was infuriated when I saw on the front of that cabinet a handwritten sign that said, 'The sale of tobacco is illegal to those under the age of 18 years'. So they had this message on the front of the glass cabinet, but the inside of the glass cabinet where they used to have the pies and pasties was full of bongs. This was within 500 metres of the local primary school. I know that the teachers, the community and the police did not appreciate that. There was a clear message, in my opinion, that that shopkeeper was prepared to sacrifice the prominent position of pies and pasties, food and nutrition for a damaging product and was saying to young people in particular who frequent that shop, 'This is what you want to buy. This is what you want to get hold of.'

These bongs are not decorations. They are not the sort of ornaments that people need or should be putting on their mantelpieces. I ask members, when they have gone into relatives' and friends' homes or visited constituents, how many times they see these bong instruments as displays on mantelpieces in lounge rooms. I have never seen them. These are clearly there to allow people to take cannabis.

An honourable member interjecting:

Mr BROKENSHIRE: One of my colleagues on the other side makes the comment, 'What are you going to do—force them to take it from coke bottles and pieces of garden hose?' We need to look at further strengthening other aspects of legislation and we in this parliament cannot be everybody's keeper. But we do have a duty of care, and so do those people who are exploiting this product against the best interests of our community. I do not want to see a shopkeeper making a profit, frankly, if they know they are selling those products (in this instance, water pipes or bongs), because they are going to be used for the consumption of illicit drugs.

We have just heard about public works and how a new 30 bed mental health facility will be built, and I commend the government for that, but the point is that, day in and day out, we hear about growth in mental health problems and growth in illnesses associated with mental health. I have seen evidence in documentary and scientific form and had a research student looking at whether cannabis is a gateway drug, and the overwhelming conclusion is: yes, it is. You hear about schizophrenia and the other problems associated with the use of cannabis product, and it seems to me that it is adding a lot to the mental health problems we have in this state. It needs to be addressed for the well-being and solid and sound future of our state.

Given that this bill passes, if a person then decides they will still try to sell these bong instruments, there will be a maximum penalty of $2 000 or imprisonment for two years. I thank parliamentary counsel for their help in drafting the description. It was not easy, because I do not want to prohibit the sale of pipes for the smoking of legal tobacco that has been around for years, so we had to do a bit of work on this. But I want to let my colleagues know what the description is. It states:

> The water pipe is a device capable of being used for the administration of a drug of dependence or a prohibited substance by means of the drawing of smoke or fumes resulting from the heating or burning of the drug through water or another liquid or a device that is apparently intended to be such a device but that is not capable of being so used because it needs adjustment, modification or addition.

I put that in because I know what clever people do when you bring in legislation—they will find a way to get around it. I do not want that to happen, because we can no longer afford to exploit the basic strong, sound values that we have in South Australia when it comes to healthy, vibrant communities, strong families and a strong social fabric. They are what built the South Australia that we enjoy today. The use of illegal drugs and the continued growth in the consumption of cannabis will see us have the opposite to that, and I suggest there will be no enjoyment in that for those of us living in South Australia if, indeed, we see a further increase in illicit drug use. The description continues and states that it:

> includes a device known as a bong but does not include a device of a class or description prescribed by the regulations as not being a water pipe for the purposes of this definition.

So I want to make it clear that if you have a tobacco pipe you will not have a problem.

I believe that this parliament has an opportunity to show the South Australian community that it will not tolerate the growth in the consumption and trafficking of illicit drug substances. Members should imagine the extra money that we could be putting into education, health and economic development (and we certainly need money put into those areas; all members know that) if we were not having to deal with the damage that we are seeing through the use of illicit drugs. There is only one place where you can really start to get on top of that by way of prohibition, enforcement and prevention, and that is the South Australian Parliament. I believe that it is a fundamental responsibility of the parliament to capitalise on opportunities where we can make a real difference.

It is one thing to say that we will knock down outlawed motorcycle gang fortresses. I do not have a problem with that; I support it and would be happy to accompany the Attorney-

General and the Premier on the first bulldozer when we go to knock down the fortresses. I would be very happy to do that and show them how to operate the bulldozer. That is one thing, and that can grab a front page story. But it is the local street drug trafficker and these sorts of shopkeepers (and I hope there are not a lot of them, but the example I gave is not the only one in this state) who are prepared to exploit the well-being of young people in particular and our South Australian community for a small gain in profit for themselves, causing major damage and pain for individuals and their family and friends, who have to pick up the pieces when that person crumbles through the use of illicit drugs.

So, as I said, this is an opportunity for each of us to support it. I intend to bring in further legislation, with the support of colleagues, in private members' time to continue the fight against illicit drugs because, if you are serious about it, you have to look at the macro picture and the micro picture. This is part of the micro picture. This is the stuff which does not get the front page stories but which can make a difference in each of our electorates. I think the phone-in that was conducted the other day to dob in a hydroponic cannabis grower was fantastic, and I congratulate the community and the large number of people who capitalised on that phone-in. I know the Attorney-General was present, and when I was police minister I was present at some phone-ins. It is great to get community members to do that, and I encourage them to do that, because dobbing in someone who is working against the social fabric of the community and who is clearly involved in illegal practices simply for personal short-term gain is something we need to encourage.

I say to the community that, whilst it will be a little while before we get this bill through parliament, in the meantime, if you go into a shop and see these bong instruments being sold, as I did, tell them you do not want that shopkeeper selling them in your area. Tell them that it is not the sort of healthy product that you want to see them promoting in their shop and let them know you are outraged about it and that you will support the parliament in the approval of this bill. At the end of the day, I acknowledge that it is a conscience vote for each member, but I say to members that this is not about just getting a front page story. This is about being able to make a real difference in a genuine and bipartisan manner and, in the future, if anyone else can bring bills such as this into the parliament which will be serious about fighting illicit drugs and drug trafficking issues, they will certainly have my support. At the end of the day, the biggest threat facing the western world today and the biggest threat facing the young people of the state, in my opinion, is the massive growth in illicit drug use.

Mrs GERAGHTY secured the adjournment of the debate.

SOUTH AUSTRALIAN FILM CORPORATION

Mr HAMILTON-SMITH (Waite): I move:

That this house establish a select committee to examine and report upon the South Australian Film Corporation and the South Australian film industry, and in particular—

(a) management and productivity issues within the South Australian Film Corporation;

(b) matters raised by the Auditor-General in 2003 regarding financial procedures and risk management strategies within the corporation; and

(c) a future vision and growth strategy for development of the film industry in South Australia.

I regret the need to have to move this motion, but it has been called on by a series of events which started to take place in the middle of last year and which, ultimately, led to a crisis in January and February; a crisis of confidence, organisation and direction that is screaming out for some government guidance. In saying that, I note that since I have put the motion there have been some developments, and I will allude to them in the course of my remarks.

It began with concerns raised by the *Advertiser* last year about producers leaving the South Australian Film Corporation, about claims from the industry that too much money was being spent on interstate productions, that the SAFC was rife with internal divisions and that there was an atmosphere of 'apathy, contempt and inexperience' within the organisation. Written complaints had been made and a range of concerns were aired at that time by *The Advertiser*. Subsequent to that, the Auditor-General, who had raised concerns about the internal management procedures at the SAFC, pointed out some serious issues that needed attention. I queried the Premier about those concerns on 12 November in the house, and there was a very interesting response. In fact, I would say that it is fair to remark that the Premier became quite hysterical in his response about my questions on the Auditor-General's observations.

Of course, the Auditor-General was worried about an external auditing firm not having been engaged to perform internal audits. He had observed that there was insufficient independent checking in respect of the operation of a disbursement service, and he raised a number of other issues about internal financial management processes within the corporation. It may be astonishing for the Premier and the minister assisting to comprehend this point, but it is the opposition's job to follow up such remarks by the Auditor-General and to seek answers, and of course that is what was being done. As *Hansard* from 12 November confirms, the Premier was not in a mood to answer any of these questions and instead wanted to play games with them.

Of course, on 18 November we then have the Premier, realising that he perhaps needs to get some media spin and some positive publicity, putting out a media release from London. Catherine Hockley from *The Advertiser* reported that he had said: 'We expect this to be the start of a significant expansion of the South Australian film industry, on this the 30th anniversary of setting up the film corporation.' From London, the Premier then went on to put a really good spin on what was happening, talking about many of the achievements of the former Liberal government, for example, that in 2000-01 nine film projects had been produced in South Australia worth $56.6 million and that the state's economy had benefited from 404 jobs created in the industry and so on. This was all good, positive spin coming from the Premier in response to this negativity that had unfolded.

On 13 December, *The Advertiser* reported further infighting in the film corporation that had escalated to the resignation of three key officials and board members, Anne Walton of the Australian Film and Television School and Gail Fuller of Rising Sun Pictures had resigned before the SAFC board meeting the previous Monday. The article went on and talked about other project officers having departed and made the point that the departures came as new figures showed that production activity from the SAFC had fallen from $17 million under a Liberal government in 2000-01 to under $1 million in 2002-03. We had gone from $17 million to $1 million: that is the amount of money turning over in the television business, if you like, now that we have a Labor

government. The figures were posted on the Australian Film Commission's web site.

On 13 December, industry sources were quoted as saying that they were very saddened that the board of the SAFC had little industry representation, and other critical comments were made. There was clearly a need for action, but no action was taken until, suddenly, on 30 January, we had the calamitous resignation of both the CEO of the South Australian Film Corporation, Judith Crombie and the non-reappointment of chair David Minear by the government, announced virtually at the same time. On 31 January *The Advertiser* reported on these resignations, clearly pointing to chaos within the organisation. What was the government's reaction? The reaction from the Minister Assisting the Premier for the Arts was to make the following comment on ABC radio on 30 January. He said:

> I'm not aware of any personal problems she had with the chair, it certainly hasn't been brought to my attention by either of the two parties involved.

We have the minister assisting totally oblivious to the issues facing the film corporation, totally unaware that the CEO and the chairman were having this huge confrontation—this huge difficulty—and that the film corporation was in strife. It had been mentioned in parliament; it had been raised in the media; industry sources were talking about it; people had been to see me; and finally we had people resigning, yet we had the Minister Assisting the Premier for the Arts saying that he had no idea what was going on.

It came as a total shock—a bolt out of the blue: guess what? There are problems at the SAFC. We then have Patrick McDonald on 3 February in *The Advertiser* commenting on the events and making some interesting points about all the resignations from the board and the SAFC, looking back to the achievements of the past but recognising that those achievements were not occurring now and noting that, although spending by Australian Productions rose slightly from $12 million to $13 million, overall production expenditure in this state had decreased by 19 per cent. The value of production generated by South Australian based companies also fell last year, from $9 million in the previous year to less than $1 million. In 2001, as I mentioned earlier, the state enjoyed production worth $32 million. McDonald also noted that 15 Adelaide based production companies had formed the United Film Group and that DVD, electronic gaming and online access were changing the nature of the industry—a very cogent point.

I have moved this motion consequent to all these events so that we can form a select committee to examine the problems facing the SAFC and to look at a future vision and growth strategy. I note that, since giving notice of this motion, the Premier as Minister for the Arts has finally come up with answers to some questions that I have had on the *Notice Paper*, particularly with regard to matters raised by the Auditor-General, and I note *Hansard* of 26 February where he answered some of those concerns. I have since spoken to the Film Corporation and I am aware that a lot of the issues raised by the Attorney-General have been addressed by the new acting CEO, and I commend her for that. I also commend the appointment of the new chair, Cheryl Bart. I hope that she and the new CEO will give their full attention to addressing those issues.

That still leaves us with the issue of the future vision and growth strategy for the industry. I expect that the industry is virtually in despair, having almost given up on the government. Subsequent to my putting forward this motion for a select committee, the industry organised its own summit, which was held on 28 February and which I attended. The industry itself is taking charge of the future of film in this state. Having had no direction and no guidance from government for two years, we are past the halfway mark of the Labor government, and what direction do we have for the film industry? None. What investment do we have in the film industry? Rapid decline.

At the summit on 28 February, organised by the industry itself, it was said that the Film Corporation needs complete reinvention. The summit noted that the Film Corporation had not totally fulfilled its current mission. It noted that the industry concluded that, without an immediate increase in production levels, the retention of the privately owned physical infrastructure and experience personnel in the state was threatened. The industry went on in briefing papers and discussions at the summit to make the point that the industry was looking to the SAFC to engage in a comprehensive industry consultation prior to the development of a new business plan or service charter. The South Australian Film and Television Industry Development Strategy—Stage 2 report of December 1999 by Bruce Moir, and the South Australian Film Corporation's Bridging Aspiration and Achievement Business Plan 2001-04 dated December 2000 clearly need updating.

The industry requested the SAFC to determine a precise definition of the interrelationship between its roles as a commercial operation and as a state-based funding body. The industry also looked to the SAFC, in doing so, to demonstrate financial transparency and a position of non-competition with the private sector service providers. The industry is calling on the SAFC to engage in comprehensive industry consultation and to give due consideration to all submissions made to the forum prior to redevelopment of any or all of the SAFC's funding and procedures.

Upon establishment of any new policies or programs, the industry has requested the SAFC to undertake a consultative annual review to measure program effectiveness relative to industry trends. Further, the industry is requesting the government to maintain current levels of funding committed by way of direct subsidy through Arts SA and through cash neutral incentives such as payroll tax exemption legislation. There has clearly been no significant investment in the industry from this government in the two years that it has been in office. In fact, we are in decline.

The arts industry strategy and policy group that is to evolve from the summit is likely to provide some guidance to government. It is lamentable in a way that the industry has had to organise itself to fill the void left by the government, that the government could not have precipitated this initiative far sooner, that it has taken two years, but I sincerely commend the industry for having taken this initiative. I commend John Chataway and the other organisers of the summit for getting it together. It was a most informative and worthwhile exercise. What we now need is for the government to listen. We also need the government to back that listening with money, with resources, with attention and with an SAFC that has a clear policy focus and a clear direction for the future. I do not think that can be said to be so at present. We have wasted two years. We have had the glossy film festival, we have had money diverted to that festival, but what is happening for producers and others involved in producing film?

This select committee will seek to answer some of those questions, bring people before it and hear the needs of the

industry. If it is not needed, I look forward to hearing the government explain why events such as the summit, which occurred since I gave notice of the motion, have rendered the motion and the select committee unnecessary. If that is the case, I look forward to the government's argument and I am prepared to listen. My main aim is to be assured on behalf of the industry that we are going forward, that the problems of the past are genuinely behind us, that the government is genuinely prepared now to embrace the industry, get behind the results of the summit and develop a clear future for the industry which is so vital to South Australia's future.

Time expired.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: MAWSON CONNECTOR

Mr CAICA (Colton): I move:

That the 200th report of the committee on the Mawson Connector—Stage 2 be noted.

The Public Works Committee's output is the stuff of legend and today I am delighted to speak to a further milestone in the committee's history. In 2002 the Presiding Member of the Economic and Finance Committee, my colleague and an outstanding member, the member for Reynell, threw down the gauntlet when she told the house:

This is the 38th report, well behind the report record of the Public Works Committee but I do anticipate that over the next four years the Economic and Finance Committee will catch up.

The Public Works Committee did not hesitate to respond to that challenge and has produced three high quality, well-considered and researched reports to every one from the committee challenger of record. So I humbly render the 200th report of the committee, the Mawson Connector—Section 2.

The committee is told that Transport SA has had a longstanding proposal to develop a route that would link the eastern and north-eastern suburbs and Port Wakefield Road. Changes in the demographic, residential and industrial profile of the northern suburbs have required that a link between Main North Road and Salisbury Highway be constructed sooner than previous proposals had foreseen. In addition, the state government, as party to the project commitment deed of February 2001 under the 1997 Mawson Lakes economic joint venture, is required to construct a collector road, including drainage and bridgeworks, over the railyard from Salisbury Highway to Main Street by June 2005. It is also obliged to extend a collector road from Main Street to Main North Road and construct a new train station.

The committee is told that Transport SA has developed the following three-stage proposal for the Mawson Connector: Section 1, Main North Road to Main Street; Section 2, Salisbury Highway to Main Street; Section 3, Salisbury Highway to Port Wakefield Road. The current proposal is for section 2 of the connector project and a public transport interchange at Mawson Lakes.

The project involves the construction of a 1.1-kilometre two-lane carriageway with a bicycle lane on both sides and a pedestrian footpath on the southern side. The road corridor will allow enough width for duplication in the future. Included in this section of road is a two-lane railway overpass with bicycle and pedestrian paths on the southern side which is capable of being duplicated to enable four lanes in the future. There will be major intersections constructed at Main Street and Salisbury Highway, with some four-way intersections operating as T-junctions until future roads are constructed, at which point they will become four-way intersections. In addition intersections will be constructed to enable access to future residential developments along the connector's route. The public transport interchange will enable a number of bus services bypassing Mawson Lakes or terminating at the university to be extended or re-routed through the interchange.

As well as catering for Mawson Lakes, this will allow bus passengers from existing suburbs to the west, north-west, east and north-east to transfer from bus to train for fast journeys to the city and Salisbury, Elizabeth and Gawler to the north. It will also allow university students to gain fast access by rail from the city and northern suburbs to the university, either walking from the interchange or transferring to one of a number of bus services expected to serve the university, the Mawson Lakes town centre and the interchange. Road access will allow residents of surrounding suburbs to drive and cycle to the station. There will be secure bicycle lockers at the station. The proposed Mawson Lakes rail station, as a result, will become a major station on the Gawler line. The committee is told that public consultation, as distinct from agency and major stakeholder focused consultation, will be conducted through a communication campaign prior to the start of construction and will be ongoing.

Section one of the connector will link the east and west sides of the Mawson Lakes development divided by the railway line. Further, it will improve access to the University of South Australia campus, which currently has no direct exposure to the general public, and allow commuters from the western suburbs to directly access the Mawson Lakes town centre. The interchange will also allow residents of adjacent northern suburbs greater access to rail and bus networks.

The committee is also told that the improved road link, in conjunction with the Port River Expressway, will improve road freight access to Port Adelaide from the wine regions and Mid North of the state. It will further ease traffic pressures on Grand Junction Road and the Gepps Cross intersection by providing an alternative route to Port Adelaide from Main North Road. The capital costs for the project comprising section two in the interchange is $26.23 million. The committee is further told that recurrent costs for this project reflect normal maintenance costs for road projects. The economic analysis of the road and bridge component was conducted incorporating the future section one works linking the road with Main North Road so that reduced travel times and efficiencies within the larger road networks, as a result of the proposed connector, could be factored in.

The analysis showed a benefit cost ratio of 1.1 and a net present value of $2.5 million with an internal rate of return of 1.1 per cent with a discount factor of 7 per cent. The public transport interchange provided a benefit cost ratio of 1.3 with a net present value of $1.9 million, an internal rate of return of 3 per cent and a discount factor of 7 per cent.

The project is scheduled to begin in early 2004 with it reaching completion in June 2005 in accordance with the Mawson Lakes project commitment deed. The committee supports the project but remains concerned by certain aspects of the current proposal. The committee is concerned that the time frames imposed on the project under the commitment deed do not acknowledge the obligatory and necessary review of such projects by the parliament. The committee reiterates that, pursuant to section 16A of the Parliamentary Committees Act, proponents of referred capital works are required to bring proposals before the committee for review and cannot

commence construction on such projects until the committee tables its report, regardless of individual agreements or preferences with respect to projected programs. The committee is concerned that agreements which seek to impose limits on project time lines and which are then delayed by proper parliamentary or governmental review processes may result in added costs and/or delays which would otherwise be avoidable.

The committee notes that the dual carriageway forming part of the current proposal may be extended into a four laned carriageway when the road reaches its traffic threshold. The committee also notes that some basic provision for these extra lanes forms part of the current proposal. The committee is concerned that, if and when such construction work is required, the costs will be higher than if this work were packaged with the current project. The committee sees these costs as both financial and in terms of the works disruption of what will be a busy thoroughfare in an extensively developed residential area. The committee understands the costs pressures on the proponents with regard to the current project but is of the opinion that extra expenditure at this point could provide long-term savings. Although the current proposal is specifically focused on the road and public transport interchange project, the committee retains concerns about the proximity of housing in the Mawson Lakes development to major transport facilities such as Parafield Airport, the proposed Mawson connector and the train lines.

The committee believes that adequate buffer zones should be incorporated into the urban design of the development, especially as the connector is ultimately designed to be used by heavy road freight. The committee understands the principles behind the proponents' intention to design an open, well-lit public transport interchange that will both facilitate ease of use and personal security while discouraging vandalism. The committee retains some reservations about the effectiveness of these plans and, as a result, the adequacy of the budget allocation for maintenance and cleaning. The committee notes the provision of stormwater drainage from the road surfaces and supports any proposals to collect and reuse this water. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: MURRAY BRIDGE SOLDIERS MEMORIAL HOSPITAL

Mr CAICA (Colton): I move:

That the Two Hundred and First Report of the Public Works Committee on the Murray Bridge Soldiers Memorial Hospital Redevelopment be noted.

Mr CAICA: The Public Works Committee has examined the proposal to apply $9 million of taxpayer funds to the Murray Bridge Soldiers Memorial Hospital Redevelopment. The committee is told that the Murray Bridge Soldiers Memorial Hospital and Murray Mallee Community Health Services is the regional centre for the provision of health and human services to Murray Bridge and the surrounding Murray Mallee region. The hospital was last refurbished in 1984 and has since been funded only for minor works to repair deteriorating infrastructure. The hospital is in need of redevelopment, improvement and sustained works across a range of essential systems if its operational and functional priorities are to be met. The committee is told that the redevelopment will address short and long stay facilities, community health facilities, day surgery, pathology and major engineering infrastructure in addition to improving patient waiting and staff areas.

The committee is told that the hospital is an important hub facility that provides a series of services for the surrounding region that will be sustained and enhanced by the redevelopment. These include: coordination with smaller regional hospitals and the provision of community care services; indigenous health services for the surrounding region; mental health services including specific indigenous mental health services; early childhood intervention and youth health services; support to new arrivals and asylum seekers; facilities catering for the regional network of aged care services; day surgery facilities; and inpatient clinical services. The work is to be staged in four phases to enable the continued operation of the hospital.

Phase 1 will address engineering systems such as air-conditioning, steam reticulation, water treatment plants, sterilisation and cooking equipment. Phase 2 will include a new mortuary, additions to office space, improved and extended community health facilities, improved water accommodation catering for 47 acute beds, patient ensuites, consulting rooms and a new nurse station. Phase 3 will include a remodelled and improved inpatient facility, new toilets, modifications to the maternity ward, new laboratory space for IMVS, and an expansion of day surgery facilities. Phase 4 will include extended refurbishments to the day surgery area, the addition of consulting and meeting rooms and improved cleaners' facilities in the community health area. The redevelopment will increase the hospital's area from 3 081 square metres to 4 702 square metres.

The committee is told that the project aims to enhance and sustain existing engineering infrastructure, including energy efficient systems; modernised clinical facilities; add to the community health facility; optimise access for community groups to mental health, Aboriginal, early childhood and youth services; as well as support new arrivals and asylum seekers, who form a significant user group at the hospital, through the new community health facility; improved waiting area, treatment and assessment areas; increased day surgery capacity; and upgrade and relocate IMVS facilities. The committee is told that the capital value of the project is $9 million. In relation to recurrent costs, the committee is told that there will be increased demand and usage of several areas—the bulk of which will be funded through Medicare and commonwealth sources—meaning that there will be no requirement for additional operating funding as a result of this project. Over a ten-year time-frame, the net present value of the current proposal, at a rate of 7 per cent, is $98.2 million as opposed to $99.78 million for the status quo option.

The project is scheduled to award tenders in May 2004, with completion of works in August 2006. The committee notes the hospital's current condition and is supportive of the proposed redevelopment. The committee notes that the project meets the needs of the hospital and the surrounding community and will redress many existing plant, facility and design deficiencies. The committee remains concerned, however, that the scope of the project does not allow it to meet projected demand for services such as mental health for any period longer than the medium term. The committee acknowledges the cost pressures on the proponent agency but is of the opinion that such an approach will, because of cost escalations, only require further and more expensive upgrades.

The committee further notes that, while the project incorporates several ecologically sustainable design elements, other features such as solar hot water service have not been incorporated because of the capital cost that the committee feels to be minimal relative to the total cost of the project. Further, the committee notes that this and other project provisions are made for ecologically sustainable features to be incorporated in the project when such measures become more economically viable. While both approaches reflect the reality of limited capital of budgets, the committee remains concerned that the immediate capital cost savings are still considered more important than ecological and economic whole of life savings when projects are evaluated. The committee is of the opinion that such an approach inhabits both the initiation and maintenance of long-term economic and ecological improvements. Pursuant to section 12(c) of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public works.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: WIND FARMS

Ms BREUER (Giles): I move:

That the 51st report of the committee, on wind farms, be noted.

This inquiry was referred by the House of Assembly to the Environment, Resources and Development Committee on 14 May 2003. An ongoing and reliable electricity supply is an important part of our lives. However, the use of fossil fuels for electricity generation is producing greenhouse gas and this is contributing to global warming. Even though Australia is not a signatory to the Kyoto Protocol, it is generally recognised that we need to reduce the production of greenhouse gases or the world will be a vastly different one within our lifetime. Electricity production accounted for 33 per cent of the total greenhouse gas produced in Australia in 2001. Wind generated electricity does not produce any greenhouse gases.

The committee had the privilege of visiting the first wind farm in South Australia at Star Fish Hill, with the Public Works Committee, at the beginning of the inquiry. It was very impressive standing beneath the 100 metre tall wind turbines. There are 23 turbines spread over two hills. The energy used to build this wind farm was paid back in four months. The government is purchasing some of this green energy from Star Fish Hill.

Renewable energy is expensive in comparison to that generated by fossil fuels in Australia. Wind generated electricity is currently the cheapest form of renewable energy but contrary to popular belief it is not a free form of energy. The development of Star Fish Hill has been made possible by the Federal government's mandatory renewable energy targets and renewable energy certificates. The committee was cognisant of the balancing act that must be undertaken between the need to reduce greenhouse gases for the benefit of future generations and the cost of developing wind energy for the present generation.

The development of wind farms in South Australia has brought to the fore a number of associated issues such as the need to build infrastructure to bring wind generated electricity from the remote windy coastlines of Eyre Peninsula to the region of power demand which is Adelaide. The committee does not believe that the government should provide this infrastructure.

Wind generated electricity cannot be readily stored in a cheap way. This leads to the question of what to do with excess electricity that may be generated on a very windy day. South Australia does not have a high energy demand except on very hot days. We may need more interconnectors to send this excess interstate. The question was raised as to what percentage of wind generated electricity can be managed by the current system in South Australia and whether the intermittent nature of wind destabilises the current system.

The development of more wind farms could limit the development of traditional power stations even though they will still be needed because the wind may not be blowing when we need the power. More wind farms and better forecasting techniques should ensure continuity of supply. The committee has recommended that the government support research that will improve wind forecasting technologies. The issue of how much wind we have in South Australia came home to me when I was recently overseas and I looked at wind farms in the UK and in Europe. I realised that, while I thought South Australia was a windy place and that Whyalla, in particular, was a windy place, I realised that it is far more windy over there, and I see the issue now with the amount of wind we have here.

Despite the as yet unanswered questions, the committee believes that wind energy must be encouraged to develop in this state. The world is moving towards a carbon constrained economy and the introduction of carbon taxes or trade embargoes could dramatically change the way Australia will need to generate electricity. Wind generated electricity could be particularly beneficial to regional South Australia. Besides providing employment in manufacturing, the additional electricity could assist the expansion of the aquaculture industry and provide energy for a possible future desalination plant on Eyre Peninsula. I believe that in areas such as Coober Pedy, where they are using diesel generated electricity, the possibilities of wind power in those areas, while they are not a reliable continual source of electricity, even if they were able to use that power for 30 per cent of the time it would result in a considerable reduction of their power bills, where they are paying up to $1000 for two months of electricity.

Planning issues were significant in the submissions received by the committee. The committee believes that the Plan Amendment Report on Wind Farms was a much needed initiative but does not provide enough guidance to adequately assess wind farm development applications. The committee supports uniform methodology for wind farm assessment. In addition, planning processes need to be more transparent so that the community understands why certain decisions are made. Other areas of the development assessment that need standardisation include visual impact and impact on birds.

Some community members do not want to see a proliferation of wind farms along the coast and would prefer the development of no-go zones. The committee has recommended that Planning SA write a policy paper addressing this topic. Representatives of the community and industry suggested that one government department should coordinate the dissemination of information on wind farms and provide the initial contact for all people interested in wind farm developments. The committee recommends that this idea be seriously considered. The committee found a lack of government policy in terms of sustainable energy and a state greenhouse policy. The committee believes that these policies are essential and should be a priority for government. The committee also recommends the development of discussion

paper exploring the feasibility of a state based renewable energy target.

The committee heard from 33 witnesses during this time and received 43 submissions. As a result of this inquiry, the committee had made 24 recommendations and looks forward to a positive response to them. I would like to take this opportunity to thank all those people who have contributed to this inquiry. I thank all those people who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I also extend my sincere thanks to the current and former members of the committee: the Hon. Malcolm Buckby MP, Mr Tom Koutsantonis MP, the Hon. John Gazzola MLC, the Hon. David Ridgway MLC, the Hon. Sandra Kanck MLC, and the Hon. Gail Gago MLC. And I extend a very special thanks to the current staff: Mr Phil Frensham and Ms Heather Hill, whose very important work in putting together this report for us was appreciated very much by all.

The Hon. M.R. BUCKBY (Light): I rise in support of this committee report by the Environment, Resources and Development Committee, and I second the member for Whyalla's comments in relation to the work of Heather Hill and other members of the committee in producing this report. This was a particularly interesting report given the topical nature of wind farms as it exists in South Australia at present. The committee found that there were far more—I am sure far more than what we thought would be in the pipeline—companies that are seeking to develop wind farms in South Australia. In fact, there are far more than the federal government scheme would actually support. That was interesting from one point of view.

We all know that South Australia has a significant number of sites which are, as the member for Whyalla said, very windy sites which would be suitable for wind farm electricity generation. We realised, though, during the work of the committee that, while many of those sites would be suitable, the distance in terms of connecting from the wind farm into the grid, is one of the things that will limit the number of wind farms that will be developed in South Australia.

This was the area where there was considerable discussion within the committee about whether or not the government should support infrastructure development in terms of encouraging wind farm development in South Australia. The committee recommended (as the member for Whyalla said) that this should be taken on a case by case basis to assess the economic impact on South Australia and the sorts of benefits that would accrue to South Australia should the government decide to invest in that infrastructure.

We found that there was some confusion in relation to the messages that were coming from Planning SA and also local government about the planning process in terms of developers wishing to undertake a wind farm development. One of the recommendations of the committee is that Planning SA and local government make information about relevant planning processes more transparent and accessible. I think that it could only be a benefit for those two bodies to work together so that, when a developer comes to evaluate the feasibility of developing a wind farm in South Australia, there is one set of rules that are quite clear in terms of buffer zones, siting, national parks, zoning and so on. We need to have one set of rules that are very easily accessed and understood. At the moment, from the evidence that we were given, that is not the case.

One of the very interesting pieces of evidence that we were given related to how one assesses the landscape in terms of visual amenity with and without wind farms. It was a particularly interesting presentation. Wind turbines were superimposed on the landscape and we were able to view just how big an impact they made. I do not have a problem with wind turbines on the landscape. I do not think that they create any visual scar—in fact, in some cases, I think they even add to it, in terms of their beauty.

However, the committee heard evidence that suggested that the issue of buffer zones and the impact of wind farms on adjoining properties, in particular, the distance of the turbine from a farm house—or from any other house, for that matter—is one of concern. The committee was provided with evidence about the noise that is generated, the shadow effect and the impact on the local wildlife—birds in particular. The issue of what a buffer zone should be needs to be assessed quite seriously—whether it should be the same as in many other industrial cases, where the industry has to be 500 metres away from the nearest house, and whether that should restrict a person who has a property adjoining a wind farm from building a house nearer to the wind turbine if they so desired. A number of issues were developed within the committee, and it heard excellent evidence in terms of those people who are living alongside a wind farm and who are affected most—particularly relating to Starfish Hill, for instance.

There is no doubt that this energy is probably the most efficient that we can produce, apart from solar energy, and by undertaking wind farm generation of electricity through this medium we are improving our atmosphere and lessening the impact of greenhouse emissions that come from coal-fired power stations. I think that the development of this form of energy is excellent. Obviously, there is only a certain level that can be advanced at this stage because of the federal government MRET scheme, which has limitations in terms of subsidies to the wind farm owner and producer. That factor will inhibit the development of wind farms in South Australia to a degree. However, I believe that they are an excellent idea.

As the member for Whyalla informed us upon her return from her recent trip, the number of wind farms that she saw in Europe and elsewhere really shows that we are at the very beginning of this process and a long way behind other countries in the development of clean energy. But I guess we have the advantage in terms of the technology of wind turbines, which is improving all the time. The developers here can obtain the latest technology, its having moved a long way down the track from when it was first developed.

I recommend that members read this report. During my time of committee work since I have been in parliament, on both the Economic and Finance Committee (when I first entered parliament in 1993, to 1997) and this committee, I would have to say that this has certainly been one of the most interesting investigations that a committee has undertaken, and it will have quite an impact on the future of this state and the generation of clean energy in South Australia. I commend the report to the house.

Mr MEIER (Goyder): I also wish to speak briefly to this report and thank the members of the committee for the work they have done. Members are probably aware that there are three wind farms proposed for Yorke Peninsula. Certainly, on many occasions Yorke Peninsula is a very windy place, and these are all excellent potential sites for harvesting the wind to help overcome the lack of electricity supply that we

often experience here in this state. However, I do not know whether I am 100 per cent happy with all the recommendations of the committee. I feel that some of them are a little mickey mouse, and I do not know whether they will do a lot for the future. One such recommendation is recommendation 20, which states:

> The committee recommends that the government develop a discussion paper exploring the feasibility of a state-based renewable energy target to determine its impacts.

It sounds fine, but will it do much? I think members would know that I am a little sick and tired of so much talk and so little action in the first two years of this government, and I hope this committee is not going down that track too much. At the same time, I acknowledge that some of the recommendations have real substance. I guess one of them is recommendation seven, which states:

> The committee recommends that the Minister for Energy continue to lobby the federal government on issues such as the national electricity market to ensure the best outcome for South Australia.

When I have spoken to representatives of a couple of the energy companies that want to set up on Yorke Peninsula, they have indicated that there needs to be greater federal direction. They have said that it is all very well for the state to want the renewable energy sources but there are quite a few unknowns, as far as they are concerned, and they want a more definitive situation so that, when they go to an area, they can go in with complete confidence; they know that the money they are spending in ascertaining the correct site and the money they may have to spend in countering objections will, in the end, be money well spent if they know that they can fit into the national grid and that the federal government has very clear guidelines.

When I visited Denmark the year before last, I looked into the renewable energy sources there. I forget how many thousand wind farms there are in Denmark, but there is a huge number.

They are leaders in this technology. I think their target is that about 16 per cent of their electricity generation is to be derived from renewal energy, in particular, wind. They were in the process of setting up some wind farms in the ocean, quite some kilometres out from the shore. We are certainly way behind in our development of wind farms, and we need to endeavour to progress forward at the fastest rate possible, not only because we have a lack of generating power in this state but also because of the friendliness of wind generated power. These recommendations can only assist, therefore, in that respect, but let us hope it is not just talk and little action.

I noted a question earlier today in question time, whether South Australia would be able to have an actual industry to build components of the windmills, and I hope the government is doing everything in its power to try to get some of that set up in South Australia. One of the disadvantages of Yorke Peninsula is that we do not have a sufficient number of high energy distribution lines. I was speaking to a developer of one of the wind farms and he said that in his opinion the first wind farm to get approval and be built would probably be it, and the other two will not proceed. I hope that will not be the case, because we have three proposals at Wattle Point, Troubridge and Sheoak Flat and then further in my electorate in what I call the Lower Mid North area around Barunga Gap, so there could be four wind farms in my electorate in the not too distant future. It is not much good having the farms if there is not a proper distribution system. Again, I recognise the committee is having that looked at.

Let us hope this does not lie around. I hope the committee personnel and the chair, in particular, do everything in their power to push the government to act on this and to ensure that the federal government is lobbied as much as possible. It is probably a good time now, in the lead-up to a federal election, to get some action from the federal government. Federal governments and federal oppositions often make more promises in the year leading up to an election than they do in other years. Perhaps we are well situated there.

Last week I motored to Victoria and I noticed a large wind farm on the way. That was a trip through to Ballarat. I wish I had had enough time to divert to have a further look. We have made a start here, and I compliment the member for Flinders, who did a lot in earlier years. I still believe that we are dragging our feet and that we have to catch up a few years as fast as possible to ensure that it is a united effort between the state government, the federal government and the private companies.

The way in which Denmark set up wind farms in the early days was to get farmers to set up the wind farms. In other words, two or three farmers would get together and say, 'Look, we can afford one of these turbines.' I think they were looking at something like $100 000. That $100 000 was an investment for them to set up the turbine, and the three farmers would share the profits. There were significant tax deductions for them to do that. That got the wind generating industry going in Denmark, and people could see it was a good investment. Now the emphasis has changed. Basically, it has been taken away from the small people and there are larger farms—which is exactly the policy that we follow here. In a place such as Yorke Peninsula I could well see the original Denmark model working very well. A lot of farmers—if it was not one farmer it could be two or three farmers together—would have sufficient moneys to say, 'Let's get a turbine set up between us. We all will put in $33 500 and we will be able to make a good investment from that.'

Whatever the case, it is important to give every encouragement to the private sector. It will be the private sector which will make or break wind energy here. I hope the government gets rid of all possible obstacles and ensures that the federal government also has a system where wind developers can come in with the knowledge that once they have overcome planning problems (if there are any) they will be able to have a good investment from their wind farm.

Motion carried.

LAND AGENTS (INDEMNITY FUND—GROWDEN DEFAULT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 1437.)

The Hon. M.J. ATKINSON (Attorney-General): G.C. Growden Pty Ltd conducted business as a mortgage financier for about 10 years before going into liquidation. The company also operated as a land broker and valuer. Growdens and associated companies would arrange mortgage financing and would hold money on deposit for investors while waiting for investment opportunities to arise. The standard Growdens investor made good money for a couple of years before the property downturn in the early 1990s. Only when the property market dropped did the over-valuation of properties and the tight financial circumstances of the borrowers lead to

properties not returning the sorts of prices that had been predicted.

Most investors received some money back from the sale of the properties but were usually left with a loss on their last capital investment before Growdens collapsed. These losses varied between $1 000 and $30 000. Indeed, I recently met a Flinders Park couple who told me they lost nearly $70 000. Under the Land Agents, Brokers and Valuers Act 1973 (now repealed) some Growdens clients were able to be compensated from the agents' indemnity fund because their mortgage financier had also carried out business as a conveyancer. Millions of dollars was paid out from the fund. As most conveyancers and real estate agents who put money into the fund were not financiers or mortgage brokers, they were not happy at having the fund depleted by claimants who were not clients of the conveyancing or real estate trade. Access to the fund was removed by the former Labor government in 1993. The changes to the act were proclaimed under the former Liberal government and came into effect from 1 June 1995.

Growdens investors who lodged funds with Growdens after 1 June 1995 and were therefore ineligible to claim on the Agents Indemnity Fund have used every method at their disposal to recover the funds that they invested—and there is nothing wrong with their doing so. Methods used by Growdens investors included lobbying state and federal MPs, of all persuasions. Former Liberal premiers and attorneys-general, the Premier and I, have all consistently rejected calls from post-1995 Growdens investors to allow them to have access to the Agents Indemnity Fund. The Howard federal Liberal government rejected a call from Growdens investors for an act of grace payment.

Growdens investors have also taken their case to the District Court which in August last year effectively ruled that the standard Growdens arrangement did not constitute fiduciary default. Fiduciary default is about doing things with trust money that are contrary to the instructions of the person who has a right to the money. In most cases, the trustee steals the money. The most important amendment to the previous versions of the bill is that the version of the bill tabled the week before the bill's first reading by the member for Davenport now amends the definition of fiduciary default to cover the circumstances that most Growdens investors experienced.

Let us be very clear about what the member for Davenport is asking the parliament of South Australia to do. The District Court has ruled that the circumstances are not fiduciary default, so the member for Davenport is proposing to change the law by twisting the definition of fiduciary default to ensure that the claimants are paid—and the member for Davenport acknowledges cheerfully to the house that that is so. He is also asking parliament to pass legislation that will be retrospective and will apply to perhaps fewer than 100 people. No other investors who are or have been disadvantaged in similar circumstances after poor decisions would be eligible for similar payouts. If this is the type of reasoning and understanding of the law displayed by the member for Davenport, I do not know why he just did not advise Growdens investors to cancel expensive, troublesome and time-consuming court action in favour of bringing a private member's bill into state parliament that would reverse the policy of the Liberal Party for the last 10 years.

As recently as November 2001, Liberal Party members in another place, along with members of the Labor Party in another place, voted against a motion by the Hon. T.G. Cameron that sought merely to establish a select committee to investigate Growdens actions. I am astonished at the skills of the member for Davenport in whisking this bill past the opposition party room. When you are in opposition, standards drop. You go back to that plane on which you are most comfortable and forget all the lessons of government.

That claims of negligence cannot be pursued owing to bankruptcy is a situation faced by thousands of creditors of liquidated companies and bankrupts every year. It is difficult to argue that the Growdens claimants should have legislative protection for their compensation claims when others do not. Growdens investors have gone to extraordinary lengths to recover their lost investments. Their zeal is to be commended. They have, however, exhausted every avenue of appeal.

I noted that most members of the opposition were not around to support the member for Davenport when he moved the bill, so I would be most interested to hear the members for Bragg and Heysen speak in favour of the member for Davenport's bill, particularly the provisions about changing the definition of fiduciary default. I challenge them to speak on the bill.

If the bill is passed, I advise that, depending on how many people submit a claim, the value of eligible claims on the Agents Indemnity Fund will rise to between $5 million and $17 million. That is not the reason for which the Agents Indemnity Fund exists. Indeed, we are coming into a downturn in the property market, with all the attendant risks to the Agents Indemnity Fund that that entails. It would be a very poor minister for consumer affairs who dissipated the Agents Indemnity Fund in advance of those circumstances. I think it is cruel of the member for Davenport to encourage Growdens investors to believe that the bill has any chance of becoming law.

Mr MEIER secured the adjournment of the debate.

SPEAKER'S REMARKS

The SPEAKER: Earlier today, during the course of question time, some remarks I made caused honourable members some offence. Most honourable members are normal humans, even if some honourable members think that I may be the only exception. I am happy to accept their judgment in that regard. However, according to that, though, I am sure all honourable members agree that we are all unique biological and psychological individuals. In common with one another and all people, we have endocrine glands which supply us with varying proportions of male and female hormones such as progesterone, oestrogen, testosterone and the like.

Behavioural responses to the same stimuli are different individual to individual and are affected by comparative and variable ratios of each of those endocrine hormones instance by instance, event by event, stimuli to stimuli. In some instances, we seek gratification of personal desires more to do with subconscious responses and subliminal sexual desires than to rational behaviour, perhaps best considered as adult and responsible behaviour in the social context. This is especially relevant to Mps, it seems to me, from time to time.

The remark I made about the behaviour of Mps in question time was an exasperated attempt by me in my current disposition, during an illness which is perhaps causing me discomfort of fever from periods of between 15 minutes and two hours duration in each instance. Nonetheless, I was trying to get all members to see the silliness of their behaviour by

resorting to everyday vernacular to get their attention and understanding of it. Some members have told me since that it has caused them offence. I meant no offence. The next time that I hear a man or a woman use such expressions in public in front of strangers will not be the first, nor will it be the first occasion that it has been mentioned in a parliament on this continent. I apologise for the offence. Any point of order about any incident, can I further explain to the house, should it be necessary, must be taken at the time, not later. Persistence in attempting to show or shout down the chair as being mistaken, or otherwise in some way at fault, is highly disorderly. I nonetheless see this as an opportunity to put the incident behind us and take the opportunity of doing so, accepting responsibility for it myself.

STATUTES AMENDMENT (MISCELLANEOUS SUPERANNUATION MEASURES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Police Superannuation Act 1990, the Southern State Superannuation Act 1994 and the Superannuation Act 1988. Read a first time.

The Hon. M.J. ATKINSON: 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.

This Bill seeks to make amendments to the *Police Superannuation Act 1990*, the *Southern State Superannuation Act 1994*, and the *Superannuation Act 1988*, the Acts which establish and continue the superannuation schemes for police officers, public servants, teachers and other government employees.

The Bill deals with three matters. The first and most substantial matter dealt with in the legislation is superannuation surcharge. The second matter is member investment choice. The third matter is the interaction between superannuation pension payments and weekly payments of workers compensation.

In relation to superannuation surcharge, the Bill seeks to provide a facility for those persons who are members of one of the lump sum schemes established under these Acts, to pay any surcharge debt out of their superannuation benefit. The proposal will bring members of any of the government's lump sum schemes into line with members of the State Pension Scheme, Parliamentary Scheme and the Police Pension Scheme who already have the ability to leave part of their retirement benefit in the scheme and use it to extinguish a surcharge liability.

The superannuation surcharge is an additional tax of up to 15% levied on the value of employer contributions paid or payable into a scheme to finance the benefits accruing to members on higher incomes. The surcharge is in addition to normal taxes applied to superannuation benefits.

In private sector schemes, the fund itself is liable for the surcharge tax, and after paying the tax, reduces the accrued benefits of the member who is subject to the surcharge. In government superannuation funds, where tax is not levied on the fund as benefits accrue but applied to the member's benefit when it is received, the member is personally liable for the surcharge debt. In schemes like those established by the State government, the member liable for a surcharge debt can choose between paying the surcharge debt as it accrues, or deferring the debts raised until a benefit is paid from the scheme. The Commonwealth applies interest to a deferred debt until such time as it is paid.

The legislative proposal set out in the Bill will provide an option for members subject to a surcharge liability to estimate their surcharge debt at retirement, based on assessment notices already issued by the Australian Taxation Office. Members will then be required to request the relevant Superannuation Board to withhold part of their retirement benefit equal to the surcharge estimate, until receipt of their final notice to pay the surcharge debt from the Australian Taxation Office. On receiving the notice requiring payment of the surcharge debt within 3 months in accordance with the provisions of the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* (Cth), the member can request that the withheld amount be applied towards payment of the surcharge debt. The lump sum to be provided to extinguish the surcharge debt will be paid as a commuted value of a pension purchased by the withheld lump sum. By paying the amount as commutation, the lump sum will not be classed as an eligible termination payment in terms of the *Income Tax Assessment Act* (Cth). This will result in the member being treated the same as a member of one of the government's pension schemes when it comes to paying a surcharge debt. The surcharge debt will be paid from a pre tax benefit, which is the same basis as already applies to an employee in the private sector with a superannuation surcharge debt.

The Bill also provides a facility for the special surcharge payment option to be utilised by the spouse or legal representative of a member of a lump sum scheme who dies before receiving a surcharge notice or before being able to claim the withheld amount and apply it to extinguish a surcharge debt.

Unless these provisions are incorporated into the State's lump sum superannuation schemes, members of these schemes will be disadvantaged compared to those employees in a pension scheme, or employees subject to superannuation surcharge in the private sector.

The Bill also seeks to introduce member investment choice as an option for members of the State lump sum scheme.

Member investment choice, as an option within a superannuation scheme, has spread in popularity throughout the superannuation industry such that investment choice has become a standard design option within accumulation style schemes.

This legislative proposal will provide member investment choice as an option for the member contribution account or employee component of the benefit, in the State lump sum scheme. Member investment choice will not be available for the employer component of the benefit as this is a defined benefit in the State lump sum scheme.

Member investment choice already exists in the Triple S Scheme so this proposal will bring the State lump sum scheme into line with the Triple S Scheme, where members have the opportunity to switch between the various investment options on offer. This facility will enable members to elect to move to a more conservative investment strategy as they approach retirement in order to protect their accrued benefit especially in times of volatility with low to negative returns.

The Bill also seeks to address a situation where persons aged between 60 and 65, in receipt of weekly payments of workers compensation, and members of either the State Pension Scheme or Police Pension Scheme, are able to receive a superannuation pension without restriction. A person in this situation is able to receive a weekly income representing more than 150% of their employment salary. Clearly it was never intended that government employees in receipt of weekly payments of workers compensation be able to have unrestricted access to their superannuation pension whilst still in receipt of workers compensation weekly payments. Both the *Police Superannuation Act* and the *Superannuation Act*, currently provide that any superannuation pension payments received before age 60 are reduced by the amount of weekly payments of workers compensation, but the income test does not extend beyond the age of 60. The income test in the current statutes did not extend beyond the age of 60 because it was always assumed that the normal age of retirement for government employees covered by one of the generous subsidised pension schemes was age 60. A recent decision of the full bench of the Workers Compensation Tribunal ruled that weekly payments of workers compensation were payable to a former police officer beyond the age of 60 and until the age of 65, despite the long standing practice of ceasing workers compensation payments at age 60. The proposed amendment to both the *Police Superannuation Act* and the *Superannuation Act* therefore seeks to provide that all superannuation pension payments will be reduced by the amount of weekly payments of workers compensation. The legislation also provides that where weekly payments of workers compensation have been redeemed or commuted to a lump sum, the fact that they have been redeemed or commuted will not affect the eligibility for full payment of a superannuation pension after the age of 60.

The unions and the Superannuation Federation have been consulted with respect to this Bill and have indicated their support.

I commend this Bill to the House.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation. However, sections 10 and 20, which amend the provisions of the *Police Superannuation Act 1990* and the *Superannuation Act 1988* dealing with the effect of workers compensation payments on pensions payable under those Acts, may not be brought into operation before 1 July 2004.

Clause 3: Amendment provisions

This clause is formal.

Part 2—Amendment of Police Superannuation Act 1990

Clause 4: Amendment of section 4—Interpretation

This clause inserts into the interpretation section of the *Police Superannuation Act 1990* a number of new definitions necessary for the purposes of the measure. A "**deferred superannuation contributions surcharge**" in relation to a contributor is the amount the contributor is liable to pay the Commissioner of Taxation under section 15(6) of the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* of the Commonwealth. A "**surcharge notice**" is a notice issued by the Commissioner of Taxation under section 15(7) of that Act.

Clause 5: Insertion of sections 26A, 26B and 26C

A number of new sections are inserted by this clause.

26A.Commutation to pay deferred superannuation contributions surcharge—contributor

A contributor liable to pay a deferred superannuation contributions surcharge may apply to the Police Superannuation Board to receive part of his or her benefit in the form of a commutable pension and then commute the pension. A contributor who has become entitled to a benefit, or will shortly become entitled to a benefit, may estimate the amount of the surcharge and request the Board to withhold that amount from the benefit and pay the balance to the contributor.

The Board must, after receiving advice from the contributor that a surcharge notice has been issued, convert the withheld amount into a pension (unless the amount of the surcharge is less then the withheld amount, in which case only a portion of the withheld amount is to be converted), then commute the pension and pay to the contributor the lump sum resulting from the commutation in addition to the balance of the withheld amount.

The Board must comply with a request from a contributor under section 26A unless it is not satisfied that the resulting lump sum will be applied in payment of the surcharge or the contributor fails to satisfy the Board that he or she has, or will have, a surcharge liability.

The commutation factors to be applied by the Board in a commutation of a pension will be determined by the Treasurer on the recommendation of an actuary.

26B.Commutation to pay deferred superannuation contributions surcharge following death of contributor

If a contributor dies after having made a request under section 26A but before receiving a surcharge notice, or after having received a surcharge notice but before requesting commutation of his or her pension, the contributor's spouse or legal representative may make application to the Board to receive the amount withheld by the Board on behalf of the deceased contributor in the form of a commutable pension and to fully commute the pension.

If a contributor dies without having made a request under section 26A, the contributor's spouse or legal representative may estimate the amount of the surcharge the spouse or estate will become liable to pay and request the Board to withhold that amount from the benefit and pay the balance to the spouse or estate.

The procedures to be applied in relation to commutation and payment under section 26B are similar to those applicable under section 26A.

26C.Withheld amount

An amount withheld by the Board under section 26A or 26B must be paid by the Treasurer into the Consolidated Account or a special deposit account. The amount will be charged against the relevant contributor's contribution account as if the amount had been paid to the contributor and will be credited with interest at a rate determined by the Treasurer. The amount may be paid to the contributor in accordance with section 26A or 26B or at the direction of the Board if the Board has not, within 2 years of withholding the amount, been advised that a surcharge notice has been issued in respect of the contributor or considers, at any time, there is other good reason for doing so.

Clause 6: Amendment of section 35A—Commutation to pay deferred superannuation contributions surcharge

The amendments made to section 35A by clause 6 are consequential on the substantive amendments made to the Act

Clause 7: Substitution of heading to Part 5A

This clause substitutes a new heading to Part 5A. This is necessitated by the insertion into Part 5A of a number of new sections relating to rollover accounts and investment choice. The existing sections of Part 5A now comprise Division 1. A divisional heading is therefore also inserted by this clause.

Clause 8: Amendment of section 38D—Investor's accounts

This amendment is consequential on the introduction of investment choice for contributors who are also investors under Part 5A Division 1. Division 3, which is inserted by clause 9, allows contributors to nominate the class of investments, or the combination of classes of investments, for the purposes of determining a rate of return under Part 5A. The amendment to section 38D made by this clause has the effect of requiring the Board, when determining a rate of return, to have regard to the net rate of return achieved by the class of investments, or combination of classes of investments, nominated by an investor.

Clause 9: Insertion of Part 5A Division 2 and Division 3

This clause inserts two new Divisions into Part 5A. Division 2 comprises sections 38EA and 38EB. Section 38EA provides that the Board may accept the payment of benefits on behalf of a contributor from another superannuation fund or scheme. (This provision is substantially the same as existing section 42B, which is repealed by clause 11.) Money that is rolled over to the police superannuation scheme from another fund or scheme must be paid to the Treasurer. The Treasurer must pay periodic payments (reflecting the payments made to the Treasurer under the section) into the Police Superannuation Fund from the Consolidated Account or from a special deposit account.

Section 38EB provides that the Board must maintain a rollover account in the name of a contributor for whom an amount of money has been carried over from another superannuation fund or scheme. Under subsection (4), the Board should, in determining a rate of return, have regard to the net rate of return achieved by the class of investments, or the combination of classes of investments, nominated by a contributor who has made a nomination under Division 3.

Division 3 comprises section 38EC, which provides that the Board may permit contributors to nominate the class of investments, or combination of classes of investments, for the purposes of determining a rate of return under Part 5A. A class of investments, or combination of classes of investments, nominated by an investor for the purposes of determining a rate of return under Division 1 must be the same as any class of investments (or combination) nominated by the investor for the purposes of determining a rate of return under Division 2. The Board may charge a fee to a contributor's contribution account if the contributor, after nominating a class of investments under subsection (1), subsequently varies the nominated class of investments.

Clause 10: Amendment of section 40—Effect of workers compensation etc on pension

Clause 10 amends section 40, which deals with the consequences for a contributor under the age of 60 who is receiving, or entitled to receive, a pension under the Act and is also receiving, or entitled to receive, income that consists of weekly payments of workers compensation or is from remunerative activities engaged in by the contributor. Section 40(1) is amended by this clause so that the relevant provisions of subsection (1) apply in relation to a contributor *of any age* entitled to a pension and in receipt of (or entitled to receive) weekly payments of workers compensation or a *relevant contributor* who is receiving, or entitled to receive, income from remunerative sources. "**Relevant contributor**" is defined in new subsection (6) to mean a contributor who has not reached the age of 60 and whose entitlement to receive a pension under the Act does not relate to a pension granted on the basis of his or her age.

Section 40(4) currently provides that a contributor who has commuted his or her entitlement to weekly payments of workers compensation will be taken, for the purposes of section 40, to be receiving those payments. The amendment made by this clause to subsection (4) has the effect of excluding contributors who have

reached the age of 60, and spouses of deceased contributors who would have reached that age if they were still alive, from this deeming provision. That is, a contributor who has reached the age of 60 and has redeemed his or her entitlement to weekly payments of workers compensation will not be taken to be in receipt of ongoing payments.

The remaining amendments to section 40 are consequential on the recasting of subsection (1).

Clause 11: Repeal of section 42B

Section 42B is redundant as a consequence of the enactment by clause 9 of section 38EA and is therefore repealed.

Clause 12: Amendment of section 48—Power to obtain information

The Board may, from time to time, require a workers compensation authority to supply the Board with any information it reasonably requires for the purposes of the Act. For the purposes of any other Act or law, a workers compensation authority will be taken, when acting under section 48, to be disclosing information in the course of official duties. The term *workers compensation authority* includes any person or authority with power to determine or manage claims for workers compensation.

Part 3—Amendment of Southern State Superannuation Act 1994

Clause 13: Amendment of section 3—Interpretation

This clause inserts into the *Southern State Superannuation Act 1994* a number of new definitions necessary for the purposes of the measure. A "**deferred superannuation contributions surcharge**" in relation to a member is the amount the member is liable to pay the Commissioner of Taxation under section 15(6) of the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* of the Commonwealth. A "**surcharge notice**" is a notice issued by the Commissioner of Taxation under section 15(7) of that Act.

Clause 14: Insertion of sections 35AA, 35AAB and 35AAC

A number of new sections are inserted by this clause.

35AA.Commutation to pay deferred superannuation contributions surcharge—member

A member liable to pay a deferred superannuation contributions surcharge may apply to the South Australian Superannuation Board to receive part of his or her benefit in the form of a commutable pension and then commute the pension. A member who has become entitled to a benefit, or will shortly become entitled to a benefit, may estimate the amount of the surcharge and request the Board to withhold that amount from the benefit and pay the balance to him or her.

The Board must, after receiving advice from the member that a surcharge notice has been issued, convert the withheld amount into a pension (unless the amount of the surcharge is less then the withheld amount, in which case only a portion of the withheld amount is to be converted), then commute the pension and pay to the member the lump sum resulting from the commutation in addition to the balance of the withheld amount.

The Board must comply with a request from a member under section 35A unless it is not satisfied that the resulting lump sum will be applied in payment of the surcharge or the member fails to satisfy the Board that he or she has, or will have, a surcharge liability.

The commutation factors to be applied by the Board in a commutation of a pension will be determined by the Treasurer on the recommendation of an actuary.

35AAB.Commutation to pay deferred superannuation contributions surcharge following death of member

If a member dies after having made a request under section 35AA but before receiving a surcharge notice, or after having received a surcharge notice but before requesting commutation of his or her pension, the member's spouse or legal representative may make application to the Board to receive the amount withheld by the Board on behalf of the deceased member in the form of a commutable pension and to fully commute the pension.

If a member dies without having made a request under section 35AA, the member's spouse or legal representative may estimate the amount of the surcharge the spouse or estate will become liable to pay and request the Board to withhold that amount from the benefit and pay the balance to the spouse or estate.

The procedures to be applied in relation to commutation and payment under section 35AAB are similar to those applicable under section 35AA.

35AAC.Withheld amount

An amount withheld by the Board under section 35AA or 35AAB must be retained in the Southern State Superannuation (Employers) Fund. The amount will be credited with interest at the rate of return determined by the Board under section 11. The amount may be paid to the member (or spouse or legal representative) in accordance with section 35AA or 35AAB or at the direction of the Board if the Board has not, within 2 years of withholding the amount, been advised that a surcharge notice has been issued in respect of the member or considers, at any time, there is other good reason for doing so.

Clause 15: Amendment of section 41—Power to obtain information

The Board may, from time to time, require a workers compensation authority to supply the Board with any information it reasonably requires for the purposes of the Act. For the purposes of any other Act or law, a workers compensation authority will be taken, when acting under section 41, to be disclosing information in the course of official duties. The term *workers compensation authority* includes any person or authority with power to determine or manage claims for workers compensation.

Part 4—Amendment of Superannuation Act 1988

Clause 16: Amendment of section 4—Interpretation

This clause inserts into the interpretation section of the *Superannuation Act 1988* a number of new definitions necessary for the purposes of the measure. A "**deferred superannuation contributions surcharge**" in relation to a contributor is the amount the contributor is liable to pay the Commissioner of Taxation under section 15(6) of the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* of the Commonwealth/. A "**surcharge notice**" is a notice issued by the Commissioner of Taxation under section 15(7) of that Act.

Clause 17: Amendment of section 20A—Contributors' accounts

This clause amends section 20A by inserting new subsection (4a), which has the effect of allowing a new scheme contributor to nominate a class of investments, or combination of classes of investments, for the purpose of determining the rate of return. The Board may permit new scheme contributors to do so on such terms and conditions as the Board thinks fit. Subsection (4b) provides that a fee, to be fixed by the Board, may be charged by the Board if a contributor varies a nominated class of investments.

Clause 18: Insertion of sections 32B, 32C and 32D

A number of new sections are inserted by this clause.

32B.Commutation to pay deferred superannuation contributions surcharge—contributor

A contributor liable to pay a deferred superannuation contributions surcharge may apply to the South Australian Superannuation Board to receive part of his or her benefit in the form of a commutable pension and then commute the pension. A contributor who has become entitled to a benefit, or will shortly become entitled to a benefit, may estimate the amount of the surcharge and request the Board to withhold that amount from the benefit and pay the balance to the contributor.

The Board must, after receiving advice from the contributor that a surcharge notice has been issued, convert the withheld amount into a pension (unless the amount of the surcharge is less then the withheld amount, in which case only a portion of the withheld amount is to be converted), then commute the pension and pay to the contributor the lump sum resulting from the commutation in addition to the balance of the withheld amount.

The Board must comply with a request from a contributor under section 32B unless it is not satisfied that the resulting lump sum will be applied in payment of the surcharge or the contributor fails to satisfy the Board that he or she has, or will have, a surcharge liability.

The commutation factors to be applied by the Board in a commutation of a pension will be determined by the Treasurer on the recommendation of an actuary.

32C.Commutation to pay deferred superannuation contributions surcharge following death of contributor

If a contributor dies after having made a request under section 32B but before receiving a surcharge notice, or after having received a surcharge notice but before requesting commutation of his or her pension, the contributor's spouse or legal representative may make application to the Board to receive the amount withheld by the Board on behalf of the deceased contributor in the form of a commutable pension and to fully commute the pension.

If a contributor dies without having made a request under section 32B, the contributor's spouse or legal representative may estimate the amount of the surcharge the spouse or estate will become liable to pay and request the Board to withhold that amount from the benefit and pay the balance to the spouse or estate.

The procedures to be applied in relation to commutation and payment under section 32C are similar to those applicable under section 32B.

32D.Withheld amount

An amount withheld by the Board under section 32B or 32C must be paid by the Treasurer into the Consolidated Account or a special deposit account established by the Treasurer for that purpose. The amount will be charged against the relevant contributor's contribution account as if the amount had been paid to the contributor and will be credited with interest at a rate determined by the Treasurer. The amount may be paid to the contributor in accordance with section 32B or 32C or at the direction of the Board if the Board has not, within 2 years of withholding the amount, been advised that a surcharge notice has been issued in respect of the contributor or considers, at any time, there is other good reason for doing so.

Clause 19: Amendment of section 40A—Commutation to pay deferred superannuation contributions surcharge

The amendments made to section 40A by clause 19 are consequential on the substantive amendments made to the Act

Clause 20: Amendment of section 45—Effect of workers compensation etc on pension

Clause 20 amends section 45, which deals with the consequences for a contributor who has not reached the age of retirement, is receiving, or entitled to receive, a pension under the Act and is also receiving, or entitled to receive, income that consists of weekly payments of workers compensation or income from remunerative activities engaged in by the contributor. Section 45(1) is amended by this clause so that the relevant provisions of subsection (1) apply in relation to a contributor of *any age* entitled to a pension and in receipt of (or entitled to receive) weekly payments of workers compensation or a relevant contributor who is entitled to a pension and is receiving income from remunerative activities engaged in by him or her. "**Relevant contributor**" is defined in new subsection (7) to mean a contributor who has not reached the age of retirement and whose entitlement to receive a pension under the Act does not relate to a pension granted on the basis of his or her age.

Section 45(4) currently provides that a contributor who has commuted his or her entitlement to weekly payments of workers compensation will be taken, for the purposes of section 45, to be receiving those payments. This amendment to subsection (4) has the effect of excluding contributors who have reached the age of retirement, and spouses of deceased contributors who would have reached that age if they were still alive, from this deeming provision. That is, a contributor who has reached the age of retirement and has redeemed his or her entitlement to workers compensation will not be taken to be in receipt of ongoing payments.

The remaining amendments to section 45 are consequential on the recasting of subsection (1).

Clause 21: Amendment of section 54

The Board may, from time to time, require a workers compensation authority to supply the Board with any information it reasonably requires for the purposes of the Act. For the purposes of any other Act or law, a workers compensation authority will be taken, when acting under section 54, to be disclosing information in the course of official duties. The term *workers compensation authority* includes any person or authority with power to determine or manage claims for workers compensation.

The Hon. M.R. BUCKBY secured the adjournment of the debate.

[Sitting suspended from 5.57 to 7.30 p.m.]

NATURAL RESOURCES MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 1601.)

Mr BRINDAL (Unley): Prior to the parliament recommencing I was having an interchange with the minister who lamented the fact that I will only have 20 minutes to contribute, as I do too.

Mrs Redmond interjecting:

Mr BRINDAL: As all my colleagues do, because this is probably one of the most important bills that will come before the parliament in this session. I would like to start by saying, as I am sure the member for Stuart remembers, that the local government act was described not so much as a document of shreds and tatters but a bloody mess. The minister can take credit for bringing in a similar sort of bill to this parliament. It will be difficult in this debate to argue against the concept of integrated natural resource management: it is like arguing against motherhood. I point out to this honourable house that, when one visits a doctor when one is sick, running a temperature or when one has something wrong with one's head, one does not go in for holistic management: one goes to get the problem fixed. In South Australia we have a number of deep-seated problems of an environmental nature.

Premier Olsen, recognising this, created a separate ministry for water resources because, as the minister would recall because he was the shadow minister at the time, water was partly under the department of primary industries, partly under the ministry of mines and energy because there was a ground water component, and partly under the EPA and the ministry for the environment. Premier Olsen, recognising that there was a problem and that perhaps there could be a conflict between environment controlled water or primary industries controlled water, said that the best solution was to create water as a resource in its own right. I heard my colleague the shadow minister talking about the model by which the Victorian government has addressed this problem by having the three ministers sit on a committee. I am not quite sure of the details but the shadow minister has spoken about it as an excellent concept that perhaps the Liberal Party should think about when we inevitably regain the government benches after the next election.

The Hon. J.D. Hill: It certainly will be after the next election but how soon after the next election is the question?

Mr BRINDAL: One day. For that reason the separate ministry of water resources was created. I venture to say that, although we had to set up a new department, in the two years it was making some progress. I know that the catchment water management boards are not universally without some detractors, but I would say that the Water Resources Act, by and large, and the mechanisms created by the Water Resources Act of 1999 have proved at least effective and have proved that they might work.

I am tempted to wonder why it took this parliament something like 70 years to reform the Local Government Act, the biggest act in South Australia, yet the Water Resources Act, which appears to be working, we tamper with, dismantle and reassemble after only four years. It strikes me as typical of the bizarre attitude of this parliamentary chamber. It strikes me as typical of the bizarre attitude of most of our public servants. When something has the chance to work, when it can be argued that something is working, the first thing we do is dismantle it and try to build a new, improved model. If it is not working you just blunder along, pretend that it is working and make all the excuses under the sun. It is interesting to note that we are reforming this act when a damning report on another department came before the parliament yesterday but there has not been one word from

the government about it. Let's puddle along, fixing something that does not need fixing, and leave kids and other things that really do need fixing to be neglected. I believe that we are fixing something that does not need fixing.

For this purpose, I took some time in the break with your gracious permission, sir, and went to New Zealand. New Zealand created an integrated natural resources act 12 years ago and I spent considerable time talking to the author of the act, Sir Geoffrey Palmer, who even members opposite will recognise as an eminent New Zealand politician, former prime minister of New Zealand, and an eminent scholar on public policy law. While he was author of the act, he is not uncritical of the way the act came out.

Eleven years and a week of interviews later, I could find not one person from one agency who could tell me that New Zealand was any different or any better in its management of the environment because of the integrated natural resource management act, passed with such fanfare 12 years ago. But I can say that, to administer that act, a regional level of government was created in New Zealand, with its own level of rating and taxation. It is very difficult to find what householders in New Zealand are paying because it is a wealth tax, so it depends on the value of the property. The average New Zealander living in the Greater Wellington area is paying $300 a year, not $60 a year, and a little bit more for the catchment management levy, which everyone in Burnside, Unley, Mitcham, the Adelaide Hills—

Mr Venning: The Barossa.

Mr BRINDAL: —and the Barossa pays. New Zealanders are paying not $60 but $300 a year for the average suburban property. The member for Schubert and the member for MacKillop should watch out because I think their properties would be valued at a lot more than my humble suburban house, and I am terrified that my house is probably worth more than the member for Colton's because I live in a different part of Adelaide. The fact is that average property in Wellington is paying $300 a year. To administer this act, the Greater Wellington Council employs something like 650 employees. As the member for Stuart often says, 650 Sir Humphreys are being employed to tell farmers and everyone else how better to manage the environment. Not one New Zealander can point to a benefit accrued by 650 public servants working for 11 years costing the taxpayers in that area $180 million a year.

What is this act? A good method of collecting more revenue for a government that is not strapped for revenue. From whom? From the people of South Australia. For what purpose? We should examine that carefully because, in the case of the member for Stuart, the members for the Adelaide Hills, the member for MacKillop—

Mr Venning: And the Barossa.

Mr BRINDAL: —and the Barossa, the boards will be divided into catchment management areas, and each of those catchment management areas will be—

Members interjecting:

Mr BRINDAL: Well, you may be responsible. The member may laugh, but he will not be laughing when his electors get the bill. If your electors are responsible for five catchments and are expected to maintain those five catchments solely out of the levies collected from the Adelaide Hills, I do not reckon too many people will be able to afford to live in the Adelaide Hills and the member—

Members interjecting:

Mr BRINDAL: It may be. The member for Bragg and I will be most happy to have expanded electorates with denser populations because it will be cheaper to live in Burnside than in the Adelaide Hills as a result of the levy. If that is not the case, I predict that the member for Colton, the member for Lee and others will find that their electors have to subsidise the member for Stuart, the member for MacKillop and various other members because, to maintain the environment in those catchments with their sparsity of population, money will have to be collected in the metropolitan areas and reallocated in country areas.

That is the way I think that this bill is going. It is a dangerous bill—an ill-conceived bill—and one that will achieve very little. There is one dire warning for all metropolitan members, and especially members of the Labor Party, and that is this: have a look at the objects of this bill when it comes to water resources, and they include stormwater management. Every metropolitan member knows that stormwater management traditionally was the bailiwick of local government. Every local member knows and, if members opposite do not know I suggest they ask the member for West Torrens what the consequences are in his electorate. The electorate of Unley estimates the cost of remediating stormwater problems in its catchment to be $100 million.

In the member for Bragg's electorate, the Burnside council estimates a cost of $100 million, which is not the cost of fixing the catchment, but the cost of fixing the hidden problem of rights of way for stormwater drains that go under houses and all sorts of places. They do not know where they come from or where they go. We are looking at a stormwater problem in the city costing hundreds of millions of dollars—money which councils do not have and cannot afford to fix. Councils have repeatedly said publicly that they cannot afford to fix it and which now we, as a parliament, are foisting onto the people of South Australia through this legislation—a mechanism for fixing it, a new taxation, a new levy to fix this problem and let local government off the hook.

I will bet now, sir, whether or not you and I are here after the next election that members will rue the day, because your phones will ring hot. The levy will go up and when they ring the council, every council will say, 'It is not us. It is that wicked state government forcing us to collect the levies. Ring your local member.' You will be driven batty. You will rue the day that you let local government off the hook; that you said, 'We will do it for you. What good chaps we are! It is their problem; they have not fixed it, but we will go in like mugs and fix it without sheeting any of the responsibility, without sharing any of it with local government.' Well, if that is your idea of good legislation, if that is your idea of protecting the people that you represent, it is not mine. It is my idea of selling them out.

No wonder members opposite are saying very proudly that the LGA accepts this plan. Of course they do. Why would you not accept the plan if the labourer is bought and paid for, the labourer acquiesces and does the job. I think that in this act there have been a lot of people who have been bought off. I will be very interested to see some of the voting in this house, because I think there are people who have been bought off in this act.

The problems with the Water Resources Act are numerous. I said it was a good act largely, but you would know more than some, sir, that it is a new act. The member for MacKillop whose newly found friend he is shouting to will also know. Isn't that interesting: politics makes strange bedfellows. The act has been criticised by a number of

members. I do not know if you have criticised it but you have certainly constructively spoken of some of its deficiencies, and it does have them. There are things that need correcting. This act cobbles them all in together. It talks about grand plans but it does not fix things. In fact, if you look carefully, sir, and I suggest you do, because I believe you are entitled to vote in the committee stages, you will find that it takes away appeal mechanisms one after the other. It takes from your electors, from me and from you, and from all South Australians the natural justice that should be accorded to any citizen of this state.

If an administrative decision is made, this parliament should not legislate administrative provisions that are not capable of being appealed. This act contains many provisions in water resources which are not appealable. They are the decision of the minister and the arbitrary decision of the minister. I do not wish to trespass on an area already canvassed by my colleague the shadow minister. He made that point quite eloquently when he said, in effect, that it takes away rights and substitutes them for arbitrary decision-making powers of the minister.

There are a whole lot of definitions that are subjective in the minister's opinion. Phrases like 'for the good of the environment' occur, and I ask you, sir, if you and I, on any given day, would have a consistent view of the good of the environment. We grow, change and mature; we get cross; we are in good moods and, depending on the mood we are in, the good of the environment will vary subtly from day to day. That is no way to administer a consistent body of law and give certainty to people who have a right to economic return from the fruits of this nation, whether they are water, soil or air. There is a biblical motif which basically encapsulates the concept that we are stewards, but stewardship implies beneficial use and the best use of a resource. It does not imply that, as custodians of this nation, it is our duty to wrap the nation in cotton wool, to leave it in a pristine state, to starve ourselves to death on the foreshores and to let other nations suffer because we could produce food which we do not. Rather it implies that we use our resources to the very best of our ability and in a way which sustains those resources for generations to come. It is a mandate not to squander the resource and to use the resource but it is not a mandate to underdevelop or ignore the resource.

This act is a formula for the greenies to go berserk and to do less than we should be doing with the economic development of South Australia. This act is a recipe for disaster. This act is a corruption of the Water Resources Act as it currently exists. It is a diminution of the work that has been done over the last few years in the area of water resources. This act is a quantum step backward in time. I might not be the only one to say these sorts of things. We might not—

Mr Caica: They are all going to say it. They are all going to say exactly the same thing.

Mr BRINDAL: The member for Colton says that they are all going to say the same thing. I tell the member for Colton, unashamedly, if 22 or 23 Liberals are all singing at any one time from the same hymn sheet, you had better be very worried, because the most difficult thing for our party to do, being a party of individuals, is sing in harmony. If you ever find the entire Liberal Party singing in harmony, I have to tell you, you must have it fantastically wrong, because there are more opinions on this side of the house than there are people. Some of us even have three opinions in one day. I might be guilty of that. If we are consistent on this, and we are, then I suggest the Labor Party should look very carefully at it. Look at the members over here. Look who they represent in terms of who this act will fix.

I do not think that members opposite have considered carefully enough that their own electors will be really impinged by this act because there has been a good soft selling of this message. Go out to this board and say, 'Look, this will be a big place in the sun for you. You will get something out of this.' Go out to the LGA and say, 'Boy, have we fixed your problem! We have fixed your problem and you can have a place on the board.' A job for everyone so that there are no objectors. Even the Farmers Federation—that great champion of economic freedom, that bastion of the primary producer—is cowered in the corner bending over and singing all praise to the minister. I have never seen a bigger con job in my life. Minister, you can have a job proselytising for some evangelical Christian denomination—you'd be very good. You would be better than the Schuler in the Crystal Temple; you would make millions; you are a natural, minister. I have never seen South Australia as well conned as you have conned it. I wish you well.

Mrs REDMOND (Heysen): To quote from the front page of the bill, it is designed to '. . . promote sustainable and integrated management of the State's natural resources.' It creates a new regime of taking over the work previously done by a number of separate acts. In doing so the repeals the Water Resources Act, The Soil Conservation Land Care Act and the Animal and Plant Control (Agricultural Protection and Other Purposes) Act. It also amends a number of other acts. The concept of integrating the management of these various aspects of our natural resources: water, land, animals, plants and pests and so on is an admirable one. As the member for Unley said, it is a bit of a motherhood statement. It should lead to better use of limited resources and it should prevent the sorts of mishaps that have occurred in the past whereby, for example, land care groups might be conducting one activity while water resources people could be working on the same area and be completely at cross purposes with them. Clearly, it makes sense to coordinate and to that extent I applaud the intent of the bill. Furthermore, upon close consideration it is obvious that many of the provisions in this new bill have simply been transposed from existing legislation. Accordingly, although I find some of them somewhat draconian and probably potentially dangerous, I will try to restrict my comments largely, but not completely, to those aspects which are new.

It is a large act, and it was ably covered in detail by my friend the member for Davenport last night. I would have to say that in general terms the benefits that are presumed in coordinating the act are being traded off against the sort of checks and balances involved in having separate acts separately administered by sometimes separate ministers. It is of some concern that so much power is being placed and vested in one minister. In that I mean no disrespect to the current minister: I mean that as a general comment for the future as well as the current situation. It simply concerns me that one minister gets so much power in one act.

I am concerned when I look at the objects of the bill, in particular, clause 7(2). The commencement of the objects provides:

> . . . to assist in the achievement of ecologically sustainable development. . . by establishing an integrated scheme to promote the use and management of natural resources in a manner that—

It then sets out a whole series of things. Subclause (2) provides:

> For the purposes of subsection (1), ecologically sustainable development comprises the use, conservation, development and enhancement of natural resources in a way, and at a rate—

this is the important part—

> that will enable people and communities to provide for their economic, social and physical well-being while—

Then it goes on to set out some of the things in the natural resources area. It refers to considerations other than the natural environment. The refers to people and communities, economic and social benefits and physical wellbeing, but it is nevertheless clear when one reads the whole 208 pages of this act that the environmental interest is the fundamental consideration for this bill. My fear is that all the realistic expectations as to economic, social and physical wellbeing of communities will be secondary considerations when it comes to the interpretation of this bill.

That said, I will concentrate the remaining time that I have on four areas of the bill. They are: the definitions chapter, the objects chapter (which is chapter 2), the structure of the council and the regional boards, and the civil remedies and appeal processes. It is necessary to go to the definitions first. Apart from the fact that definitions normally help one to get a better understanding of the legislation, there are some really unusual definitions in here. For instance, most of us might think we know what this meant by 'animal', but the definition of 'animal' in this act is so broad as to encompass not just a live vertebrate animal but also a live invertebrate animal—a worm, I suppose. It includes eggs or semen but it does not include any animal of a class excluded from the definition. That would be done by regulation. Given that, I am very interested to find that immediately underneath there is a definition of an animal proof fence, which would make for an interesting concept, to say the least. Similarly, 'biological diversity' is so broad and all-encompassing that it the objects provide that it means:

> the variety of life forms represented by plants, animals and other organisms and micro-organisms, the genes that they contain, and the ecosystems and ecosystem processes of which they form a part;

They are extremely broad and extend a long way. One wonders what was in the mind of the drafter of the legislation when they came up with definitions that go that broadly. Whilst I can understand the need for animal and plant control, I am yet to come up with any need for making these particular definitions as broad as they are. The definition of 'control' is quite extensive and provides, in relation to a particular class of animals: destroying the animals and their warrens, burrows, nests or harbours; reducing the extent to which land is inhabited or subject to infestation; and undertaking any other prescribed action.

All these definitions, to me, seem have problems. The member for Davenport mentioned last night the definition of 'flood plain', which is: 'any area of land adjacent to a watercourse, lake or estuary that is periodically, intermittently or occasionally inundated. . . ' That is fine; I have no difficulty with that, but it also includes any other designated as a flood plain by the regulations or by a NRM plan or by a development plan under the Development Act. If the first part of the definition did not capture what a flood plain is, I am at a loss to understand what is meant by something that could be put into the regulations to define a flood plain.

Further, the definition of 'intensive farming' includes the keeping of animals in the course of carrying on the business of primary production in which the animals are usually confined to a small space or area and usually fed by hand or mechanical means. That seems to me to be a somewhat unusual definition. Certainly, it captures what we would always think of as being intensive farming, but it seems to me that it could also capture a number of other things. Similarly, as I mentioned with flood plains, a lake is a natural lake, pond, lagoon, wetland or spring, whether modified or not, and also includes anything that is designated as a lake by the regulations, by an NRM plan or by the development plan.

'Natural resources' include soil, water resources, geological features and landscapes, native vegetation, native animals and other native organisms (whatever they might be), ecosystems and other aspects brought within the ambit of this definition by the regulations. There are a couple of definitions in here that I have found particularly interesting. The 'owner of land' I did not find too complicated. Essentially there is nothing unusual about it other than that a person who holds native title in land is deemed to be an owner. If someone can hold native title, I suppose they would be saying that they have ownership of land rather than simply native title rights over the land but, the way it reads at the moment, it seems that it is broadly defined and could include someone who simply has a recognised native title claim over land. That means that someone who has rights to conduct a ceremony or to hunt on the land could be classified as an owner.

The definition of 'occupier' includes a person who has, or is entitled to, possession or control of the land or who is entitled to the use the land as the holder of native title in the land. For reasons that I will come to later on, those definitions seem to be just a little more extensive than they need to be. Another favourite of mine, which appears not just in this act but also in a number of acts that I have seen since coming into this place, is that 'spouse' includes putative spouse—that is fine; a spouse includes someone who is deemed to be a spouse—but, specifically, it provides that that is whether or not the relationship has been declared to be a putative spouse under the Family Relationships Act.

In other words, rather than going to court to have the decision made as to whether someone is a putative spouse and have a court declare that that relationship exists, this bill says, 'No, we will decide it ourselves.'

I will not spend any more time on those definitions. Suffice to say that I have some concern about them. I note also that at the end of the definitions in subclause (8) of that part there is a definition of someone being an associate of another, and that becomes relevant in dealing with matters under the appeals mechanism and the civil remedies area.

I will now turn to the establishment of the council and the regional boards. I want to deal with the regional boards first (although the bill deals with the council first), in particular, the membership of the boards. There are to be regional boards, and we have been told that the regions will comprise eight regions around the state—and I understand that other members will make some comments about the nature of those eight regions. A regional NRM board is subject to direction and control by the minister, so here we have the minister taking control of what is to happen; these supposedly independent boards are subject to the minister's direction and control. They will consist of up to nine members, nominated by the minister.

The minister not only has the direction and control of them, but they are all nominated by him. He has to take into

account any recommendations of the NRM council, but he certainly does not have to abide by any recommendation of that council. The minister can simply appoint up to nine people and he has to endeavour, but he is not required, to ensure that a majority of members of the board reside within the relevant region. In other words, there is not even an absolute obligation that the members of the board in any given region will come from within the region.

Furthermore, there is no obligation to ensure that the members of the board are engaged in any activity related to the management of the land. Certainly, clause 26(4)(c) provides that the minister must endeavour to ensure that, but it is not an obligation. I will briefly comment on clause 26(5), which provides that at least one member must be a woman and at least one member must be a man. We live in the 21st century, and I think it is time that we started selecting every member of every board on the basis of merit and qualification and not on the basis of which gender they happen to belong to.

The Hon. J.D. Hill: Isn't gender a qualification?

Mrs REDMOND: No, gender is not a qualification.

The Hon. J.D. Hill: So, whether you own land is—if you own land, that is a qualification?

Mrs REDMOND: If you have relevant qualifications for the particular job—

The Hon. J.D. Hill: So, ownership of land is a qualification?

Mrs REDMOND: It may be, depending on what sort of board you are setting up. I am simply saying that, as a general rule, we should not have boards set up where the gender of any member is a requirement.

The Hon. J.D. Hill: That is a bigger issue than this bill, as the member would know.

Mrs REDMOND: Absolutely. I accept what the minister says: it is a bigger issue than this bill. I simply make the comment because I make it every time I see this provision in any legislation. I also note that a member of a regional NRM board is entitled to fees, allowances and expenses approved by the Governor. The bill does not appear to indicate whether those fees and allowances will be a set amount or a per meeting allowance. My suggestion to the minister, for what it is worth, is that it would be much safer to make it an annual stipend rather than per hour, because some of these boards will meet a whole lot more than they need to and will not necessarily be very productive if they are simply meeting for a fee each time. I can guarantee the minister that it has happened more than once during the time of this and previous governments that people meet much more regularly than would be necessary.

With respect to the establishment of the council, again, that will consist of nine members who will be nominated by the minister. The bill provides that one is to be the presiding member and, in fact, in both the regional boards and the council the presiding member will be nominated by the minister—a presiding member of extensive experience in the management of natural resources and who has been actively involved in community affairs. One is to be a nomination of the LGA, one of the Conservation Council and one of the Farmers Federation, and one is to represent the interests of Aboriginal people. My suggestion would be that, given that you are creating a council of nine members and that you have already created eight regional boards, it would be appropriate to make the council consist of simply a nominee of each of the eight regional boards plus one other person to be the presiding member. I make the same comment as I made in relation to the gender of the nominees. In this case, clause 14(6) provides that at least two members of the NRM council must be women and at least two members must be men. Again, my comment to the minister is simply that it would be appropriate to just appoint people according to merit and not according to gender.

The next matter that I want to cover relates to the objects of the act, because they are extremely broad. They seek to do the right thing: I have no argument with that. But they raise some concerns in terms of the emphasis that is to be put on the potential for the rehabilitation of land and the prevention or control of impacts caused to the land which may already have been caused and which may already have been occurring for some considerable time. The principles that are set out supposedly integrate a number of things, including decision making processes effectively integrating both long-term and short-term economic, environmental, social and equity considerations. But I remain concerned that, in reality, what will happen, given the other provisions of this bill, is that the environmental considerations will override all else. I come to that conclusion largely because the first real provision of the bill is the general statutory duty set out in clause 9. That states that a person must act reasonably in relation to the management of natural resources within the state. Then there is a clause that sets out 'in determining what is reasonable', and it goes through a whole series of things. But every clause really provides a huge amount of emphasis on the environmental considerations.

I now want to turn to the civil remedies and appeals, which appear towards the end of the bill. In the first instance, I query the use of the heading 'Civil remedies'. It seems to me that these are not civil remedies; rather, they are enforcement provisions. The provisions in clause 9 provide the ability for the NRM authority, whether it is at a state, regional or local level, to issue protection orders to ensure compliance or to issue reparation orders. From my reading of the act, it seems that they are essentially equivalent to what one would once have called an order for prohibition to prevent someone from doing something—an injunction by way of probation—or an order for mandamus to require someone to do something. A protection order would be issued prior to someone undertaking an action that was considered likely to damage the environment so that they were prohibited from doing it, and a compliance order is to provide that they have to undo the harm that they have done and make it good.

I think the member for Davenport last night covered some of my concerns with respect to this area of the legislation. For instance, one of the clauses (I cannot now remember which one) basically sets out that, if you do something in compliance with a provision of this act, you will not be liable under this act. That is fine. But that does not protect you from liability under a number and range of other acts, nor does it protect you from liability in relation to your neighbours or others who might be affected by your actions. I have some difficulty with the way in which this is set out. I believe the protection orders should be called 'enforcement' rather than 'civil remedies'. Then, of course, if things do go to the ERD court it seems to me there is not really a fair and balanced approach, and it seems that appeals are quite restricted under the terms of this legislation.

Time expired.

Mr WILLIAMS (MacKillop): As far as I am concerned this is definitely the most important piece of legislation in relation to my constituents that will pass through this

parliament. I preface my remarks by saying that I had the pleasure of spending a considerable amount of time with the minister on no fewer than two select committees into water allocations in the South-East. I thought that the minister learnt a lot of things about the way the business of water was being managed or mismanaged during that time. I am somewhat disappointed that the same person, now the minister, has brought this piece of legislation to the house. I do not know how much input the minister has had into this bill, but I suspect little. I suspect this is purely an animal of the bureaucracy. I also question how much input the rest of his caucus has had into it. I suggest that not too many of his caucus colleagues have put a lot of time into studying any aspects of this bill. I think some of them would be quite shocked by the powers that the bureaucracy is asking to be given to them in this bill. In his second reading speech, the minister said:

> The bill repeals the Water Resources Act 1997, Soil Conservation and Land Care Act 1989 and the Animal and Plant Control (Agricultural and Other Purposes) Act 1986. The bill takes what is useful from each act, and presents it within a single institutional framework.

If that is what this bill did I would be applauding. Unfortunately, that is not what this bill does. It takes some of what is useful in those acts but it adds a considerable amount more. I will illustrate that briefly by quoting what the former minister (Hon. David Wotton) said at the introduction of the Water Resources Bill 1997. He said:

> The bill has only one stated object: the establishment of a system for water resources management which will achieve the ecological sustainable development of the state's water resources, that is, a system which will provide for the maximum social, economic and environmental benefits for present generations while still allowing those same benefits to be reaped by future generations.

That was the object of the Water Resources Act 1997. This act repeals that act and encompasses a lot of the good things that are in it, plus a lot more. In relation to the objects of this bill, in his second reading speech the minister said:

> These principles require decision-making processes to integrate both long-term and short-term economic, environmental, social and equity considerations to treat the conservation and biological diversity and ecological integrity as fundamental to environmental, social and economic welfare.

The big difference is that this bill makes conservation of biological diversity and ecological integrity fundamental to the environmental, social and economic welfare. That is the great diversion between what we have today with the current statute and what we will be receiving if this bill is passed in its present form—and I certainly hope it will not be. I intend to talk in a general way about some of the problems I have with this bill. Like other members, I have reservations about having only 20 minutes to contribute to this second reading debate, but I inform the house that I intend to make full use of the time allowed to me in the third reading debate, so I might be much more fulsome in my discussion of the individual clauses of this bill.

Might I say that the shadow minister did a fantastic job of going through the bill clause by clause last evening. I congratulate him on not only the presentation he gave to the house last evening but also the work he has put into the study of this piece of legislation over the past few months. Consequently, it is not my intention to go through the bill clause by clause but, rather, to have a general discussion. If time permits I will highlight a couple of things. This bill is the bureaucrats' nirvana. It fascinates me, and I fail to understand how any minister who had an understanding of the people he represents—and I do not mean just the people in his own electorate but, rather, the people of South Australia—could sign off on some of the powers that the bureaucracy would achieve under this bill.

For the benefit of the minister I will quote from a major article in *The Advertiser* of 19 February. The article is headed, 'Latham vows, "I'll hand power to the people"' and states, 'Mark Latham wants to win power so he can give it back to the people as part of a new agenda for our democracy.' Sir, that is not the Labor Party of South Australia. If Mark Latham seriously wants to do that it is at odds with what the minister is doing here, because the minister in this bill wants to take power away from the people and set up a structure which is all power at the top, although some of it will filter down; but all power works from the top down rather than the bottom up. Mark Latham is also quoted as saying, 'Too much power was concentrated in the hands of big business and large bureaucracies.' I wholeheartedly agree with those statements. It is a pity that we have this bill before us, and the minister did not have the wisdom that Mark Latham expressed in the speech quoted there at the time he was signing off on the drafts of this bill. If he did have, things might have been different.

One of the other things that I observe in this bill is that this bill will give the minister the power to make law on the run. It takes away from this parliament the law-making function and gives it to the minister. I draw attention to clause 24 which provides:

> (1) The minister must, by notice in the *Gazette*, establish a regional NRM board for each NRM region.
>
> (2) . . .
>
> (c) set out functions of the NRM board (if any) that are additional to the functions prescribed by this act.

The minister is asking to be given the power to be able to set out the functions to be performed by the board merely by an instrument of his giving notice in the *Gazette*. I say to all those members of the minister's caucus: go and read clause 24 and think about it. Is that really what they want to do? Is that really what they want to do to this parliament? Is that the sort of power they want to give, not necessarily to this minister but to any minister of any government of any political persuasion in the future? I do not think so. I do not think members of the minister's caucus, if they understood what is in this bill, would support that particular clause. That is just one. There are many like it, but I use that clause as an example.

The South Australian Farmers Federation has supposedly signed off on this bill. They have said, 'We will sign off on this, because the composition of the board will be made up of farmers from the local areas.' That is what they are saying: it will be made up of farmers from the local areas. Clause 26 provides for the make-up of NRM regions and boards. The board will 'consist of up to nine members'. First, the minister will advertise to seek nominations. Then he will consult with the LGA and 'such bodies representing the interests of persons involved in primary production, conservation or natural resource management, or Aboriginal people, as the minister considers to be appropriate in the circumstances'. That does not suggest, as it seems the Farmers Federation was briefed, that the majority of the members of the boards will be farmers. But the Farmers Federation is convinced that that is the case.

In relation to having members from local areas, again, the Farmers Federation seems to think that the minister has given

them an undertaking that the majority of members will come from local areas. Let me quote again from clause 26(4):

. . . the Minister should (as far as is reasonably practical in the circumstances)—

what a beauty that is—

(c) endeavour to ensure—

I am not very sure what that means—

(i) that a majority of the members of the board reside within the relevant region and;

(ii) that a majority of the members of the board are engaged in an activity related to the management of land.

If I was the Farmers Federation, I would not be signing off on that, because I do not think it delivers anything near what they expect it to deliver.

The other major problem I have with this bill is that I believe that the objects of the legislation impinge on the right to farm. Again, the Farmers Federation says it enhances the right to farm, because clause 7(1)(d), the objects of the legislation, states:

. . . seeks to support sustainable primary and other economic production systems;

SAFF failed to look at clause 7(1)(b), which states:

. . . seeks to protect biological diversity and, insofar as is reasonably practical, to restore or rehabilitate ecological systems and processes that have been lost or degraded;

That is bad enough but, under clause 11 dealing with the minister's powers, the minister has the power to do anything necessary, expedient or incidental to furthering the objects of the legislation. That means to me that, if the minister decides that half of South Australia should be native vegetation, merely by a stroke of his pen every farmer in this state would be forced to lock away half their land and revegetate it to native vegetation. I think that might be a bit over the top but it illustrates my point. I do not care whether it is 1 per cent, 2 per cent, 5 per cent of the land or whatever: it gives the power to (I would like to say the minister) the bureaucracy.

As we all know, the minister, late on any night of the week, under pressure with bags full of papers to sign, does not in a practical sense have the time or (in many cases, as we have all experienced) the inclination to read everything that is put before him. So, the reality is that we are handing these powers to the bureaucracy, not to the minister. And I have grave concerns with handing the minister the power to do anything necessary, expedient or incidental to further the objects of this act when the objects of this act give him extreme powers over all the land in this state.

The other thing that concerns me about this bill is that this is not about saving the environment: it is about raising revenue. This is a taxation bill. The minister sets up a board which has powers to levy. The board is under the direction and control of the minister, and I refer to clause 25(3). And the board recommends the levy rate to the minister. So, as I can tell the house has happened on a number of occasions when I have spoken to this minister, the minister says, 'No, that was recommended by the board. That was the recommendation of the board. I did not set the levy. No, the board did not set the levy. They recommended it. The government sets the levy. The parliament sets the levy.' The board is appointed by the minister, it is under the direction and control of the minister and, as the minister said in his second reading speech, the bill provides for regional boards to identify funding needs and sources in their regional plans. So, the board identifies them, the minister signs off, the parliament through the natural resources committee signs off and that is it—we have the levy.

The levy will be imposed to cover South Australia's contribution to the NHT funding out of the commonwealth and the national action plan funding out of the commonwealth, so we are not talking small dollars here. We are not talking the sort of dollars that are currently levied by the water catchment management boards: we are talking big dollars. I remind the house that the American people fought a war of independence on the very principle of taxation without representation—and this is taxation without representation, because the people who are being taxed under this bill have no way of sending a message to those who are setting the level of the tax. There is no way they can send that message, because everybody is hiding behind everybody else.

I received a letter only yesterday from one of the animal and pest plant control boards in my electorate which is lamenting the fact that over the last three years it has had no increase in the contribution from the state towards the running of the board—and this is one board in my electorate. The contribution has been static at about $330 000. There is no provision in this bill for that money to come out of the state's coffers. That money will all be raised by levies, yet the minister is telling the community that the levies will not increase over the next two years. Maybe he can keep the lid on it for two years, but that will certainly not be the case subsequent to those two years.

Another point is that I was speaking to some people yesterday and they said, 'But, amalgamating all the boards, from 71 boards down to eight, will surely save administration costs.' That is the story that has been put out into the community. In the briefing that we received from departmental officers, we were told that no jobs would be lost. In excess of 1 000 bureaucrats are currently managing the three acts that this bill seeks to replace yet not one of them will lose their job. So do not let anyone tell you that there will be cost savings and efficiencies. It will not happen.

I will quote what the former deputy leader of the opposition, the member for Ross Smith in the previous parliament, said on this very point at the time that David Wotton introduced the Water Resources Act:

That raises a philosophical point that the general public has every right to know. If the government is going to have its hand in the taxpayers' pockets they ought to know that it is actually the government that is doing it and that the government is not trying to divest its responsibility through sleight of hand by giving it to other non-elected bodies, such as water catchment bodies and the like.

The Hon. I.F. Evans: Who said that?

Mr WILLIAMS: Ralph Clarke said that in the Forty-eighth Parliament when he was the deputy leader of the opposition. That is the smartest thing that the Labor Party has said about this particular piece of legislation, and it was said some seven or eight years ago. I always thought he was a fine man.

They are just a few of the concerns I have. Time prevents me from going into specifics, but I will come back to them during the third reading stage. But one of the things that really concerns me is that the minister came into the house, I think on 17 February, and said that he will promulgate regulations to regulate forestry in the South-East under the current Water Resources Act. My opinion is that he does not have the power to do it, but we will leave that for another day. But let me say to the minister and the house that the argument I have always had against this sort of nonsense is that blue gums and pine trees are only two of many species

which land-holders throughout the state will and do plant and which will have an effect on the amount of water from rainfall that ends up as catchment in the aquifer.

Last week's *Stock Journal* of 18 March, I think at page 23 or 24, stated: 'New rye grass betters the rest by two tonne to the hectare.' A new rye grass species has been tested in the last season in the Lower South-East of the state. It has a 36 per cent increase in yield over the pre-existing varieties. I defy the minister to convince any scientist in the world that that yield is not achieved without using extra water. What the minister is proposing to do with regard to forestry in the South-East is a nonsense. It is a nonsense today, it has always been a nonsense and it always will be a nonsense. I will take my opportunity from time to time over the ensuing months and during the third reading to talk further on that point. I see my time is drawing quickly to a close—in fact it has.

Time expired.

Dr McFETRIDGE (Morphett): I rise to speak on this bill because it is such an enormous bill and it will have such a huge effect on the people of South Australia. There are 208 pages of legislation—you cannot knock it off in one night. It will be a marathon getting this bill through this house, because it needs to be examined very closely. I wish to acknowledge the huge amount of work that the member for Davenport has put into this bill and also the bureaucrats who have spent a lot of time on this bill. I am sure that there will be some disappointment on both sides of the house when the bill finally passes, and I would like to think that, because of the experience and wisdom of many members on this side of the house at the pointy end, at the coalface of managing the environment, rational commonsense will prevail.

I will be taking a slightly different tack in talking about this bill. Members who have spoken before me have gone through the bill, in some cases, clause by clause, line by line and certainly chapter by chapter, and they have highlighted the individual problems they have in their own electorates and the problems which will arise in their electorates and for the people of South Australia when this bill finally passes through this place. The most important thing we have to realise is that this bill is being put forward to try to ensure that there is sustainable environmental development in South Australia. We know that all around the world people are chanting 'sustainable development', which includes everything from climate change through to banning GMOs. Many pieces of legislation have been promoted by eco-activists. Some people call them the eco-zealots, and I have even heard them referred to as the 'Green Gestapo'.

We see these people pushing a particular slant and a particular line. In some cases there are some genuine benefits but, unfortunately, in many cases, much of what is enacted into some very serious treaties and some worldwide treaties is based on a number of principles. Certainly there is the principle of sustainable ecological development, but there is another principle called the 'precautionary principle', and I will talk about that in detail a little later. It is very important that we look at the ramifications of employing a principle such as the precautionary principle in devising environmental legislation. The precautionary principle is very relevant to this piece of legislation, so do not let anyone say that I should be talking about particular clauses or acts. The government referred to the precautionary principle in its discussion paper. This bill was based on the precautionary principle and the concept of sustainable ecological development.

No-one would argue with trying to make this world a better place in which to live, not only for us but for future generations. We talk about the inter-generational responsibility in this place, and the legacy we will leave for our children and our children's children is something with which we need to be very careful. The definition of 'ecological sustainability' appears under the objects of the act on page 21. It states:

> The objects of this Act include to assist in the achievement of ecologically sustainable development in the State by establishing an integrated scheme to promote the use and management of natural resources in a manner—

It goes on to list a number of points. No-one would argue with that great motherhood statement; it is a wonderful concept, but the devil is in the detail. Clause 7(2) provides:

> For the purposes of subsection (1), ecologically sustainable development comprises the use, conservation, development and enhancement of natural resources in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being. . .

There are then a few paragraphs, all of which sound very nice—no-one would disagree with them. On the surface, they are great motherhood statements, and if one wants to be really kind one could say that they are the ideal at which we should all be aiming but, once again, the devil is in the detail.

This bill is a huge piece of legislation. I understand that this is the 38th or 39th presentation of this bill and that some 6 000 pages have gone into producing this final bill. On the first page of the bill it states that it is a bill for an act to promote sustainable and integrated management of the state's natural resources. Then it lists the 15 bills which will be amended and the three bills which will be repealed—the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, the Soil Conservation and Land Care Act 1989 and the Water Resources Act 1997. Those are large pieces of legislation in themselves, and some parts of those acts have been incorporated into this bill—no wonder we have ended up with 208 pages of legislation.

This bill gives the minister and the minister's staff unprecedented power. I think that the minister already has an unprecedented amount of power for any minister in this state under the River Murray Act. On page 25, clause 11 refers to the general powers and states: 'The minister has the power to do anything necessary, expedient or incidental to. . . furthering the objects of the act.' That is a pretty broad brush to give any minister in this place. I trust (and I use that word very carefully) that this minister and his bureaucrats will shoulder that responsibility very wisely. I became concerned when I read this bill and spoke to my colleagues, particularly the member for Davenport who, as I said, has done a magnificent job and conducted a meticulous examination of this bill. He pointed out that there are many cases where the objects of the bill can be altered by regulation at the whim of the minister or the bureaucrats.

I am not saying that they are all mad eco-activists but certainly, if the member for Stuart is to be believed, a number of people have agendas which one should examine very carefully. I do not believe that many people would be able to handle this sort of power in a wise way. The big concern that many people have in South Australia is the raising of state taxes. We have the highest state taxing government in history. The land tax debate continues, as do many other state taxation debates in this place. This debate will be further enhanced by what is proposed in this bill. Members of numerous boards have their hands out for their money and some of them have

joined these boards because they will receive some money. I hope that only applies to a very small number of people.

However, the thing that does worry me is the huge cost to implement this bill and to maintain the objects of the act in years to come. I see that councils will collect the levy. Once again there is cost shifting. There is no indication as to who will help the councils pay for this. Will the councils have to increase or add another levy? Will there be a levy on the levy to help fund this act? On page 79, clause 97 providing for the imposition of the levy by councils talks about councils being able to apply the levy on rateable land. I know that the Minister for Agriculture, Food and Fisheries says that rates are not based on land value, but I tell members that people in Morphett will have a real argument with that. I know from my own experience about the huge increases in property values; I have paid huge rates. They have not gone up in proportion to the value of the house perhaps, but they have certainly increased in a very significant way and way above CPI.

Councils will have to be very careful how they calculate and collect this levy on behalf of the government. It is a real worry to see that this piece of legislation will be financed by yet another tax. I would have thought that the people of South Australia paid enough taxes. This state and its economy was going exceptionally well before the Labor Party came to government. It is a case of letting us work through this legislation over the next few days or weeks in committee, given all the amendments, and I see that there are a number of amendments from both sides of the house. Let us hope that we end up with a good piece of legislation. A lot of genuine, honest work has been put in and we need to be very careful, as members of this place with a huge responsibility, to do this properly. We have a very important job.

As I said before, the basis of this bill is the precautionary principle and the concept of ecologically sustainable development. Unfortunately, a number of eco-activists and some bureaucrats, while they have a scientific background, have been lulled into a false sense of security by principles such as the precautionary principle. It has been my melancholy duty to sit through presentations on climate change in South Australia. We have to be very careful of the junk science that is out there. I have used that term in this house before and I mean it. We have had junk bonds in raising capital and we know what happened to those. If we base our future development on junk science we will have to be careful.

While I would never say that the CSIRO uses junk science—it uses very good science—and we should note that the CSIRO report on climate change acknowledges, importantly, the variability in scientific principles. It acknowledges real risk and the fact that it is not always going to be right. The consequences of the scientists' predictions are tempered by the fact that they recognise that, while their computer models are good scientifically based models, some of them have risk or errors associated with them.

So, when the CSIRO produces a report such as the climate change report it includes a disclaimer on the front of the document. I have asked the minister to read the disclaimer into *Hansard*; he has not. I asked the CSIRO about the disclaimer when it was doing a presentation to this place on climate change. I wanted to know about its credibility on that issue. I was not denigrating the CSIRO or not being critical or not examining the possibility of irreversible climate change, but I wanted to look at the real science and examine the variability. The disclaimer states:

> This report relates to climate change scenarios based on computer modelling. Models involve simplifications of the real physical process that are not fully understood. Accordingly, no responsibility will be accepted by the CSIRO or the South Australian government for the accuracy of the projections in this report or actions on reliance of this report.

They are honest enough to recognise that, although they use real science, there is variability in that science and they may make mistakes. Their projections may not be right. The bill before us is based on the concept of sustainable ecological development. That is great. We all want that. We do not want to mess up the world and leave a legacy for our children such as the plutonium contamination in the Maralinga Tjarutja lands that will last 250 000 years, as I was told this morning. What we want is legislation that is workable, practical and reliable, not legislation that is enacted through fear, through ignorance and through junk science.

Let me talk a little about the precautionary principle, the main principle as set out by the minister in the briefing documents that members were given. The precautionary principle is vital to the development of this ecological piece of environmental law. The precautionary principle is based on the concept of taking anticipatory action to prevent possible harm under circumstances where there is a level of scientific uncertainty. This sounds good but in reality it means that you are guilty and sentenced for eternity until you have proved that you are totally and 100 per cent, no doubt whatsoever, innocent. The precautionary principle is a very dangerous principle to hang on to. It is one of the basic premises of international environmental law. That is what worries me so much about this piece of legislation. We have to wake up and make sure that we are not following blindly what is happening overseas, what the eco-activists, the eco-Nazis, are telling us. We need to be careful that the precautionary is examined, but like the CSIRO we must look at real science, accept the variability and accept the use of science as it should be. We must acknowledge that there may be risk. There might even be a risk that we could be wrong, but that does not stop us going forward.

Many things have been developed in this world. Penicillin is one. Imagine what would have happened if that Petri dish had been chucked away because it looked like there were some nasties on it instead of being examined and looked at in a scientific way. The health of the world has progressed from that little bit of risk taking, the thought that the mould might not be all bad. Generally the core elements or directions underlying the precautionary principle are also the main areas of debate, and that is the recognition of scientific uncertainty and fallibility; the presumption in favour of health and environmental pro-action; and a shift in the onus of proof and standards of evidence to those who propose change. In other words, you are guilty until proven innocent. This is a very dangerous piece of legislation. We see it in all pieces of environmental law, much to our detriment. The precautionary principle talks about concerns for future generations, lovely airy-fairy statements, and paying for ecological damage through strict absolute liability regimes. We must have penalties in place for the cowboys in the community, but I guarantee that most farmers, most industrialists and the vast majority of people in South Australia, 99.9 per cent, are very careful about what they are doing in this state.

The common criticisms of the precautionary principle include the fact that it lacks a uniform interpretation. One study found 14 different interpretations of the principle. In the European Union, the principle is referred to but it is never

defined. As I have said, the precautionary principle marginalises the role of scientists and can be applied in an arbitrary fashion. Invocation of the principle usually involves the relaxation of standards of proof normally required by the scientific community.

The use of the precautionary principle is a form of overregulation that will lead to a loss of potential benefits such as increasing agricultural productivity. The precautionary principle seems to dominate in books written by many environmental activists. Typically it is invoked in situations where the scientific evidence is extremely tentative but the potential for arousing fear is great. We know that the two biggest motivators in life are fear and greed. In this case, fear is the key. In many of the agreements and conventions using the precautionary principle, the words 'might', 'may' and 'could 'appear many times. It might happen, it may happen, it could happen. The CSIRO acknowledges that. It acknowledges the risk. It acknowledges the fact that there is some risk, but let us not stop everything.

The precautionary principle can be discounted for many reasons. First, it always assumes the worst case scenarios. Secondly, it distracts consumers and policy makers alike from known and proven threats. Thirdly, it assumes no social, environmental or financial detriment from the proposed regulations and restrictions. The precautionary principle assumes that real public benefit can only be associated with eliminating minuscule, hypothetical risks. An ancient philosopher said 'it is a serious disease to worry over what has not occurred'.

The precautionary principle allows environmentalists to portray those disagreeing with them as indifferent or even hostile and perhaps motivated by a desire to profit by whatever product or process is held to be risky. In essence, these people argue that science should take a back seat to fear, whether that fear is justified or not when it comes to setting policy. The principle goes much further than seeking to protect us from known or suspected risks. It argues that we should also refrain from developments that have no demonstrable risks or which have risks that are so small that they are outweighed empirically by the potential benefits that would result, and GM foods is one of those things, and this house has debated that issue in the past and will do so in the future.

What makes the precautionary principle so dangerous is that it generates quasi-religious bigotry which history should have taught us to fear. Its inherent irrationality renders it unsustainable. The champions of the precautionary principle cling to naive and romantic visions of agrarian idols which have never existed and could never exist. In reality, the precautionary principle presents a serious hazard to our health, our environment and our wellbeing. If we apply the precautionary principle to itself and ask what are the possible dangers of using this principle, we would be forced to abandon this principle. So, this bill is a very dangerous piece of legislation. It needs to be examined. The member for Davenport has examined it. We will examine it in this place very carefully so that the people of South Australia can benefit from good quality sensible practical legislation.

Mr HAMILTON-SMITH (Waite): I contribute to this debate as a member representing a metropolitan Adelaide seat comprising predominantly the suburb of Mitcham. I fall within the district that will be defined under this act as the Adelaide metro area, which extends from Two Wells to Victor Harbor—a massive space. I also contribute as a former member of the Economic and Finance Committee whose job it was to review and approve the water catchment board levy arrangements that came into this parliament under a set of arrangements whereby those boards were accountable to the parliament. I have a number of concerns about the bill. I will try not to repeat some of the details raised earlier by my colleagues because I concur with most of them.

Really, this is a bill about a new tier of bureaucracy. It is really about creating a third level of government almost that sits between local government and state government, that raises its own revenue and administers certain functions without being responsible to the people without being elected—without being answerable to people, either directly or through the parliament. Rather, this tier of government that we are going to create will be responsible to the executive. Bureaucracy, in order to survive, needs complication. Complication is the honey for the bee of bureaucracy. However, farmers and small businesses, in order to survive need simplicity. They need clear and simple guidance. Sometimes government is not the solution to the problem—it can become the problem. I suggest to the house that the arrangements set up under this bill may very well become the problem. I am not so worried about the bill as I am about the regulations that will flow from the bill, because the devil is very much in the detail. The regulations will be enforced by the inspectors and bureaucrats that go around to ensure that this bill is applied.

I have other concerns about the bill. I agree with the issues raised by my colleagues, particularly the country members, about representation on these non-elected boards, and whether genuine farming people will be on those boards—people who really have their hearts in the land and who are in touch with the stakeholders who will be affected by this bill. I have concerns about the relationship that will develop between councils and these boards under these new arrangements. I have concerns about the increase in administration costs and red tape that the Economic Development Board has made so patently clear that we should be reducing; concerns that we will not actually simplify things, but that we will create more complication; that we will not save money or get rid of any people, but that we will actually raise and spend more money and finish up employing more people.

I have an interest in the fact that councils will be involved in collecting these levies. It seems that the councils were less willing to collect the emergency services levy, but they are prepared to collect this levy. I find that an interesting arrangement. We already have a very expensive system in place for raising the emergency services levy. Are we now going to duplicate the process? If not, why do we not then hand the emergency services levy to councils and get them to collect that as well? Why were the arguments that local governments used to resist the emergency services levy being administered by them not used in this case?

As I mentioned, I have a concern that not a dollar will be saved and not a job discharged, but rather will raise and spend more and employ more people. I have problems that communication between local government, state government, these new boards and the structure set up under them, and ordinary constituents will be complicated and not eased. I ask what is to be rationalised as a consequence of this bill passing into law. I also have concerns about some of the regional boundaries. I have concerns that the whole of Adelaide—in fact, greater Adelaide—is to be subsumed into one massive region, for which one size will not fit all. I have concerns about there being inadequate device for disallowance by the

parliament if the levy is struck. I felt that the role of the Economic and Finance Committee, or some other device of the parliament, in monitoring those levies to be quite useful. We had catchment boards come before us that clearly had not thought through their financial affairs.

I anticipate that there will be a huge administrative cost in running these boards, that these boards will spend a substantial quantum of the levies raised on their own self-administration. I ask whether—since we already have a level of government at the local level—it might not be that we could have better integrated local government into the implementation of these programs since they are raising the levies. We are a small state after all in terms of gross domestic product and population. We may be a big state in area, but could we not come up with something less complicated rather than what amounts to a separate tier of government. I share the concerns raised by my colleagues about the centralisation of power to the minister reflected in this bill. Of course, this is a common theme of Labor governments. Labor governments are centralist; they are defiant of our federal system of government; they like to tax heavily; they like big government; and, they like everything to be centralised. I think that ethos is reflected very much in this Labor bill.

However, it is not just me who is concerned. My local council, Mitcham, is also concerned. In my consultations with them, and with others in my electorate, have led to confirmation of many of the concerns that I have about this bill. My local council can support the broad thrust of the proposed natural resource management initiatives contained in the bill. There is some good in the bill—some of its objects are commendable. However, the devil is in the detail. Do not forget that local councils, and it is no different in my electorate, administer a very good chunk of the existing natural resource management schemes that are put onto the ground. They are in communication with the groups of volunteers and people who are out there doing it; in my own electorate, they are volunteers who clear feral olives, clean up Brown Hill Creek, manage the parks, assist with clearance and fire hazard reduction. Local councils are in touch with these people and I ask how these new structures are going to interact with these people and how these new structures will interact with local government.

Local government is already a major stakeholder in regard to on-ground actions for natural resource management. Somehow, I feel there has been a common sense by-pass in some of the aspects of this bill. The city of Mitcham, for example, is currently undertaking a range of projects aimed at conserving native vegetation. For example, annual environmental weed control in woodland reserves costs around $165 000 per annum; a woodland reserve crew is dedicated to minimal disturbance techniques and has a project value of $120 000. There is research mapping occurring of environmental weeds on the western slopes of Mount Lofty using remote sensing and ground surveys under the eucalypt canopy at a value of almost $40 000. Riparian zone vegetation projects cost $80 000. A weeds of national significance project in greybox woodland totals almost $30 000.

The total value of projects in 2002, for instance, in my council area was $432 000. In addition to this, the City of Mitcham funds over 23 'Bush for Life' sites and other NRM initiatives. The City of Mitcham is not be alone; all councils are involved in these projects. How are these projects going to be affected by this new bill? How is this new structure going to overlay these local council initiatives? If local government is a legitimate third tier of government in Australia, then the state government ought to recognise that it provides a democratic system for public participation and policy development and service provision at the local level. Is there a justifiable need to create this further de facto alternative for public participation, or does it only add, as I mentioned, a further layer of bureaucracy? I will be very interested to see, once this bill is enacted, and it seems that will be, how it reflects on the Local Government Association. I was bitterly disappointed to find this bill supported almost to the letter by the Local Government Association. I know that there are a number of councils who do not agree. I know my own council in Mitcham has serious concerns. Yet the LGA has been cajoled, browbeaten or persuaded into supporting the bill. Let the LGA never forget that it helped introduce this bill. It has diminished the resources available to amend it, to modify it and make it more reasonable. I suggest that members of the LGA reflect most earnestly on that point in the years ahead as they learn to live with this bill.

The City of Mitcham has commended the Victorian Catchment Management Authority (CMA) as an appropriate structure for the regional NRM boards. There has been some consultation between Mitcham Council, the LGA and the state government on that subject. I will not go over the details of it, but it is a structure which is of considerable interest.

There are some other questions that need to be answered. What are the critical NRM affecting activities? These activities need to be identified up front. Not all of them have been in the bill. What are the specific aspects of development that a regional NRM board would comment on that are not already being addressed through referral to a state agency or a local government agency? What is the time frame for the turnaround of referrals by the regional NRM board? Some of my colleagues mentioned earlier that many of these questions lie unanswered.

Mitcham Council is opposed to regional NRM plans being able to amend the council development plan. It should be unnecessary for the following reasons. First, the state NRM plan must have regard to the state planning strategy, although from the policy perspective these two documents must be consistent and support each other. Regional NRM plans should be consistent with the state NRM plan and, therefore, should consistent with the state planning strategy. Council development plans must be consistent with the state planning strategy and therefore should be consistent with the state NRM plan and the regional NRM plan. The question begs to be asked: how could a regional NRM plan propose to amend a council development plan which has been endorsed by Planning SA and the minister for Urban Development and Planning as being consistent with the state planning strategy? Surprise, surprise, Mr Speaker, we still do not have a state strategic plan that was supposed to flow from the Economic Development Board's work.

The very overarching strategy has still not evolved from this government in over two years. How is it that we are developing this bill in the absence of that overarching strategic guidance? Mitcham Council considers it to be inappropriate for regional NRM boards to have the statutory power to amend a development plan. They also consider it to be contrary to the principles of democratically elected government. These boards are answerable to no one but the minister. I do not support the concept of regional NRM boards having representation on development assessment panels on the basis that it is arbitrary to encourage council to

have one state agency represented on DAP over other state agencies which also have an interest in development assessment matters.

In summary, there are serious issues from local government about the bill. Perhaps the most concerning of all is about funding. While it is proposed that the state government would consolidate its existing funding for statutory NRM organisations into a single NRM appropriation—and that is covered in this bill—there is no guarantee that the real value of state government appropriation will be maintained over time. They can do whatever they like with it. There is a real concern that local government may be pressured to increase its contribution in future years if the state government budget process load shifts some of the current level of contribution. We know that will happen. The minister will just have to wave his magic wand and it is done. The boards are answerable to no one.

There must be a commitment from this state government with this bill to maintain funding in real terms over the next five years and beyond. There must be a cap of ratepayer contributions either at existing levels or in accordance with some other formula that the government might make clear now. We cannot pass this bill and then crucify the councils later by cutting funding and throwing the burden back on to them. State government needs to be clear in placing an onus upon regional NRM boards to access commonwealth monies to fund on-ground works programs as well, as is the case in New South Wales and Victoria.

This idea of Adelaide falling into the greater metropolitan catchment area seems to imply that the same sets of criteria and actions can be applied across the board and that the differences between catchments need not be taken into account in the establishment of catchment boards. For example, on the urban biodiversity issue of small pockets of remnant vegetation of less than 5 hectares being precluded as a priority, that is generally placed on larger remnants. Urban catchments and flood mitigation are critical issues in the urban context, and this has been reflected in the plans prepared by the water catchment boards. To include metropolitan Adelaide in a predominantly rural catchment area runs the risk of serious catchment issues within the metropolitan area being ignored and strategies for built and natural assets being compromised. One size fits all is not going to work for Adelaide, not in an urban, peri-urban and rural area all falling within one catchment area. It is going to create problems.

In summary, I find difficulty supporting this bill. It has some commendable objects but the devil is in the detail. The implementation and compliance monitoring at local level could be better implemented and building on the processes already in operation in local government would have considerable benefits. Instead of reducing the cost of administration and reducing complexity, providing for a democratically elected level of government to have input into process, we are creating a new level of government, a new bureaucratic structure. We ought to look at how the Victorian model is established. It is better than what is set up under this bill. In regard to funding, there must be a commitment from the state government to maintain its present funding levels. The greater Adelaide region should not include the proposed Mount Lofty catchment. The 'one size fits all' approach will not work. In transitional arrangements, the mechanics need to be improved. The house should not pass this bill as it stands before us.

Mr GOLDSWORTHY (Kavel): It gives me pleasure to stand in this place this evening and speak to this piece of legislation. I have come to the understanding that this is a fairly significant piece of legislation. It consists of some 208 pages in total and I know that, in the two years that I have been an elected member in this place—and, I think, for the four years I was employed by a member of this place—this is the largest piece of legislation, in terms of its voluminous nature, that has come before this place in that six-year period. I think the majority of members support, in principle, the philosophy of an integrated approach to the management of our natural resources. However, as the previous speaker has said (and I will expand on this during the course of my contribution), the devil is certainly in the detail with respect to this legislation.

I guess there is no better place to start than pretty well at the beginning of the bill. Time will preclude me from traversing the minutiae of the legislation. However, the member for Davenport (the shadow minister for environment and conservation) traversed the bill in quite intricate detail in his contribution—his outstanding contribution, might I say—to the house yesterday afternoon and into the evening. I would like to refer the house to chapter 2, part 1, which is entitled 'Objects', as follows:

> The objects of this act include to assist in the achievement of ecologically sustainable development in the state by establishing an integrated scheme to promote the use and management of natural resources in a manner that—
>
> (a) recognises and protects the intrinsic values of natural resources; and
>
> (b) seeks to protect biological diversity and, in so far as is reasonably practicable, to restore or rehabilitate ecological systems and processes that have been lost or degraded; and
>
> (c) provides for the protection and management of catchments and the sustainable use of land and water resources and, in so far as is reasonably practicable, seeks to restore or rehabilitate land and water resources that have been degraded; and
>
> (d) seeks to support sustainable primary and other economic production systems; and
>
> (e) provides for the prevention or control of impacts caused by pest species of animals and plants that may have an adverse effect on the environment or the community; and
>
> (f) promotes educational initiatives and provides mechanisms to increase the capacity of people to be involved in the management of natural resources.

That is all very good information. Clause 7(2) provides:

> For the purposes of subsection (1), ecologically sustainable development comprises the use, conservation, development and enhancement of natural resources in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical wellbeing while—

I will not hold up the house and go through the next three paragraphs, or the next 11 of subclause (3). However, I want to concentrate on two of those paragraphs in subclause (1). Subclause (1)(d) provides: 'seeks to support sustainable primary and other economic production systems'. I have an issue with that word 'seeks'. I think that when this legislation was written it could have been framed in somewhat stronger terms. The word should not necessarily be 'seeks'; it should be 'ensures' to support sustainable primary production. I understand that the South Australian Farmers Federation was told that this allows for the right to farm, and a lot has been said in this place about the right to farm for a number of years. If one investigates the bill and thoroughly looks into what it provides, one will see that it does not give farmers the

right to farm at all, but it can dictate to primary producers what they can and cannot do with their land.

I represent an electorate which has quite large residential areas but which is predominantly primary production focused. The electorate of Kavel has quite a diverse range of primary production pursuits. There is horticulture, which obviously includes apples, pears, cherries and fruits of that nature; there is viticulture, which obviously produces wine grapes; and there is vegetable growing on quite a large scale. I understand the largest brussels sprout producer in the southern hemisphere is located on some land close to the township of Mount Barker. There are farmers who have grazing pursuits. There is a forestry industry, which is obviously conducted by SA Forestry, which is an agency of the government. We have dairying and cropping to the east of the Mount Lofty Ranges as you come down through areas near Callington and the like, and even—

Mr Brindal interjecting:

Mr GOLDSWORTHY: That is under horticulture, for goodness sake. We have boutique industries such as flower growing and the like, and the list goes on. It is a significant region of diversity in terms of its primary production pursuits. Arguably, it is the most diverse in the state. One may be able to make a comparison with the South-East. If one looks at the primary production activities in the South-East, one will see that there are not that many apple, pear or cherry orchards in the South-East. The Hills region is, arguably, the most diverse in terms of its primary production and needs to be preserved and enhanced, not disadvantaged as this bill proposes.

Mr Brindal: You didn't mention pine forestry.

Mr GOLDSWORTHY: Yes. I want to refer to subclause (1)(b), and I will go back—it is sometimes good to go backwards, not always to go forwards. Subclause (1)(b) provides:

> seek to protect the biological diversity and, in so far as is reasonably practicable, to restore or rehabilitate ecological systems. . .

Those first few words, 'seeks to protect biological diversity'—or we shorten it to 'biodiversity'—are very relevant. In the consultation process leading up to this legislation coming into parliament, I raised an issue with one of the departmental officers. I gave an example of seeking to improve the biodiversity of the environment, for example, a branch of a tree has fallen down into someone's paddock. Under this bill it seems that you cannot automatically go out to clear that branch or tree that has fallen down into your paddock, whether it be cutting it for firewood to keep the family warm during winter, or the like, because a possum or something else might go and live in it or under it; some bugs might go and live under there. Supposedly, that enhances the biodiversity of that micro-ecosystem.

The response that I was given when I raised that issue—I think it was a number of months ago because the consultation process in relation to this bill has been going on for months—was, 'Well, that's already covered in existing legislation.' Whether or not it is covered in existing legislation is not the point. This is an opportunity that we have as a parliament to make some practical, commonsense changes to this legislation and not be dictated to by whomever—and I do not necessarily care whether it is a Liberal, Labor or Callithumpian government that brought in legislation that stipulated that requirement in the process. This is an opportunity we have to fix up some errors of the past. They are a couple of concerns I raise in relation to chapter 2.

I now focus on chapter 3, which is entitled 'Administration'. I refer to part 3—NRM regions and boards. The previous speaker the member for Waite touched on this issue. He has some significant concerns about the number and size of these regions. My concern, in particular, is the size and the physical number of people living in a particular region, that is, the Greater Adelaide and Mount Lofty Ranges region. That encompasses an area to the north of the metropolitan area, the Light Regional Council area, stretching as far as Two Wells, it comes around the east, it takes in all the Barossa, all the east of Mount Lofty Ranges, all the way to the Fleurieu Peninsula, Goolwa, Port Elliot, Victor Harbor, Cape Jervis, up the coast and all the metropolitan Adelaide area.

Mr Brindal interjecting:

Mr GOLDSWORTHY: Well, to the east of the hills it is. A million people live in that region.

Mr Brindal interjecting:

Mr GOLDSWORTHY: Approximately a million people live in that region. The Adelaide Hills region itself is such a diverse area, and I gave some examples of primary production pursuits in the area. I have strong reservations about the ability to effectively manage the natural resources in that mega region. There are some examples of concern already in relation to some administrations that preside over the wellbeing of the Adelaide Hills area, and I can tell members that they struggle to effectively administer that region because of its diverse environment and geography. I will not necessarily forewarn what might be coming up in this legislative process, but I think that is something that the minister needs to consider seriously, that is, the enormous area and the population that is encompassed in the Greater Adelaide and Mount Lofty Ranges region. As I said, it takes in the Northern Adelaide Plains, the Barossa, the Hills, the Southern Vales, the Fleurieu Peninsula and all the Adelaide metropolitan area. It is absolutely huge.

My colleagues and I believe it is a most difficult task to efficiently and effectively manage a large region such as this in the context of natural resources. I received a letter from the Mayor of the District Council of Mount Barker, and the member for Davenport referred to this letter yesterday in his contribution. The mayor actually wrote to Alexander Downer—he did not write to the right member of parliament but I got a copy of it—which is fine—and he has raised issues about the proposed boundaries. Half or portion of Mount Barker council is in the Mount Lofty Ranges region and half of it is out of it in the region to the east. The mayor raises a concern about one council area being in two regions. Mount Barker council is predominantly a hills-based council and he wants to see all his council area coming into the one region, preferably the Mount Lofty Ranges region.

I, too, attended a community consultation meeting at Hahndorf that a reasonably large number of people attended. I am not sure how many departmental officers were there, but there was a significant number. The members for Davenport and Heysen, the Hon. Michelle Lensink from the other place (she is a hills resident) and I attended the meeting. We sat and listened. Obviously, considerable concern about the proposed legislation was raised by quite a number of people who live in the hills region. That meeting was held in July or August last year—I am not sure of the exact date—but I can understand why the legislation has taken so long to get into its

current form and be introduced to the parliament. I understand there have been about 30 drafts. No wonder! When the meeting was held at Hahndorf, it was evident that an enormous amount of work was still to be done on it. We are about six months down the track and finally we get a piece of legislation that is in obvious need of a lot of amendment.

Finally, I congratulate the minister on the absolutely outstanding sales job he has done on this legislation. We have seen him actually go out and advertise for positions on these supposed boards. We do not necessarily know who will be on them and what the structure is, but he has done a fantastic sales job on it.

Time expired.

Mr HANNA (Mitchell): On behalf of the Greens, I support the Natural Resources Management Bill. It is a definite improvement on the current situation and brings together the regulatory frameworks for dealing with water, soil, animal and weed issues into one bill, but it is only the beginning of a holistic approach. At the same time, one has to mention the other regulatory frameworks that need to be considered in relation to the matters which are contained in this bill, and I refer to native vegetation, Aboriginal heritage issues, and mining and petroleum exploration. Obviously, there will be an interaction between those frameworks and this one, depending on what particular change to the landscape is being proposed. Having said that, I believe that this bill certainly is an improvement on the current situation.

I find the objections raised by the Liberal Party opposition somewhat surprising. It seems that most of the objections it has are in relation to powers and regulations which exist under the current legislation, even though that legislation is not bolted together in the way that this bill aims to do. So, why they are so upset about, essentially, amalgamating three different frameworks for dealing with these issues is still unclear to me.

Certainly, something has to be done in this area to improve the regulatory framework and ensure a more holistic approach. I share the minister's concern that less than half of the pre-European settlement wetlands in South Australia remain. It is just one of the markers by which we can measure the degradation of our natural landscape in this part of Australia after the white settlement or, one might say, white invasion of this part of the country.

I am glad to say that the bill does take into account Aboriginal heritage issues to some extent. It is one of the matters which needs to be considered and I am further comforted to some degree by the fact that on the natural resources management council there must be a person appointed to reflect those concerns.

There have been a number of details queried by the Conservation Council of South Australia, and I am sure that we will have ample opportunity in the detailed consideration of the bill to explore those issues. Obviously, there has been an extensive consultation phase in relation to this legislation. It is lengthy legislation, and that is inevitable, because it cobbles together a number of existing bills.

I attended the consultation session, although I missed the minister's presentation, at Marion, and I was very interested to hear the contributions from various members of my local community in relation to the bill. Obviously, it is not just legislation of concern to those in country areas. Some of the points that were raised by the community meeting in my area were in relation to the membership of the natural resources management council and the regional boards. Obviously, the system will only work as well as the people who are chosen to operate it, and it was stressed that there needs to be local representation on the regional boards. It was stressed to me that there needs to be a transparent and apolitical selection of members, and I am pleased to see that people will be encouraged to apply through public advertising for those positions.

One of the issues that remains unanswered in respect of natural resources management in South Australia is the question of boundaries. Although there needs to be further consultation on this point, I offer a preliminary view that we would be better off if our natural resources management boundaries, our Aboriginal heritage boundaries perhaps and, certainly, our local government boundaries coincided with catchment management areas as far as possible. There may have to be exceptions to that due to the community of interest factor, but it would certainly make it easier for councils and for those who seek to manage the natural resources regulations if those boundaries coincided much more than they currently do. And we have to bear in mind that local government boundaries are, in many cases, historical accident and not based on any rational assessment. If we are going to have a rational assessment in drawing local government boundaries, I cannot think of any better solution than to take into account catchment management boundaries.

As I have said, I would like to see the bill go further in terms of incorporating the other regulatory frameworks which are relevant to our natural resources, but it is impossible for one of the minor party members of parliament to produce the necessary amendments which would effectively change the character of the bill quite drastically. It has to come from government and, when the time comes, I will certainly encourage the government to take it further.

One of the drawbacks of the bill, one might say, is that there is nothing definite in this legislation to say that the process will, in fact, evolve further to more closely integrate the regulation of mining, the regulation of native vegetation and the preservation of Aboriginal heritage. But that is something for us to work towards over the coming years.

One of the key aspects which needs to be considered, of course, is enforcement, and I am not sure that the ideal model is represented in the bill. There is a tension between having local members of a community involved in enforcement on the one hand and having professionals at a distance being involved on the other hand. The advantage of having local community people involved in enforcement is that they know the environment in which they are working and they know the seriousness of the offending, if there is offending. On the other hand, we need inspectors and professionals to impartially and extensively enforce the regulations which are reflected in this legislation.

Finally, I summarise by saying that it is a step forward; it is positive; it will be beneficial for the management of natural resources in this state. We have already seen too much degradation due to the ignorance and lack of care over the last 170 years or so, and we need to move forward. This bill is a start. This bill begins to take a more holistic approach. I am pleased to see that, and I will be keeping an open mind in the committee stage when we consider the details of the bill in respect of any amendments. At this stage, I am not proposing to move any amendments. I trust that the bill in its final form will pass this parliament and that we will be able to have a

more integrated approach to natural resource management in South Australia.

Ms CHAPMAN (Bragg): Consistent with the policy direction of this government over the last two years, if you cannot licence it, regulate it; if you cannot regulate it, tax it; if you cannot tax it, put a levy on it. What we have tonight is a combination of a number of acts which deal with soils, pests and water being consolidated in a piece of legislation ostensibly with a view to providing us with a better service, better protection and a more efficient process. In reality, it is a mess. I am indebted to the member for Davenport, who, on the opposition's behalf, has outlined a number of aspects in relation to this bill which ought cause the whole of this parliament concern and which I have absolutely no doubt will cause the whole of this state concern in due course.

He has highlighted, and I summarise: a defective and inadequate consultation process; and a deliberate exclusion of information to the opposition on the amendments in the drafting culminating in the bill that is before us tonight. Frankly, it has been an insult and the process that has been undertaken is a damning indictment on this government. He has highlighted the extraordinary and sometimes inexplicable new definitions regime and the highly inconsistent, I suggest, objectives which have been outlined in this new act. All of this is under the umbrella of purporting to replicate what has been in previous pieces of legislation, with an enhancement that they claim will provide a better regime. He has exposed the mystery of what we are about to receive in stage 2—heaven knows whatever that will be—and he has detailed the danger of the concentration of power in and under one minister, which previously had been at least in the ambit of three ministers in the cabinet.

In that regard, there is no question that there is an important process of keeping account when a minister for primary industries, a minister covering fisheries, a minister covering water, and the Minister for Environment have been able to keep some balance in the cabinet as to how we progress on these matters. He has also highlighted that there is no clear process on the implementation. He also highlighted—and it is a reason for us all to be concerned—how the government has dealt with what ultimately has been known as the Crown Lands Act debacle. He gave an indication of what we have had and identified the problems that we are about to receive.

May I say that, whilst I may have had a somewhat different view as to the question of privilege which was raised in this house about the government's proceeding to advertise, I do take the point (and I think it is an important one) that it is quite contemptible of this parliament to advertise any position before we have even considered and debated the legislation to implement a new regime. I think that to attempt to proceed with advertising a position before we have debated the legislation is an indication of how arrogant this government has been in the two years it has been in power. It is unacceptable and it is a precedent that ought not be followed. A number of members have highlighted the potential detriment and harm that may come to those living in the rural community, and I endorse those comments. However, may I say for the record that I am a registered proprietor of a rural property, a commercial metropolitan property and a residential metropolitan property, no doubt all of which under this regime will be levied as we are about to receive another property tax.

Perhaps I should also say that it is significant to recognise that we are talking about rules and regulations and laws that will be imposed on people living in rural communities. The reason it is significant is that not only is it their place of residence but it is also likely to have a significant effect on their livelihood in the future. It is quite appropriate that they are concerned and that their representatives would bring those concerns to the house. However, it is also very important that we do not underestimate the significance of this legislation on dwellers within South Australia, whether they live in large towns or the metropolitan area. I represent people within the state seat of Bragg, which is an eastern metropolitan suburban district which extends into the hills area.

One of the most significant issues which I think has been inadequately explained in any way by the government is stormwater. The stormwater issue is one which has been unresolved. In the last two years, the water catchment boards and other relevant authorities have highlighted how we might deal with stormwater, whether that is a result of flooding in the metropolitan area or an overflow of water for some other reason. It is a significant issue because for decades now the maintenance and the problem of dealing with stormwater management and disposal has been neglected. We can blame all sorts of prior governments in relation to that but that is the reality. Whilst some would argue that local government should have taken up the responsibility and attended to it, the reality is that it has not and we have an inevitable multi-million dollar debt awaiting us when we deal with this issue.

As I say, we can shift blame from one government to another but, in reality, it is a significant debt. The member for Unley has talked about its being in the $100 million range. The member for Davenport, the lead speaker on this matter, has spoken of a figure around $130 million as a necessary immediate cost to attend to stormwater infrastructure in metropolitan Adelaide. It is very significant that this bill, which deals with the question of a natural resource management levy, fails to identify what it will be. The best thing we have, apart from the fact that we will have one, is the minister's statement (which may or may not be accurate—and no doubt he will confirm whether or not it is accurate) which has been published in the Messenger Newspaper that the new levy will not be any more than the old levy for the first two years.

We are talking about until March 2006. That is the best we have in relation to any identification of its not being any greater than the current levy, which I think is around about $60. We also have the reality of what has happened in other jurisdictions. Reference has already been made to New Zealand and the residents of the city of Wellington in particular, who currently have a levy in the order of a mean average of around $300 per household. That is a massively greater amount than was ever envisaged 12 years ago when it was introduced in that country, and it shows to us quite clearly that, whilst we can have all the vision and aspirational expectation of the good in legislation, it can go severely wrong if it is inadequately drafted, ill-prepared and there is a lack of consultation in it.

I raise those concerns because the people in my electorate and neighbouring metropolitan electorates have a serious problem to address. It is a matter that should be carefully discussed by local and state government, and perhaps it already has. Perhaps there is a suspicion that the LGA's acquiescence to this legislation results from some deal being cut about taking over of this responsibility. Perhaps that is the very incentive that it has been given for accepting it. The City

of Burnside does not agree with that course of action. Whilst it has put in writing a commitment to the expectation and visionary objectives of this legislation, it has raised equally a number of concerns. It has not sat back and relied on the LGA to represent it in giving a comprehensive view as to what it considers should occur in this legislation.

Issues concerning the Hills Face Zone and Sustainable Development Bill are currently out for consultation and consideration. The Hills Face Zone has even been put on hold for six months to enable the Sustainable Development Bill to go through, if it does. I suggest that the Hills Face Zone requirements will become almost obsolete, but nowhere is there an explanation by the minister as to how that type of new legislation is to fit in with this. Whilst the member for Mitchell highlighted an expectation in relation to other legislative areas, we have not been given any reasonable explanation as to how the new laws that are coming in, let alone the old ones, will fit in with this new regime.

The obligations that will be imposed on land-holders in the future concern me, and I will use water as an example. With respect to the maintenance of creek areas, which may become a reservoir or receptacle for stormwater, landowners will have imposed on them an obligation in relation, for example, to soil erosion, which they will not be able to meet, and nor should they, when there has been an introduction of another factor to cause a problem.

There is also an issue in relation to boundaries. I do not wish to traverse specifically what should be the appropriate boundaries but we have a number of regions. Criticism has been made of the extent of the population and diversity within the Mount Lofty and Greater Metropolitan Adelaide zone, which is to house over one million of our population in South Australia. It is an enormously diverse area. When the experts look at this matter, I hope there will be some serious consideration given to keeping the Mount Lofty Ranges as a catchment area with the central part of the metropolitan area of South Australia. I do not have any particular view as to whether the south should be hived off into the Fleurieu or the north into the Barossa, but there must be more careful consideration of the boundaries. I was concerned to hear from the member for Davenport's contribution that the maps that have been provided to give us some insight into these boundaries are not readable, so I am concerned about the ineptitude in the provision of that material.

Apart from the concentration of power to one minister, the composition of the council and the boards is highly unrepresentative. The ministerial appointments identify to us the danger of having boards that are really just an instrument of the minister. We have a major loss of contribution on the ground level, and that is a matter of concern that has been raised in detail by a number of other speakers, so I will not repeat that. The composition of these boards is clearly critical to the effective implementation, and I see the current structure to be grossly inadequate and certainly full of defects.

In relation to the appeals process, I am always concerned to see in this sort of legislation, as I was with the Native Vegetation Act, that we start to treat penalties of tens of thousands of dollars as being in some way a civil remedy. They clearly are not. They impose a very substantial fine regime and a potentially significant impost on those who may not comply with a protection order, reparation order or the like. As to non-compliance in relation to this bill, you can soften it up with whatever language you like, but at the end of the day these people will be penalised, they will be treated by a court and they will be fined very substantially. I find it quite outrageous that we have a situation where that type of enforcement procedure is being dealt with in this manner and an attempt has been made to conceal it as though it is some kind of civil enforcement procedure when it clearly is with a criminal import.

Finally on that point, as I have with other legislation, I object to the ERD Court being the court that will manage and deal with contraventions and hearings in relation to this. That is unacceptable but it is not new. This government seems to want to put the ERD Court into everything, including appeals, and I suggest to the parliament that that is totally inappropriate and these matters ought to be dealt with in the Supreme Court, especially with the penalty regime and the consequences to landowners, whether they are living in rural or metropolitan South Australia.

Accordingly, whilst I am not yet privy to a number of the amendments that are to be moved, I indicate strongly that I consider that this legislation, as much as it had meritorious input into it several years ago, is nothing like that which was proposed by the previous government. It is nothing like that and anyone who suggests that is erroneous in that opinion. Its presentation is misconceived given the suggestion that it ought to be accepted because it had its birth in a previous administration. That is not accurate and it is mischievous to assert that.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

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

Motion carried.

Mrs PENFOLD (Flinders): I applauded the efforts of the previous government when the suggestion of amalgamating boards and committees relating to natural resource management was first mooted. I saw this as an opportunity to support over-stretched communities, to relieve the pressure and burden that was placed on increasingly fewer people following the reduction in population in regional areas. These leaders often had to travel long distances at personal expense to serve their communities. There was an opportunity to amalgamate some of these committees that related to the environment. Many issues overlapped one another and those people who were attending several meetings often discussing issues held in common could attend just one. The concept was appealing.

It was believed that this would be a more efficient and effective use of the valuable time of these dedicated community members, enabling them to still be involved in the environmental changes that are required within their regions. This movement towards an integrated approach to natural resource management was very much driven from the bottom up and involved hands-on people with many years of experience, in some cases going back generations. I supported this move wholeheartedly because I was concerned that the burn-out of these wonderful people would mean that some of these groups would fall over.

I was concerned that, should the decision making be removed from the grassroots, more and more decisions would be made by ministers and departmental people with little or no hands-on experience. Decisions would be made by people who had never risked anything in business, let alone farming—indeed, by people who may never have lived or worked in the country. These people, often long on qualifications and theory but without the experience of reality blurring the

issues, would make the decisions greatly affecting our lives. Their reality, from a high-rise, air-conditioned city office, is very different to that in the field. Mouse, locusts and rabbit plagues, drought, frosts, exchange rates, interest rates, overdrafts of hundreds of thousands of dollars just to put in a crop that may never come up, and health costs and education costs to send family members away where such services are available are not factored into the thinking by people who have never experienced life on the land or away from the city. They would not cope well with the uncertainties of earning a living under these circumstances but wonder why they get negative reactions when they harass the farmers who, on the whole, care greatly for the land as their survival depends on it.

The environmental constabulary expect the farmer, who traditionally has not had the opportunity to receive a university education, to read and understand the fine print of all documents and get them back on time, often in the middle of shearing, harvesting or seeding, or face huge financial penalties. This scenario can and does happen. This is despite the same department taking months to respond, which often costs businesses thousands of dollars and sometimes even millions of dollars, with no qualms. No country person would want department of environment people being in control with more power than they have now.

I understood that the amalgamation of soil boards, animal and plant boards, natural resource management groups and the various water boards was undertaken with full consultation with, and the approval of, regional South Australians. I am particularly pleased that the commonwealth government has determined that regional funding applications and regional prioritising for projects are to be initiated. NHT 2 funding will be distributed to each region based on regional boards' recommendations which are, in turn, based on projects with the greatest cost benefits. I thought that the new system would be beneficial, particularly in the huge region of Eyre Peninsula, to maximise the benefits of funding most important to the people in the region. However, then we were given the bill; and, as is so often the way, as many have said tonight, the devil is in the detail.

With the change in government came a change in the agenda: the bottom-up, hands-on input within the bill has become top-down bureaucratic input, despite the best endeavours of those who have had input into the formulation of the bill. Many aspects that were formerly under the Minister for Primary Industries and Fisheries, where there is some empathy for those who derive their income from the land and appreciate the effort they put into improving the environment around them, are proposed to be under the minister for the environment and his departmental officers, which I believe has a lot to do with the change in attitude.

The bill is 208 pages long. It amends 15 existing acts of parliament and totally repeals a further three major acts. I believe that the original proposal has been completely derailed and has given powers to one minister and his department who have no empathy for our farming communities. This minister has already shown that he has little or no concern for farmers and small non-unionised businesses in country areas. This is a minister of a government that has great concern for gaining green and socialist votes in the city. It will not be particularly concerned if farmers can be made to look responsible for all the bad and none of the good that has occurred from farming since it began in Australia. It should also be noted that fishing and aquaculture can all be caught under this act in the future although, at this stage, the marine resource is not defined.

I am already receiving complaints about the heavy-handed 'fine first, warn later' attitude to the enforcement of our laws by departmental officers, particularly in relation to the Environment Protection Act under the zero waste policy, not to mention the Native Vegetation Act, since the Labor government has come to power. One small country council that could ill-afford it was fined for tyres that had been thrown over the fence of their dump after they had done their best to comply with the new requirements of zero waste. A mining company rang me recently because their contractor had been mining when the company had not received the lease that they had applied for years earlier. Legal action was being taken by the department. Many of these are laws of which constituents are not even aware; however, I understand that ignorance of a law is not an excuse under the law. Only this month, I received a long letter from the Minister for Agriculture, Food and Fisheries advising me that for $330 for three volumes or for $77 for a disc, farmers can receive:

> a concise guide to good agricultural practice, remove a lot of the overly legal and technical terminology and make it reader friendly.

This is:

> the result of the extensive, two-year exercise by PIRSA to provide a simple, plain English guide to environmental legislation that affects primary production and natural resources on farms in South Australia.

This summary:

> identifies the critical issues that farmers face in environmental management along with the minimum requirements specified by the law.

It is my belief that most law-abiding people in this state would inadvertently be breaking the law in some way without realising it, but none would be more vulnerable than our state's farmers. I recently wrote to one Labor minister while fighting for a young farming family about the width of a firebreak between their farm and a national park. It was the government versus a constituent (particularly one as remote as mine) who was trying to survive as a farmer, which is mightily unfair. In this case, the farmer risks his life on the volunteer CFS that fights the fires in this park which is prone to lightning strikes in the summer months.

The levy currently raising funds under the Catchment Water Management Board is to become the natural resource levy. I supported the Eyre Peninsula water catchment management board because I wanted to ensure that the water situation on the peninsula was properly investigated. I did this after seeing graphs showing how quickly the water basins (south of Port Lincoln and the Polda basin near Lock) that provide the bulk of the water to our region were being depleted and after I was unable to get SA Water to take the issue as seriously as me. This was a levy on Eyre Peninsula people for Eyre Peninsula people.

However, I am now concerned that this levy will, under this bill, be transformed into a form of taxation over which I believe the people who will be required to pay it will have little or no control. As I understand clause 44, which deals with the board's powers to provide financial assistance, the bill enables the board to lend to businesses and to pay compensation. Who decides on the businesses? Who pays the bill if the businesses go wrong and compensation has to be paid? What if there is inadequate funding available? Compound the disasters that could occur across all the boards in South Australia and we could be looking at another State

Bank. Environmental people are not renowned for business acumen; it is not what they are trained for.

In addition, under clause 101, which deals with the application of the levy, the minister can take funds from one region and use them in another in the same manner as the current River Murray levy which has caused so much anger on Eyre Peninsula. Accordingly, a debt run-up by one board can be paid by another. It sounds like robbing Peter to pay Paul and is not a fair and equitable way to do business. Clause 174, which deals with by-laws (number 11), will enable the NRM to override council by-laws. It states:

> In the event of an inconsistency between a by-law made by a regional NRM board under this section and a by-law made by a council under the Local Government Act 1999, the by-law made by the board will prevail (and the law made by the council will not apply to the extent of the inconsistency).

A council is the democratically elected body closest to the people and will be able to be overridden by a board appointed by a minister. This is not democracy at work and a precedent that I do not think we want in our democracy. Clause 201, which deals with related matters, has been labelled by the shadow minister as the 'bad luck' clause. The bill enables authorised officers incredible powers in relation to reparation under clauses 198, 199 and 200. Under clause 201, however, constituents have no such powers if an authorised officer causes them to lose values or livelihood. The clause provides:

> A person cannot claim compensation from the Crown or an NRM authority or the chief officer or an authorised officer or a person acting under the authority of an NRM authority, the chief officer or an authorised officer, in respect of a requirement imposed by or under this division, or on account of any act or omission undertaken or made in good faith in the exercise (or purported exercise) of a power under this division.

It would appear to be all power and no responsibility for either department and all responsibility and no power for the constituent.

Clause 230 relates to confidentiality and will horrify constituents that such information relating to their 'income, assets and liabilities or other private business affairs' should ever be acquired under a bill concerned with environmental issues. It certainly needs limitations put on it so that such information would only be available in exceptional circumstances. To support this bill, I will need to see a huge reduction in the powers of the minister and his massive (and still growing) department of possibly over 1 000 paid officers. The latter, under clause 74 which deals with self-incrimination, must be answered when they ask a question even if it will incriminate the constituent. Clause 74 provides:

> A person is not excused from a requirement under this part to provide information or answer questions, or to produce any document or record, on the ground that the information, answer, document or record might incriminate the person of an offence.

Ownership of the bill must go back to the people who are going to pay the levy and in particular to those dedicated farming people whom I now feel are being stripped of the power over their own destiny which is being handed to, in some cases, their worst enemies. The shadow minister summed up the situation that we face by saying 'The minister will have every power a minister could possibly wish for; it is minister heaven.' To illustrate this statement, I quote clause 11—General Power, which states:

> (1) The Minister has the power to do anything necessary, expedient or incidental to—
>
> (a) performing the functions of the Minister under this Act; or
>
> (b) administering the Act; or
>
> (c) furthering the objects of this Act.
>
> (2) Without limiting the operation of subsection (1), the Minister may—
>
> (a) enter into any form of contract, agreement or arrangement; and
>
> (b) acquire, hold, deal with and dispose of real and personal property or any interest in real or personal property; and
>
> (c) provide for the care, control, management, preservation, protection, enhancement, restoration or rehabilitation of any natural resources; and
>
> (d) act in conjunction with any other person or authority.

To back these massive powers, Clause 12—Powers of delegation, enables the minister to delegate these powers to his authorised environmental officers. These people will enforce what were the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, the Soil Conservation and Land Care Act 1989 and the Water Resources Act 1997, and the 15 other acts that have been amended. Formerly, the Minister for Primary Industries and his department would have been the people who would have the most to do with our farming communities under these acts and would have been able to work with them. I have grave concerns that this will not now be the case. One farmer and his family who had for years protected the rare cockatoos that nested on their property were so deeply offended by the environmental officers who visited them that they came to me with their issues and I was able to gain an apology for the officers' behaviour. I have numerous similar examples on file. Who will be able to police the environmental officers if this bill becomes law? There will not be enough hours in the day for all the issues that I envisage will occur.

The structure over which the minister presides is made up of the councils, the regions and the groups. The councils consist of nine members who are appointed by the governor on the nomination of the minister. The council has no obvious connection to the regional boards and the local groups. There will be a local board for each of the regions which will report direct to the minister and be directed by the minister. Each board will consist of up to nine members and will be appointed by the governor on the nomination of the minister. There is no requirement that this board will actually have any farmers represented, let alone a majority of people who are not public servants. The regional board can establish committees, under clause 37. However, the bill states that: 'A regional NRM board must, in acting under this section, comply with any guidelines issued by the minister for the purposes of this section.'

The local groups may, under clause 47, have the boundaries of their area established or abolished by the minister with only a need to consult the board. A group will consist of up to seven members and will 'have, in the opinion of the minister, knowledge, skills and experience determined by the minister to be necessary to enable the NRM group to carry out its functions effectively.' The group can then develop the plan, that the minister can vary if he so wishes. I might be a pessimist but this structure does not look anything like the bottom up, grass roots structure that I think we all had envisaged. I will not be supporting this bill as it stands without heavy amendment to protect the interests of the people on the land who have helped to make this state great and who are the first and strongest defence against environmental degradation.

Mrs HALL (Morialta): As we know, the government has made a lot of noise about fulfilling its goal of integrating

natural resource management in our state. The Minister for Environment and Conservation, in fact, introduced this bill with what he described as a great sense of occasion. Others have called it a grab for power. For two years this government has been working towards one of its key objectives, and now this objective appears to have been achieved with the introduction of this bill. The final stop in the government's near two year NRM journey is this bill. It has more than 208 pages and around 250 clauses, and it amends 16 acts and repeals three. The complexity of this bill is quite breathtaking. I have to say it has to make you suspicious because any person should be able to read and interpret an act of parliament without the assistance of a lawyer. That journey has also included more than 30 drafts and, according to the government, a thorough consultation process with key bodies such as the Local Government Association and South Australia's Farmers Federation.

However, as we have heard from speaker after speaker, the bill's reach is extremely extensive. There has also been, as I understand, a commitment given by the minister that no one will lose their job, and that involves more than 1 000 people. I am not saying for one moment that anyone should lose their job, but there will not be any savings, so where on earth is the streamlining that has been so loudly proclaimed? Where are the efficiencies that this bill will deliver to South Australians? In my view it is a major disappointment and it is extremely concerning to all of us.

Nearly two years have been spent on a bill of vital importance but which is laden with severe imbalances among its priorities and questionable methods through which these priorities are to be achieved. I have grave reservations about the structure and the way in which this bill has been written. It demands urgent and comprehensive interpretation from the minister, which I have no doubt he will endeavour to give during the latter stages of the bill. In my view it leaves an excessive portion of its operation to regulation, free from the appropriate scrutiny of parliament, which it should have. This bill, in the name of integration, creates a pointy structure of vast power and influence, with the minister at the apex of this structure and the landowner very much at the bottom.

It is a bill that gives me and the constituents of my electorate of Morialta, not to mention a number of other electorates, every reason to fear the government's intentions. My constituents and I fear that the government has no regard for the principles of choice and freedom, or the notion that ecological sustainability, in the sweeping term adopted by this bill, has to be maintained in conjunction with economic sustainability and not at its expense.

The power of the minister and the extensive powers that this bill seeks have been widely canvassed by a number of members on our side of the house. The checks and balances that normally exist in a cabinet form of government no longer apply. We have heard example after example of where the minister has overriding power, and I have no doubt that this minister will be extremely busy. There are many examples of the breadth of power contained in the bill at this stage, and I am sure that each of those provisions will be pursued in later debate on the various clauses. One that I find extraordinary is the spectacular breadth of the minister's power in clause 11(1), in particular, where it is stated that the minister may do anything necessary, expedient or incidental to furthering the objects of the act. The objects of this act are equally as breathtaking.

The minister has free rein to endorse values such as: 'ecologically sustainable development', when this encompasses 'the use, conservation, development and enhancement of natural resources'; 'biological diversity', when this includes 'the variety of life forms represented by plants, animals and other organisms and micro-organisms, the genes they contain and the ecosystems and ecosystem processes of which they form a part'; and, to end with, 'ecological integrity', and whatever that may entail. The pursuit of the objects of this act could include, as I understand, taking possession of homes and property, should it be the whim of the minister.

My view is that it is irresponsible and an unnecessary allocation of power that gives the minister unfettered discretion in relation to imprecise objects. For me again it is worrying when seen in the context of the functions of the minister as laid down in clause 10, which are weighed very heavily in favour of environmental considerations at the expense of, not in conjunction with, primary production and economic development. Again, it is just a small selection of examples of the grab for power (which are issues that I mentioned earlier) scattered throughout the bill. We have heard much discussion about the power that has now been given to the bureaucracy. I must congratulate the member for Davenport on his grasp of the bill and for the hours and hours that he has spent, along with a number of his colleagues, in raising some of the detailed concerns we have on this side of the house.

The previous speaker (the member for Flinders) talked about the NRM council, the boards and the scope that they have. I concede that there may be merit in offering flexibility to bodies mandated to fulfil specialist functions. However, in my view there is no merit in giving bodies or structures the ability to hide behind a clause that gives them complete immunity. It is a realistic proposition to suppose that landholders will be subject to irrational requirements and demands which were never even contemplated by this parliament but which are caught up by these provisions—if indeed, I might say, there is anything not already covered by the extensive powers granted in sections 33 and 34. Under this bill, the NRM council is even given the power to monitor and evaluate the effectiveness of the act. This is surely something in the monitoring process and function that should be undertaken by the parliament.

Adding weight to the argument that the bureaucracy is provided with far too much power is the reality that the bureaucracy itself is, in many areas, insufficiently representative of those who stand to be affected by so many of the decisions. In my view, there is scope for sections of the bureaucracy to act in furtherance of strongly held ideological views—views that are not necessarily matched with operational, practical application. It is simply incomprehensible to me that a body with the role of the NRM council to incorporate such minimalist, ground level representation. Naturally, I refer to one each from the LGA, SAFF, the Conservation Council, the Aboriginal community and five others nominated by the minister.

Who will feature on the regional boards is much of a lottery, with section 26 giving the minister a number of suggestions relating to the composition of the boards to which he can give consideration should he feel it prudent to do so. I find it quite astonishing that the LGA and the SAFF hierarchy have signed off on this bill, given the lack of input they are guaranteed. It is certainly obvious to me that the views that they have forwarded are not necessarily held

unanimously across their individual and corporate memberships. Despite the claims made by the minister that the Farmers Federation supports what the government is doing, representations made to me by this body, as well as by members of the LGA, have expressed grave misgivings about the short-term confusion (and, in a number of cases, lack of understanding). They have also expressed medium and long-term concern in regard to the ramifications and the possible unintended consequences of the NRM bill.

I have problems with so many areas of the bill as they specifically impose burdens on land-holders. I could go through a number of those, and have no doubt that, in the committee stage, I will do just that. One clause that I find extraordinary is 204(1)(a) and subclause (2), which talk about the powers of the ERD Court, for example, to restrain a person from engaging in conduct that contravenes the act. The bill proposes to restrain a person from taking actions they are already not allowed to take. This is a quite bizarre provision and, quite frankly, it is a waste of everybody's time and money.

It will be a fearful and uncertain time for the typical land-holder, particularly those who rely on the land for their livelihood in my electorate and in the electorates of other members who have spoken rather passionately on this bill in the last 24 hours. How an ordinary person is supposed to comprehend their obligations that are imposed by this bill, peculiarly through both its complexity and its lack of definition, is anyone's guess. But it is further evidence, in my view, of the government's grab for power and lack of commonsense in this case.

It has been said that this bill is what is commonly known as a lawyer's dream. That is not necessarily a jab just at the legal profession but it is also a jab at the government's lack of humanity and its lack of being in touch with members of the community, because they are the ones who will be so dramatically affected by this bill. Land use issues should not be dependent on a person's ability to pay for court expenses, but that is the road that this government is travelling down. The absence of clarity and specification throughout the bill will only lead to lengthy litigation due to the prevalence of the word 'reasonable' throughout the bill, not to mention the use of the words 'wisely' and 'responsibly'. Why should people have to go through lengthy legal processes to gain an understanding of the application of those words?

Much has been said thus far (and I have no doubt that it will be embellished during the committee stage) about the ramifications of the drawing of these boundaries. There is absolutely no doubt that friction will occur among councils within the regions that have different and competing demands, objectives, views and requirements. This is an obvious product, in my view, of selective consultation with local government. I would see my own electorate as a microcosm of the difficulties that are inevitable within the NRM regions. The Adelaide Hills Council, which has been mentioned by previous speakers, contains considerable diversity within its boundaries, from Humbug Scrub in the north to Mylor in the south. Since its creation, we know that there have been difficulties in various sections of the area.

The other two councils within my electorate are Campbelltown and Burnside which, along with the Adelaide Hills Council, have a variety of interests. Interestingly, a number of the people serving on the council and officers of the council have expressed their personal and professional concern.

There are many other concerns, and I want very briefly to raise them. Again, I acknowledge the incredible work that was done by the member for Davenport and other colleagues on aspects of this bill. I pay tribute to the work that they have done—and I wish the minister all the best when he comes to answering some of the detailed questions that we will raise when we go into committee. I will mention just a few.

The first is the issue of road reserves. Existing arrangements regarding maintenance of road reserves are not catered for in this bill, and that will guarantee confusion and, in my view, unnecessary conflict. The next issue is the uncertainty over levies. There is no commitment that NRM levies will not increase in two years' time. The minister sets the levies that apply to out of council areas, and a levy raised in one region clearly is likely to be used in another. The imbalance of fines I find to be quite extraordinary—the fines that are imposed on land-holders deemed to have contravened the law and those imposed on authorised officers who do so. The land-holder, for example, who fails to answer a question without a reasonable excuse or hinders or obstructs an authorised officer receives a $20 000 fine, whereas an authorised officer who addresses offensive language to any other person or who, without lawful authority, hinders or obstructs, receives a $5 000 fine. I fail to understand why there is such a penalty on land-holders.

My colleague the member for Flinders has mentioned the serious issue of bushfires, and I am sure that that will be expanded upon. With respect to the issue of so much of the bill being contained under regulation, again, I am sure that we will have many a debate on that when we reach the committee stage. The water considerations are another area, and they do not escape the uncertainty and poor structure, in my view, of this bill.

We have heard a little about stormwater issues, in particular, and in my view they are not adequately addressed by this bill, especially as they relate to land-holder obligations regarding the maintenance of water resources and adjoining land. I would be interested to hear what the minister says about any informal understandings, maybe even informal agreements, that have been reached or discussed with selected LGA officers, maybe officials and even elected members. The allocation of $2 million recently to local government for stormwater activities is absolute nonsense. We know that is utterly insufficient, yet we cannot get any details about it. My view is that it is a sleeper issue and, when it awakes, it will bite big time.

I believe that the powers that we are about to provide to any minister in the area of this NRM bill should worry just about anyone who lives in our state. I look forward to the minister providing details on how his integrated NRM regime anticipates countering this abundance of inevitable problems, because there is absolutely nothing in this bill that will convince me it will be managed successfully. No doubt a number of issues raised by members on this side of the house will be pursued further during the committee stage, and I have no doubt that by the end of the debate on this bill we all will be more confused than when we started.

Certainly, I believe it is a monumental occasion (as the minister has already described), but I believe it is a monumental occasion for different reasons, because, in my view, rarely has this parliament seen a bill which is so far-reaching and so important to the future of so many South Australians but which is nothing more than an insult in many ways under the guise of a natural resource management proposal.

Mrs MAYWALD (Chaffey): I rise to contribute to the debate tonight and to support the principle of integrated natural resource management. I am extremely pleased to see this debate coming to some sort of fruition in the parliament. I am hopeful that at last we will get an outcome for our communities. One of the things that I have found since being elected to this place in 1997 is that natural resource management and the integration of catchment management has been a major issue for my community and for communities across South Australia.

I will go back through a little history to put this into perspective. The Murray-Darling Basin Ministerial Council in 1990 adopted the natural resource management strategy at ministerial council level. That introduced to the Murray-Darling Basin Commission a philosophy of integrated catchment management. That was the first time that the philosophy of integration of management across catchments was embraced. In 2001 that natural resource management strategy was replaced with the new integrated catchment management policy, which is an extensive policy that talks about the need to integrate management of soil, pests, water and all the things that we are trying to do with this bill.

From the South Australian perspective, the issue of integrated catchment management has been a topic for discussion for some time. During the last parliament a draft bill was released for consultation in about February 2001, and that bill sought to integrate natural resource management in a vastly different way from this bill. During the course of consultation on that bill, many amendments were made to it and then it was finally introduced into the parliament in October 2001.

The bill was never debated beyond the first reading because it did come up against very strong opposition for very good reason. In my view that bill did nothing but add another level of bureaucracy. It created a ministerial board to oversee integrated natural resource management groups that were being set up in addition to the existing boards and the existing processes. There was basically no integration. Effectively, it was more like putting in another level of bureaucracy to sop up more administration funds and more dollars and it was not getting to actual works on the ground.

During the course of that process of consultation on that bill, the commonwealth and the state negotiated a commitment to the national action plan, which was signed off on 8 June 2001.

This provided for a $100 million fund for salinity and water quality projects in regions within South Australia. The National Action Plan (or NAP) criteria required the states and the federal governments to partner regional organisations for the delivery of projects and programs. At the time, the water catchment boards were the only regional organisations we had that were established by statute, and they were responsible to the water resources minister and the Department for Water Resources.

Primary Industries, which also had a water policy division, felt that it was being left out of the loop and that the structure did not necessarily have the right mechanisms for that funding to come through that avenue. So, they immediately decided to come up with this legislation (that is, the INRM bill), which would put in place another regional body to channel the funds from the National Action Plan and NHT Mark 2. The problem with that process was that it did not look like the legislation would get up in the house, so the government of the day established interim INRM groups. I am not sure how the other groups were set up or how people were appointed to them, although I have tried.

The Hon. J.D. Hill: It is a good question.

Mrs MAYWALD: It is a very good question, and one for which I have been unable to find an answer. However, the SA Murray-Darling Basin interim INRM group was established as a result of a meeting held in Swan Reach nearly five years ago. A group of keen, interested conservation-minded farmers, irrigators and departmental people talked about integrating natural resource management. They self-appointed themselves in this little group. In that group, there were several agency people as well as several community people, representatives of South Australia at the Murray-Darling Basin Commission level on the CAC; Aboriginal interests, and a representative of the catchment board. So, it was a group of well-intentioned people, but they had no statutory backing and they were an interim group.

The unfortunate thing about the way in which it was established is that it is still in existence today but it has no statutory backing or mechanisms for reporting back to the community. It has no clear and transparent process for appointing people to those committees or any clear direction in respect of how the community is being engaged in any of these processes. That is not to say that the efforts of those people have not been good and well intentioned, because they have been. They have worked extremely hard under very difficult circumstances.

I have in front of me a communique from the Integrated Resource Management Group for the South Australian Murray-Darling Basin Inc. dated March 2004. It talks about the groups' phase 1 and phase 2 investment strategies. We have recently had a couple of announcements. Ministers Hill, Truss and Kemp have announced our phase 1 investment strategy of $25.7 million for the state and, a couple of weeks ago, it was re-announced by the Prime Minister. However, it is still very good money, and we are very pleased to have it. The Murray-Darling Basin Group's total funding allocation out of that investment package is about $12.1 million, and there is a list of projects to which this is to be applied. The communique actually asks: 'How are these projects going to be implemented?' It states:

> Due to the short funding time frames for Phase 1 and the fact that many activities are ongoing, the INRM Group will target specific groups for implementation of the activities.

The unfortunate thing about that is that the community does not have an open and transparent process in which they can participate in getting their share of the action and that money. That process is wrong and needs to be changed, and this legislation will enable that to happen. The community want it to happen, as do the interim groups. They want to see a much better and clearer transparent process so that their actions and the work they are undertaking can be recognised and be more effective in respect of delivering the community's priorities.

In that list of projects that has been funded through phase one, I would like to mention a couple of the projects that I found rather interesting. For policy framework for salinity management $200 000 has been allocated; for accounting for salinity $250 000 has been allocated; for developing guidelines for grazing on the SA River Murray flood plain $40 000 has been allocated; and I could go on. Many of these projects are policy development projects, which I believe involves an internal state government process, not NAP money. The NAP money, under the agreement that South Australia signed, was to deliver projects in the community and not to supplement

the staffing allocation within departments to meet their policy development requirements.

The commonwealth of Australia and the State of South Australia signed an agreement to that effect. In fact, I will read from the agreement signed on 8 June 2001, which talks about regional bodies. It states that South Australia will ensure that each INRM group is a corporate body (as ours is); has a majority of community membership balancing production and conservation interests, including local government; and seeks effective participation by all relevant stakeholders, including those within and outside the region. Each group will liaise with agencies, authorities and other bodies. It goes on to say that in establishing the INRM groups South Australia will consult with the commonwealth and key stakeholder groups, in particular local government, relevant community organisations and the wider regional community. This process has not occurred to date, because we are not operating with properly established natural resources management groups. At the moment, we are still acting with interim groups without a statutory backing.

Also, there is supposed to be a capacity for other bodies to be engaged through a tender process, service agreement and project application proposal managed by the INRM group, or another process agreed in the partnership agreement. The partnership agreement states that the parties will seek to develop and enter into a partnership with the groups and identify the following: the accredited INRM plan and investment strategy for which the parties will provide funding; funding amounts for agreed salinity and water quality actions identified in the investment strategy; responsibilities for undertaking the activities and cost sharing arrangements; agreed outcomes to be achieved; and poor performance measures, targets and milestones. I question how an INRM group will be able to get that kind of outcome—assessment, monitoring and evaluation—from a project of $200 000 which is developing a framework for salinity management within a government department. I think that is a flaw in the process at the moment, and through the introduction of the Natural Resources Management Act we will have a clearer and much more transparent process and see the funds get out into the communities where the real work needs to be done.

Another thing that concerns me in regard to the phase one funding is that it seems there is a whole heap of this money that has been directed towards agency-managed projects, and there do not seem to be any lines of accountability, particularly back to the community. I do not know who will be responsible for monitoring and evaluating the outcomes from these agency projects. It is almost as if this group was told, 'There is a big bucket of money. You don't have time to go through all of the due processes and all that sort of stuff. Here is a whole range of projects that the department is working up and, if we go with these, at least we will get the money, and that is a starting point.' It is not that I think the department should or should not be undertaking much of the work in these projects, but I do not believe the community is getting a fair opportunity to participate in applying or tendering to undertake any of these works in respect of these different projects. I think the department has a responsibility to be one of the many service providers that will provide project on-ground works and it should apply for funding under the same terms and conditions as community groups and other organisations. It should also be exposed, in my view, to the same monitoring and evaluation standard as any other group that successfully bids for a project.

The broader community at this point in time does not feel particularly connected to this group because the structures are not in place to support it. It is not that it has not tried to connect, but it is very difficult in the current circumstances, because the structures are not there. As well-intentioned as the community members of the groups are, the odds are stacked against them. Also, the funds do not come through in a timely manner and they are left with very short time frames to deal with.

I attended a meeting in Mannum in respect to the development of the phase two strategy, which has been a somewhat better process, although the time frames have still been particularly tight in respect of getting really good community feedback. At that meeting, a lady who works as a project officer in one of the regions asked the question, 'I have 30 different community groups in my region. How do I get to all of them when they meet once a month to actually get their feedback to give you feedback within the time lines you have set?' In fact, it would have been an impossibility for her to do so.

I think that the community has had enough. They want transparent processes put in place that will provide them with some control over the process. They have none now and they feel disenfranchised, and many willing volunteers have deserted their efforts to get local projects up, because it has just become too hard under the current structures.

One of the difficulties with the public consultation process on this bill is that most of the communities out there are really more interested in how it is going to affect them and their community group—what the subregional structures are going to look like. This bill gives flexibility in that area and does not clearly define that, so there has been an enormous amount of angst and concern out there in the community about what that might look like. I have not seen much feedback that indicates that people are opposed to the overarching governance issues, but what they do want to do is get on with the process of being able to set up their subregional structures so that they know where they fit into the process.

The next stage in that process is under way with many in the community thinking about what they would like their subregional groups to look like. Steering committees have been established and there is active input into those from the community, very willing to be part of that process because they want to get on with the job.

There has been much mention tonight and during the course of the debate about the powers that one minister will have with this bill, and I think that there is a perception out there in the community that perhaps it may be too much power for one minister. I think it is important that we recognise that, and for that reason I will be introducing some amendments which will require this all-powerful minister to consult with ministers responsible for other portfolio areas such as primary industries and regional affairs, etc., before the appointment of the NRM council, and again after receiving recommendations from that council regarding board nominations and prior to the cabinet deliberations. In that way there will be some scrutiny of who gets appointed to the boards. I think that is vitally important, because whether the process and structure that we are putting in place with this legislation works will depend largely upon the capacity of the people appointed to those boards. So, I think that is a very important amendment that I will be moving and I will be seeking the support of the house for that.

I have had concerns in relation to the appointment of boards as they currently exist under the Water Resources Act and other acts, and I hope that, by having this process in place, and with the NRM council being involved in putting forward nominations to the minister, we will avoid some of the political appointments that have occurred in the past. The natural resources committee of the parliament will also be an added watchdog on the process, I guess, and they will be able to keep a close eye on how the new structures are working and how the implementation process is occurring. It will also give the parliament the opportunity to overview how the regional boards are going and how they are working for their communities. It will also provide an avenue for investigation if communities feel that the boards are not delivering on the regional priorities.

The other thing about this legislation that I think is good—and it has been criticised during the course of the debate but I think that it is essential when you are talking about introducing such radical new reform in how we manage land, water and other natural resources—is that the minister must cause a complete review of this act to be completed by the end of the financial year 2006-07, which is three years on from now. I think this will provide the opportunity for the parliament to revisit the act should aspects turn out to be unworkable. I am not anticipating that that will be the case, because I believe that, with the flexibility that we will have in respect of appointing the subregional structures, the communities will be somewhat more masters of their own destinies.

The debate has gone on long enough. The community has made it very clear to me that they want us to get on with it. They want the money to start to flow more effectively to their regional priorities. They want it to be open and transparent. They want to be able to participate in the processes, and they are keen to see this legislation move forward.

The debate has been going on since early 2000 in the form of INRM legislation and this NRM legislation and, prior to that, through the course of discussions and deliberations on the Murray-Darling Basin Commission's movement towards total catchment integration in the management of our resources. I think the community is ready for it. I think we as a parliament should be embracing it, moving forward and recognising that you may not get everything perfect the first time—and I do not think we ever have in the past, otherwise we would not still be here legislating 150 years after the state was proclaimed.

This will be a moving feast and I think the community will appreciate that the parliament is establishing checks and balances through the Natural Resources Standing Committee of the parliament, a review of the act, the consultation processes in respect of development of the plans and also the need for the levies to be reviewed by a committee of the parliament.

Should there be any unforeseen or unintended consequences, there will be the opportunity to deal with those at the review in three years or through the natural resources committee to make recommendations to the government. I also flag that I will be making some other amendments in respect of the line of authority from natural resource management groups through the boards and the minister. I think it is inappropriate that the minister should be able to direct subregional groups as well as boards, and I will be moving amendments accordingly. I am also moving an amendment in relation to the issue of stamp duty on temporary transfers. I hope that the house will consider those favourably during the course of the committee, and I look forward to the committee stage of the debate.

The Hon. M.R. BUCKBY (Light): From the outset, I would say that this bill concerns me as much as it does many others on this side of the house. One of the reasons why it concerns me is the amount of power that rests with one minister. If this bill is passed, we will have one minister in control of the Pastoral Lands Act, the River Murray Act and the Natural Resources Management Act. That means that one minister will be able to undertake the power of development, the control of land and vegetation, and basically control of everything that happens on any piece of land anywhere in the state—

The Hon. J.D. Hill interjecting:

The Hon. M.R. BUCKBY: Well, you can.

The Hon. J.D. Hill interjecting:

The Hon. M.R. BUCKBY: The fact is that when it gets to the bottom line, minister, you can, and that is the point. The development controls that the minister has under the River Murray Act (and I will not get onto that) over all the tributaries of the River Murray folds into this act because the soil conservation groups and the animal, plant and pest control boards all work within that framework in terms of those tributaries; and so, as the minister you will oversee all that work. I believe that there is a danger in having it rest with one minister and one department because you are not getting another view from another department. The minister can shake his head—and we will agree to disagree—but the fact is that that is the sort of power that this bill gives him, along with the other acts over which he has control.

While I do not disagree with the theory of this bill, I would have thought that the government, in the first place, might have trod cautiously in amalgamating the soil conservation boards and the animal, plant and pest control boards and, if that was successful, then move to the water catchment boards. However, we are putting our foot flat to the floor, so to speak, and undertaking a huge task in rolling a number of acts into this bill and, as I said, giving one department an enormous amount of control over basically anywhere in South Australia which has anything to do with farming and the environment.

I think that is particularly dangerous. I would also raise the issue at this early stage of the boards that are to be put in place. Nominations will be accepted by the minister. I have an issue despite the fact that undoubtedly some very good people will be nominated. I have always thought that election of at least part of the board is an idea and one that should be followed so that you get people actually having a say in who is going to represent them. Secondly, I have always been a proponent of the fact that, on these sorts of boards, those people who are directly involved with the issues at hand should have the majority on the boards. That will not occur in this bill.

I know from listening to the debate that my colleagues have already identified the broadness of the definitions and the objectives of this bill. I can only agree with them. The mind boggles in terms of certain definitions and the catch-all approach with some of these definitions. It only raises my suspicion about the fact of this bill being under one department and the broad definitions that are given here to enable that department to have the power to go back to these definitions and, if there is a question about the power of officers of the department or of the minister, then you just have to look at these definitions and absolutely everything

comes under the definitions to allow the minister or an officer to argue that they have the power to undertake certain actions.

In a very simplistic way, I refer to the definition of 'construct'. The bill says that 'construct' includes 'erect, alter, repair or excavate'. I would have thought that in altering something that you are changing it, so why you would need to include 'repair' is beyond me. But, anyway, it is there. Turning over the page, 'floodplain' is defined as follows :

> any area of land adjacent to a watercourse, lake or estuary that is periodically, intermittently or occasionally inundated with water and includes any other area designated as a floodplain.

Basically, it is a matter of if the officer, the board or whoever decides that this is designated as a floodplain, it will be, regardless of whether it gets inundated with water or not. Again, it comes down to the power of the minister. In paragraph (c), under 'infrastructure', it says, 'embankments, walls, channels, or other works or earthworks.' I would say 'other works' covers absolutely everything that you can possibly think of. Page 13 of the bill defines 'land' as follows:

> land means, according to the context—
>
> (a) land as a physical entity, including land under water; or
>
> (b) any legal estate or interest in, or right in respect of, land and includes any building or structure fixed to land.

Subclause (2)(a) on page 19 defines 'wetland' as follows:

> For the purposes of this Act—
>
> (a) a reference to land in the context of the physical entity includes all aspects of land including the soil, organisms, and other components and ecosystems that contribute to the physical state and environmental, social and economic value of the land;

That is a bit different from the definition of land elsewhere in the bill and I cannot quite see why it is being defined in two different ways. We have covered absolutely every single thing that can be included in land in terms of the organisms and other components and ecosystems that are within it.

Further in this document I note that, for the purpose of this bill, under clause 3(8)(h), a person is an associate of another if 'a chain of relationships can be traced between them and any one or more of the above paragraphs'. So, we have mothers, fathers, brothers, uncles, sisters, grandmothers, grandfathers and your 49th removed cousin. Just in case that does not catch it, I take it that a chain of relationships that can be traced to them under any one or more of the above paragraphs could just about take us back to Adam and Eve. In other words, you are an associate regardless of when you were born, who were born to or where you abide because this will cover it all, believe me.

The definitions in this bill are incredibly broad. As I said earlier, to my mind it gives an officer of the department or the minister power to basically cover absolutely any issue that might arise, or any particular interpretation that might be designed, or any query that any farmer or landowner might have. It is covered under this bill and the minister has the power.

I turn now to the objects. Clause 7(1) states that 'the objects of this Act include to assist in the achievement of ecologically sustainable development'. We do not have a definition of that in the definitions clause, and I would be interested to know what the minister sees as ecologically sustainable development and exactly what his definition is. I have seen a number of definitions about ecologically sustainable development. Paragraph (b) of that clause states that the bill:

> seeks to protect biological diversity and, insofar as reasonably practicable, to restore or rehabilitate ecological systems and processes that have been lost or degraded.

If the regional board or the minister deems that an ecological system that has been lost should be reinstated, what does that mean for the farmer? What does that mean for the landowner in terms of who is responsible for the rehabilitation and who is going to pay for it. If that affects the viability of the farming enterprise, for instance, what happens? What is going to happen to that farmer in that situation? That is why we in the opposition are saying that this gives the minister and this one department incredible power to be able to use this bill to impose on landowners areas or ecosystems which have been lost and which someone has decided should be restored. We could go back to before early settlement, before 1836. I know that is ridiculous, but if we take this bill to the nth degree we could say that we could rehabilitate the whole state to the condition it was in before we settled it. I know that is not what the minister wants to do but this bill would allow that to occur.

I turn now to subclause (3)(f), which is where our suspicion and fear rise. It states:

> environmental factors should be taken into account when valuing or assessing assets or services, costs associated with protecting or restoring the natural environment should be allocated or shared equitably in a manner that encourages the responsible use of natural resources, and people who obtain benefits from the natural environment. . .

I say: who is going to pay? Is the farmer going to be advised by the board, the minister or the department that a restoration of some land will take place and will it then be argued that the farmer will benefit from this but, not only that, that the farmer will pay for it or, at least, contribute a reasonable amount towards the cost of rehabilitation? Certainly, that is where I see some dangers for some farmers, and particularly for those who have committed a significant amount of income and investment into a farm. Exactly what is the power that is going to rest with this act?

For instance, we saw the soil drift that occurred in the Murray Mallee just 18 months ago, and one might ask whether this legislation gives the minister or the local board the power to deem that the environment has been degraded as a result of that drift and that the farmer therefore must reinstate vegetation on part of that land to stop the drift occurring or has to undertake certain practices in farming that will ensure that the drift does not occur. I think that management practices can and have been implemented by successful farmers in the Mallee. You can avoid drift in dry years. However, the fact is that this legislation may well give the power to the board to step in and require certain management to be undertaken on someone's own land.

I turn now to the functions of the minister. The minister might correct me but I do not see any reporting process for the minister. Is there a process by which the minister reports on the functions and operations of this act to the parliament, as well as the projects that have been undertaken by the boards or under his direction?

The Hon. J.D. Hill interjecting:

The Hon. M.R. BUCKBY: The minister says that there is that provision to the Natural Resources Committee of the parliament. I am pleased to hear that, because I believe that that is essential. Clause 11(1) provides:

> The minister has the power to do anything necessary, expedient or incidental to—
>
> (a) perform the functions of the minister under this act; or

(b) administering this act; or
(c) furthering the objects of this act.

Again, there are some very broad powers in that. I know that what I am saying is taking it to the nth degree, but the fact is that the power is there, and, if someone questions a particular action that is recommended or required by an officer of the department acting on behalf of the minister, that officer can say, 'Well, it was necessary, expedient or incidental. The fact is that the act says it, so I can do it.'

The Hon. I.F. Evans: It was incidentally expedient.

The Hon. M.R. BUCKBY: Yes, incidentally expedient, as the member for Davenport says. I think that is where the concerns lay on this side of the house. This is so broad that it catches absolutely everything. Minister, why would we not elect members to these boards rather than the minister nominating someone? That is done in many other areas. I am aware that nominations are made to many government boards and committees, but I would have thought that the issue was to maintain interest and representation on these boards by appointing local people who know local conditions. I note in the conditions of membership that clause 15 provides:

(2) The Governor may remove a member of the NRM Council from office—
(a) for breach of, or non-compliance with, a condition of appointment; or
(b) for mental or physical incapacity to carry out duties of office satisfactorily; or
(c) for neglect of duty; or
(d) for dishonourable conduct.

I know that, as a member of parliament, if I am declared bankrupt, I can no longer hold my seat in parliament. I ask the minister, in committee, to address whether that has been considered in terms of a person who is being paid to be a member of the committee and who is carrying out the policy of the government. Should it be a condition of membership that he or she may be removed if they become bankrupt?

There is much more in this legislation that we can discuss in committee. I have indicated by concerns with the bill. I think that we are not getting many questions from the South Australian Farmers Association or local government because this is a very complicated bill. I wonder whether they have read it from cover to cover and understand the sort of powers that are in this bill for the minister and for the department. I can only say that in committee we will certainly be asking the minister many questions about just where the power of these boards will start and stop. We will also ask what power those people who own the land will actually have.

Mr CAICA (Colton): I will be reasonably brief tonight. I would like to focus on a few of the key themes of the bill. I do congratulate the minister for introducing the bill and the work that he has undertaken to make sure that it has gone through an extensive consultative process. Indeed, that is one of the things that seems to irk the opposition—the fact that it has been through a consultative process and that the key constituency of the opposition actually supports this bill. I want to focus, in particular, on the ecologically sustainable development that is promoted by this bill through a better integrated administrative framework. It would seem that, if you listen to the opposition, this bill is actually going to work against development and, indeed, that the proponents of this bill, that is the government, are anti development. That could not be further from the truth. In fact, what we as a government are about is ecologically sustainable development.

The object of the legislation is to establish a more integrated natural resources management system involving integrated bodies with responsibility for a broader range of NRM planning and decision making in such a way that we can achieve more sustainable NRM outcomes. That is a very sensible way to go; it is very innovative and will break new ground. We look at the themes that are adopted and embraced by this bill; one is adaptive management, a system that requires ongoing natural resources being monitored and included in policy making. It promotes the adaption of policy and management principles in response to natural resource information. It allows a more sustainable approach to NRM to evolve over time with community involvement and participation. It seems to be one of the things that, to a great extent, upsets the opposition, that after year and a half those people in the community who are supportive of this bill are the core constituency of the opposition. That must be really annoying from their perspective.

With this bill we will see a better integrated administrative framework in that the framework provides for a more holistic consideration of NRM issues to ensure a consistency in approach and to promote a more sustainable outcome. It is a credit to the minister and his department that this bill is being advanced. It brings skills to the boards and involves people who have skills, and that is what we need on our boards. We need those who have the capacity to bring certain skills to the boards, and as such we are going to have a skill based process. We will have NRM bodies which have an understanding of NRM skills, knowledge and experience and which are able to be impartial and objective about natural resource management decisions.

It just adds a synergy to the entire process and, if you do a gap analysis, it fills in those gaps that have been missing for an extended period of time with regard to natural resource management in this state. We know that ecologically sustainable development is part of the core business of this government. We have learnt from the lessons of the past when the opposition has not been able to achieve these types of initiatives, and we are taking an entirely different approach.

I want to focus on some of the contributions made by members of the opposition. I do not know whether or not I was fortunate, but for the first hour of the lead speaker's contribution, I was forced to be in here because I was on chamber duty and, for the second hour of that contribution after the dinner break, I was not forced to be in here—I was filling in for another member and doing his time. There was nothing really different in the second hour than what the lead speaker, the member for Davenport, said in the first hour.

The Hon. I.F. Evans: I had to say it twice so that you could understand it.

Mr CAICA: No, you didn't have to say it twice. I understood it the first time. It was the third, fourth, fifth, sixth, seventh, eighth, nine and tenth time that you did not have to say it, because I did actually understand it the first time. If I were still in the fire brigade and, if indeed the member for Davenport was in the fire brigade with me—of course he would not be referred to as the member for Davenport if he were sitting around the mess room table—he would be referred to as Iain. If he had made a similar contribution around the mess room table, we would say, 'Iain, you're feeding the chooks.' It really was a long-winded contribution that did not add anything to the debate. Be that as it may, we were put through it last night.

One of the other things that I found very interesting, with respect to the contributions that were made from the opposition was that made by the member for Schubert. I have a lot of respect for the member for Schubert. I think he said, and I have read his contribution, that he actually congratulated the minister—in fact, paid tribute to the minister—for involving us (I assume when he says us, he means the opposition). He may have meant us to be the farming community; but, he congratulated and paid tribute to the minister for involving us in the decision-making. He thought that the agreement by the Farmers Federation and other stakeholders was inept. I found that very interesting because I would not expect that the member for Schubert and, indeed, the opposition, would refer to members of their core constituency (the Farmers Federation) as being inept. I found that very interesting. I am sure that the Farmers Federation is going to be very interested to hear the comments of the member for Schubert. There are other contributions that—

An honourable member interjecting:

Mr CAICA: Well, I might. I might write to them about it. There were many contributions made by the opposition. I could make a great deal of comment about a lot of them. The member for Unley's contribution was very disappointing, in my view. I did not quite understand the New Zealand analogy, but it was very speculative; there was a lot of fear mongering; it was unsubstantiated codswallop, and completely irrelevant. It was very nice—he delivered it very well—but it did not make a great deal of sense. The member for Heysen, of course, made a very considered contribution as she always does. She always makes sense. I actually think that she is the shining light amongst the opposition. I say bring on the reshuffle, because she will certainly be brought up the front. The member for Stuart—

An honourable member interjecting:

Mr CAICA: Well, he is a class act. There is just that thrust of anti-bureaucracy about his delivery. We have all had problems with certain sections of the bureaucracy. It does not matter whether those people are writing out parking tickets or pulling you over for some misdemeanour, but it seems that it is completely entrenched with respect to any of the contributions made by the member for Stuart. He has been around for a long time and I should not really in any way detract from his contribution because I did enjoy it. One of the things that he said that I found very interesting was, 'We know. We know.'

I am not sure whether he is saying 'we know' because he has been a member of parliament for 30 years or is saying 'we know' because he has been a farmer for 30 years. Is it that he has been a member of this place for 30 years and previously was a farmer for a time? I was confused by his saying 'we know'. He said 'we know' what the people out in the community want. It seems that the process undertaken by the minister and his department has delivered a scenario that the people out there within the community feel comfortable with what is being progressed.

I thank the member for Enfield for providing me with the 'word bingo', in that we have created a situation that is a win/win scenario with this bill. The community is happy with it and is pleased with the level of consultation undertaken. I find it interesting that the member of Stuart says 'we know'. Who knows? Does he know what the people want or is it that he thinks he knows what the people want? They are giving us the message that they are happy: the Farmers Federation, the Local Government Association and the general community that will be impacted upon by this bill. The member for Stuart has been around for a long time, but the days of pedal radio are over and we have moved on. We are bringing forward new legislation that will be of benefit to the people of South Australia. The bill is about ecologically sustainable development and taking us forward so that we are able to develop and continue to develop in an ecologically sustainable way.

The Hon. W.A. MATTHEW (Bright): I, too, rise to express my concern about a number of aspects of this most significant bill. It is significant in that it spans some 208 pages. There was extensive public consultation of sorts. I am well aware that the minister some 18 months ago embarked on a process of public consultation, and a version of the bill was run through a number of public meetings. Clearly there was feedback from those public meetings provided to the minister's officers.

I am aware, as are my colleagues, that some 30 versions of the bill have resulted from these processes, but the opposition has already put on the record that we have been in receipt of only two of those versions: the original version and that which was placed before this chamber. Clearly, a lot of things have happened since because the minister, not content with putting a 208 page bill before us, has now also flagged some 36 pages of amendments. I know that has happened through communication with the office of my colleague, the member for Davenport. I am well aware that, where something as significant as a bill of this nature is being amended, with further details provided on the fly, there is a changing feast before us, that the work has not been as thorough as it ought before it comes before this place, and certainly we are likely to have a very long committee stage on this bill.

It is important to also place on the record that the Liberal Party, through my colleague the member for Davenport, endeavoured to obtain a briefing throughout the process and I was disappointed that that briefing was refused. I have been a member of this chamber for 14½ years and I have experienced dealings with ministers through the time of the Bannon government, with my own colleagues during the time of the Brown, Olsen and Kerin governments, and during the present government. It is fair to say that there have been significant changes to the way business is conducted in South Australia. If I were to refer to ministers of the Bannon government and compare them against those who sit in this chamber today, there is a very significant difference in the way in which the consultation takes place. That consultation is, in effect, almost obvious by its absence today.

Having shadowed ministers in the Bannon government, I had the privilege of dealing closely with those ministers and of being provided with numerous drafts of bills and copious briefing notes about bills during their formulation. I even had the chance to suggest amendments to drafts before they came to the house. I found that that was a very productive way of working. There was an element of trust, which I certainly carried through my time as minister.

I will mention a member of parliament who, regrettably, is no longer in this chamber, and he is a member of the Labor Party for whom I have a very high regard: John Quirke, the former member for Playford. He was a man with whom you could deal openly and fairly. You could provide him with draft copies of a bill and, in confidence, he would provide a viewpoint on it, which certainly assisted the parliamentary

processes. However, contrast that with the situation where often a raft of extra notes are provided to the opposition just days before the debate occurs and where briefings are refused or delayed. That is a very different type of government to deal with than the much more cooperative government of the Bannon era. Regrettably, that seems to be a hallmark of the arrogance that is now part of this very sorry government.

My colleagues have detailed many concerns about the bill before us. It is certainly not my intention to repeat in full the details they have covered but, rather, I will focus on a number of specific aspects. I am concerned about the final nature of this levy. The only inkling that the opposition has had as to its final nature has been provided by *The Weekly Times Messenger*—a most unlikely source, granted. On 16 December last year, that paper and, indeed, *The News Review*, which are both Messenger newspapers, carried articles with quotes from the minister which, effectively, advised us that the new NRM levy would not really be more than the old NRM levy for the first two years.

In the business of politics, I take the first two years as being between now and March 2006. By happy coincidence, March 2006, of course, is the time for the next state election. In other words, there will be no change in the levy for two years but, after the election, what will happen? There is a challenge to this minister to advise the house in detail what his government plans to do with the levy after that election. I am particularly concerned, as a representative of a coastal electorate, to be advised of what will happen to the levy for coastal areas.

Much has been made of the amount that might need to be contributed for stormwater, and many are aware that the cost of appropriate stormwater movement in the metropolitan area could be significant. What provisions will be made in the levy for that? Will they be made pre or post March 2006, or pre or post the next state election? The bill is confusing about exactly what impact it will have on the marine environment. Again, as a coastal member, I am particularly concerned about the operation of the bill and its effect on the marine environment. During the committee stage, I will take the opportunity to question the minister about this. However, if, in his second reading speech he wishes to volunteer further information to the house, we will happily receive that.

The bill also makes some mention of changes to the mining and petroleum acts. Indeed, in his second reading explanation, the minister stated in part:

> Another aspect of ensuring the proper integration of activities is demonstrated by the amendments made by this bill to the Mining Act 1971 and the Petroleum Act 2000, which are designed to promote and enhance the regulatory controls under those acts and to ensure appropriate linkages between the relevant systems.

That is one of the greatest doses of bureaucratic gobbledegook I have seen in this place in 14½ years. I will just repeat the last part:

> . . . designed to promote and enhance the regulatory controls under those acts and to ensure appropriate linkages between the relevant systems.

I will be interested to hear the minister's explanation of what on earth that means. I know the minister is not a great and avid reader of documents that are put before him. He has previously distinguished himself on numerous occasions in the house for not having read documents. If the minister read this clause of his second reading explanation, he should hang his head in shame. I can say on the record in this place that, as a minister, I would never have allowed such bureaucratic gobbledegook to have got past my desk and made it to this house. It is meaningless drivel, and it certainly gives those industries no insight as to what is intended—or perhaps that is the intent, for this government has a shameful record, in just two years, in its treatment of the mining industry. We are already seeing a significant effect on that industry. We have seen an industry which, through its Chamber of Mines and Energy, has come out and strongly attacked this government in a way that I have not seen the Chamber of Mines and Energy attack a government in this state at any time since its inception.

I am reminded that, on 29 May last year, when the state budget was handed down in this place, the industry put out a media release entitled 'State budget: government takes the resources industry for granted'. The press release stated, in part:

> The resources industry is at the cusp of realising significant economic benefits for South Australia. We would have thought the government would reflect this potential. Unfortunately, it doesn't.

Not only has the budget not reflected the potential of the industry but, equally, a number of actions taken by this government have not assisted the industry in any way, shape or form. It is a truism to state that the most significant challenge that is faced by the mining industry—apart from the fact that we now have, regrettably, a Labor government—is access to land. Without encouragement to explore and without access to land the mining industry cannot prosper, and companies simply will not be encouraged to come to South Australia. Without further explanation of the gobbledegook that is contained within this bill, we risk the further thwarting of an industry that is already very unsure about the wisdom of investing in South Australia now, after two years of a Labor government.

In the bill, the references to these acts in themselves are rather peculiar. In relation to the amendment of the Mining Act 1971, there is an insertion of a section 10B into that act, which provides:

> Special provision relating to integrated natural resources management. The minister must, in acting in the administration of this act, take into account the objects of the Natural Resources Management Act 2004.

Again, what on earth does that mean—'take into account the objects of the Natural Resources Management Act'? Does that mean that, as mining will change the surface of the land, it should not occur at all? You could interpret it that broadly. There is no explanation in the second reading explanation of what it means, and it is certainly not explained in the act. Again, I request that the minister detail to this house exactly what is intended by this section of the act. Similarly, while the words are slightly different, they mean almost the same—if nothing means almost the same—in relation to the amendment of the Petroleum Act with respect to part 13—Amendment of Petroleum Act 2002. There is an amendment of section 95, which is to read, with the new subclause (2):

> The minister must, in acting under this part, have regard to, and seek to further, the objects of the Natural Resources Management Act 2004.

There they are having to 'have regard to and seek to further'. So, again, this could mean no petroleum mining at all in the state of South Australia, if we were to broadly interpret the possibilities under this act. As far as I am concerned, this is yet another indication to the mining industry and the petroleum industry that we have a government that does not give a damn about their contribution to the economy. I would have thought, in particular, as the government has one member (the member for Giles) who represents significant tracts of the

state where mining and petroleum activity are present, she of all people would have been concerned about this bill.

I would have thought the member for Giles would be standing in this house—if she has not already done so in the caucus room—demanding of the minister that either he remove these provisions from the bill in their entirety or, if they are to stay in there, they be significantly clarified so that they do not jeopardise and threaten not only the industry but also the jobs of her constituents. But we have seen that member sit silent in this house time and again on jobs for her constituents and the mining industry. The industry knows full well that the member for Giles is one member who will not stand up in this house and who will not stand up to her government and demand equity, commonsense and assistance for that vital and important industry that generates jobs and economic opportunity for our state. In relation to these important areas of government I see this bill as a very shabby piece of legislation.

Mrs Geraghty interjecting:

The Hon. W.A. MATTHEW: The member might interject, but that is my opinion. If the minister has undertaken the extensive consultation that he claims—

Ms Breuer: Sit down and shut up! Do we have to listen to this crap at this time of the night? Sit down and shut up!

The Hon. W.A. MATTHEW: I have a point of order, Mr Acting Speaker. I object to the unparliamentary language that has been used in the chamber by the member for Giles—

Ms Breuer: Well, sit down and shut up then.

The ACTING SPEAKER (Mr Snelling): Order!

The Hon. W.A. MATTHEW: —and I demand that she withdraw her unparliamentary comments.

The ACTING SPEAKER: I ask the member for Giles to withdraw and apologise to the house.

Ms BREUER: In view of the time of night, I will not force a division or call on the house to sit here and listen to this drivel—I will withdraw my comments, and I apologise for using the words 'this crap'.

The Hon. W.A. MATTHEW: It has been the ruling of Speakers continuously during my 14½ years in this place that a withdrawal after unparliamentary conduct and unparliamentary language be unreserved. Therefore, I request you, sir, to instruct the member for Giles that she unreservedly withdraw.

Ms BREUER: I unreservedly withdraw my comments.

The Hon. W.A. MATTHEW: Thank you, Mr Acting Speaker. This is a very serious aspect of this bill and, rather than behaving in such an atrocious way, I would have thought the member for Giles would take up my challenge and take it up to her minister and her government to demand that this bill be amended so that the mining industry and the jobs of her constituents are protected. I invite the minister in his wrap-up to detail to this chamber exactly what is meant by the very ambiguous clauses within this bill and the very ambiguous, convoluted, bureaucratic gobbledegook that he has in his second reading explanation so the mining industry may know exactly what this minister has in store for them.

I also invite the minister to advise the house what consultation, if any at all, has been undertaken with the mining industry. The last time I invited that of the minister, he advised that consultation had been undertaken; then he had to come back to tell the house, 'I'm sorry. I gave you the wrong information. In fact, there has been no consultation.' I ask the minister: has he actually improved his record and has he on this occasion undertaken consultation; if so, will he detail to the house exactly with which groups, with whom and which companies he has consulted and what their reaction has been to the amazing clauses contained within this bill? I envisage a very robust debate during the committee stage of this bill.

Mrs Geraghty interjecting:

The ACTING SPEAKER: Order!

The Hon. W.A. MATTHEW: Sir, I am sure this will be a very long debate because this is one of the most shabby pieces of legislative rubbish that has been brought to this parliament in 14½ years.

Mr MEIER (Goyder): I, too, rise to speak on this bill. I want to thank the shadow minister, the member for Davenport, very much for all the work he has done over a considerable period of time and for his excellent contribution last night. I believe that he and other members on this side have summed up the concerns I and many others have. We have spent well over nine hours in debate, and I do not intend to prolong the debate unnecessarily, other than to say that many questions have been raised and I am waiting for many of the answers. I am extremely concerned about some of the implications of this bill.

I will refer to a situation that occurred in my electorate about three years ago. It relates indirectly to natural resource management vegetation, which is an important part of our environment and natural resources. I was extremely upset, annoyed and frustrated because a farmer, who had taken it into his own hands to cut back a section of vegetation along a back road between his two properties, was eventually fined. The public servants literally took to him, but there was nothing he could do and there was nothing I could do in the end. When he asked, 'What am I supposed to do to get my machinery from place A to place B?' he was told, because machinery is continually getting larger, 'Get smaller machinery.' In other words, he was being told to go back to the stone age and not to proceed down the track of better technology.

I am not saying that that relates to this bill, but the powers of the minister in this bill are significant; in fact, they are huge. The powers of the bureaucracy are also huge. As I have said, quite sufficient has been said by many of my colleagues, the shadow minister in particular, and I await with interest the answers to the many questions raised in this debate.

Ms BREUER (Giles): It was refreshing to hear the contribution from the member for Chaffey tonight, but the rest of the evening has been a very stressful time listening to the rest of the debate. I rise in support of this bill for a number of reasons, but primarily because of my role as the member for Giles, which is an electorate that covers over 550 000 square kilometres. It is the largest electorate in the state and one of the largest in Australia, and it is bigger than any European country. I often get called the member for Whyalla, but, while I am proud to wear that badge, most members forget that I cover a huge diversity in this state with an area that size.

The electorate includes huge mining resources, some being accessed at the moment, some about to be explored or mining has commenced and some are still to be discovered. I cover huge pastoral regions, both sheep and cattle; areas dependent on the Great Artesian Basin; huge desert areas and areas of great environmental and ecological significance; many protected areas and national parks; marine areas of great significance; and an expanding aquaculture industry. So, while members opposite might believe they have an inherent right to deal with the issues here today because of

their rural electorates, I believe I have as much right, if not more, as they do. The member for Davenport surely said everything there was for the opposition to say, but members opposite kept on going. I think he said enough for us as well and perhaps for the entire United Nations. I read *Hansard* today, but I did not actually read every word he said, although I tried.

I support this bill for many reasons but primarily because I have heard many comments and complaints over the years about the lack of integration within natural resources management. It appears to have caused great frustration to many communities and councils, and I have been approached over the years in relation to this matter. As the minister said in his second reading explanation, there has been a lack of coordination and inconsistency in the projects and objectives of the different arms of government in administering the responsibilities for natural resources management.

Every local community has a core of people whom you always see at meetings of local sporting clubs, local councils, the Lions Club and also, in country regions, the various natural resources boards such as the soil board, the animal and plant board, etc. In recent years most organisations have had trouble recruiting members and I have great concerns about people getting tired of being on boards. It is getting very hard to get people to commit, because life is very busy. I believe that this legislation will alleviate much of that pressure on communities. Community people are stretched amongst numerous different boards, committees and other bodies and programs operating under different legislation and, although many bodies work together, they are not always well coordinated.

The member for Davenport said these inconsistencies could have been resolved otherwise, instead of having to change and rewrite the legislation. He said they could have talked to each other. I am sure they do that because, in fact, the membership is duplicated on so many boards. The opposition noted that the Farmers Federation and the Local Government Association support this legislation (and, incidentally, I am a member of the Farmers Federation). The Farmers Federation signed off on this piece of legislation because it believes that it is ground-breaking legislation and it will be a positive thing for the farming community. The Local Government Association also supports this piece of legislation and it actually wrote to the opposition saying that it supports it.

The member for Davenport said there has not been a flood of correspondence to the opposition, either in favour of or in opposition to the bill. He said they seem to be a lone voice. Despite my huge electorate and the incredible variety of interests it has and the number of core groups involved in the region, I did not have more than two or three inquiries about or comments on this bill, and those that I did get were resolved very quickly. Certainly, no-one flooded my office with complaints. So, I agree that the opposition seems to be a lone voice and, after listening to what members opposite have said tonight, I fear that I may have to move to New Zealand, because it sounds as if the current minister is worse than Idi Amin or Saddam Hussein. I have grave concerns that I may have to emigrate if this bill is as bad as they have made it out to be.

I want to mention a couple of comments that I have heard. The Whyalla council, in particular, in a newsletter dated August 2003, adopted a policy of supporting integrated natural resources management. The council's manager of infrastructure, Mike Blythe, said there are lot of inherent benefits in the proposals. Mr Blythe said that Whyalla is already involved with the Eastern Eyre Animal and Plant Control Board and the Gawler Ranges Soil Conservation Board and is very keen to be part of Eyre Peninsula under the proposed new system. He said, 'At the moment there are so many boards working across the state and there's a lot of duplication.' Similarly, the Eastern Eyre APC Board chairman, Eddie Elleway, said that landowners could benefit from NRM reform because it has the potential for bureaucracies to be better controlled and managed. So, I think it was interesting that the member for Flinders stood up and spoke about this tonight when her own people are saying, 'Yes, let's go with this.'

I want to finish by mentioning just a couple more issues, because I do not want to speak for too long. I think community empowerment is really important in this bill, and there is a lot of community participation through membership of the NRM council, the regional NRM boards and the NRM groups; and improving NRM outcomes is a responsibility of the whole community. I believe it empowers our communities. There was a lot of discussion about consultation on this bill and so-called lack of consultation, as the opposition chose to point out again and again. Consultation on this bill was extensive and went on for months. There have been 149 written submissions and input from more than 600 people who attended the 18 workshops and public meetings. Additional consultation occurred with key stakeholder groups. There were discussion papers and 28 regional forums. I do not think you can consult very much more than that.

Finally, there was a lot of discussion about controls, the roles of the minister and the minister being a dictator, etc. There have been only minor changes made to the statutory duties and regulatory controls which apply under the existing legislation. Each region, through its board and plan and in consultation with the minister, is able to establish institutional arrangements that suit that region. I think this is an excellent bill. I think the opposition has been a lone voice but I think they are crying out in the wilderness. I think the stuff they have come up with is rubbish, and I fully support this bill.

The Hon. J.D. HILL (Minister for Environment and Conservation): I would like to thank all members for their contribution to the debate on this bill. A lot of time has been spent, but it is an important bill and I think the fact that so many members have spoken is acknowledgment of that. I look forward to seeing the amendments that the opposition has foreshadowed and may choose to place before us, and I can assure the house that the government will give due consideration to supporting any amendment that will, in our opinion, improve the bill.

I also want to place on record my appreciation for the positive and robust consultation that the government has had with a whole variety of organisations, and in particular the South Australian Farmers Federation and the Local Government Association, who have assisted in developing the bill. And I will talk later about other groups that we have consulted and whose support we have.

It is important to note, and it has been acknowledged by many members opposite, that both these organisations support the bill. Why is this so? There seems to be a perception that this bill does not recognise the productive capacity of the state and it is really a bill for protecting the environment. However, as some members opposite have recognised, the objectives of the bill specifically identify that primary

industries is an equal partner to the environmental and social issues central to the management of our natural resources in an integrated way. The objectives and principles also set up an educative and facilitative approach to working with landholders in South Australia in order to achieve integrated natural resource management. This is, in fact, the approach that we have had in place for many years.

The bill updates the institutional arrangements we have in South Australia and, while it builds on South Australia's successes to date, it takes an integrated approach which is consistent to that taken or considered by other states in Australia. In fact, we will be at the cutting edge of integrated natural resource management in Australia, although I do not think that the other states are very far behind in developing these principles. The policy approach has been to integrate our arrangements but ensure that there is delegation at the regional and subregional levels so that the local connections remain. The regulatory provisions are largely unchanged to those that exist under the three existing acts, and I will talk more about this at a later stage.

There are many issues that the opposition has raised that I will address. For instance, the opposition has raised the issue of funding for NRM regions, so let me respond to that issue first, because this is crucial to the way that the matter will be dealt with. The capacity of regions to support the roll-out of NRM initiatives will vary. For example, the Greater Adelaide-Mount Lofty region—where most South Australians live—will begin with significant resources. Smaller or more remote and sparsely populated regions, such as Kangaroo Island or the traditional Aboriginal lands and the NRM region in the north-west of the state, and the rangelands, will have fewer resources. Animal and plant control arrangements currently allow the state to invest extra resources in regions with a lower rate base to ensure that animal and plant control programs can be delivered. The state will continue this policy but in a broader NRM context.

This bill also contains provisions that will allow regional boards to invest funds in another region, provided it fits with its plan and advantages levy payers in the investing region—and I will happily answer questions in relation to that, because I know that that was an issue raised by the member for Davenport.

The Hon. I.F. Evans: You said I was wrong.

The Hon. J.D. HILL: I think the point that you were making in your contribution was that I could cause one board to invest in another area. The arrangements would have to be as a result of the boards themselves determining where those funds ought to be invested. Funding for NRM initiatives will also come from existing state government resources—

The Hon. I.F. Evans: I believe that is not right.

The Hon. J.D. HILL: The members says that he believes that that is not right, but I believe it is right. One of us is right and one of us is wrong. We will sort out it out and if I have got it wrong I will clarify it in the committee stage.

Funding for the NRM initiatives will also come from existing state government resources, the budget process and the commonwealth. We will make sure that we have resources in place to get this process going and we will get those resources from a range of sources.

The government is committed to a new era in natural resource management. Indeed, with the passage of this bill, South Australia will lead the nation in natural resource management, as it has with advances in native vegetation laws and groundbreaking River Murray legislation in the last two years.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: I am glad the member for Davenport is owning those native vegetation laws which have been criticised up and down the front bench and the back-bench of the opposition over the last two days. I will now be able to say to all your colleagues who criticise the native vegetation legislation that it is all the responsibility of the member for Davenport.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: No, you have just owned it. I intend to say much more, and I will be seeking an opportunity to continue my remarks next week, as we are running out of time at the moment. However, I say this in conclusion tonight. This bill has gone through an enormous amount of consultation over the last two years, and I would like to thank my officers—and I will thank them more formally later—who have been involved in that process of consultation. What I have attempted to do is to bring into this parliament a consensus piece of legislation, because there is no point in introducing legislation which is not supported in the community. I am pleased to say that I have signed formal agreements with the commonwealth government of Australia, both with Warren Truss and David Kemp, representing the two key ministries in relation to natural resources. The commonwealth of Australia supports this model and will adopt it for the implementation of its programs.

We will have one system in place which will involve both commonwealth and state funding. That is a major breakthrough, and I thank the two federal ministers for their agreement to participate in this model. We also have agreement from local government, which has made a number of suggestions to the bill which we picked up, and we have their agreement to the model. The South Australian Farmers Federation have participated in a great number of ways in relation to this bill and we have their support for the bill. The Conservation Council, the unions, the Aboriginal community and many of the individual boards and representatives of those boards have participated in this process and support what we are doing.

This is very much a consensus bill. I am sorry that the Liberal Party has decided to attack this bill in the way that it has. I know there are many members on the other side who actually support the principles in this legislation and what we are trying to do. I hope that, through the process of the committee stage, we can reach a consensus with the opposition, because it is important that we get legislation which has strong support not only in the community but in this parliament. I seek leave to continue my remarks at a later time.

Leave granted; debate adjourned.

ADJOURNMENT

At 11.58 p.m. the house adjourned until Thursday 25 March at 10.30 a.m.