

HOUSE OF ASSEMBLY

Tuesday 6 February 2007

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 2 p.m. and read prayers.

CLERK, ABSENCE

The **SPEAKER**: I inform the house that, during the absence of the Clerk on leave prior to retirement, the Deputy Clerk will perform the duties of Clerk pursuant to standing order 24. The Clerk Assistant/Sergeant-At-Arms will perform the duties of the Deputy Clerk pursuant to standing order 25.

MENTAL ILLNESS

A petition signed by 510 residents of South Australia, requesting the house to include mental illness as grounds for discrimination under the South Australian Equal Opportunity Act, was presented by the Hon. M.J. Atkinson.

Petition received.

CHILD SEX ABUSE

A petition signed by 10 residents of South Australia, requesting the house to urge the government to introduce a separate, specialist court for child sex abuse cases that will expedite cases quickly and efficiently, employ experts in child abuse and development, and use inquisitorial rather than adversarial methods, was presented by Mr Goldsworthy.

Petition received.

QUESTIONS

The **SPEAKER**: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 79, 96, 97, 105, 107, 111, 116, 121, 123, 126 to 129, 132, 140, 166, 167, and 183 to 185.

SCHOOLS, UNLEY PRIMARY

79. **Mr PISONI**: Is there any proposal to expand the land size and classroom facilities at the Unley Primary School to cater for the increase in demand for enrolments and if so, what are the details and if not, how far will students who are eligible, but unable to enrol at this school, have to travel to schools outside of this zone?

The **Hon. J.D. LOMAX-SMITH**: Enrolments at Unley Primary School have been fairly stable with a slight increase over recent years. Current enrolment is 430 students.

The site's Asset Management Plan capacity analysis indicates 33 class spaces available on the site, which is well in excess of the classroom area required to accommodate this number of students according to the current DECS staffing and space requirements.

An appropriate school zone is in place to ensure the enrolment rights of students within the zone.

CHILD AND FAMILY CARE CENTRE INSPECTIONS

96. **Dr McFETRIDGE**: How many scheduled and random Departmental inspections were undertaken to monitor and promote compliance with required health, safety and curriculum standards in private and community based child care centres, and family day care agencies in 2005 and 2006?

The **Hon. J.D. LOMAX-SMITH**: During the period 1 July 2005 to 30 June 2006, 359 inspection visits to child care centres were conducted, 75 of which were unannounced.

The Department of Education and Children's Services is the major sponsor of the Family Day Care program in South Australia. There are approximately 1000 Family Day Care providers who

receive scheduled and unscheduled home visits from fieldworkers on a regular basis.

There is only one Family Day Care agency that is licensed by the Department of Education and Children's Services. This agency received 7 visits by Family Day Care Standards and Investigations staff during the period 1 July 2005 to 30 June 2006.

EARLY CHILDHOOD SERVICES

97. **Dr McFETRIDGE**: What is the timeline for implementing the recommendations of the 'Report of the Inquiry into Early Childhood Services January 2005, The Virtual Village—Raising a Child in the New Millennium' and will all recommendations be implemented and if not, why not?

The **Hon. J.D. LOMAX-SMITH**: The Report of the Inquiry into Early Childhood Services in South Australia, The Virtual Village: Raising a Child in the New Millennium was released by the Minister for Education and Children's Services in June 2005.

Since the release of the report significant steps have been taken in response to all 10 major recommendations.

Chapter 12, page 166, of the report notes that 'Such is the scale of the task that we envisage a progressive implementation of the recommendations of this report, stretching over 10 years, to the year 2015'.

SCHOOLS, PROFESSIONAL DEVELOPMENT

105. **Dr McFETRIDGE**: What funding has been provided to professional development of teachers to assist disadvantaged students improve numeracy and literacy skills in 2005-06?

The **Hon. J.D. LOMAX-SMITH**: The Government supports a range of professional development initiatives designed to improve the performance of students in literacy and numeracy. These programs have a strong emphasis on targeting those students and schools with the greatest need, including students from low socio-economic backgrounds, Aboriginal students and English as a Second Language learners, as well as students identified as having difficulties with literacy and numeracy.

Funding of \$8 353 400 support the following programs:

The Early Years Literacy Program

First Steps in Mathematics R-7

State Literacy and Numeracy Test Data Analysis Professional Development

South Australian Accelerated Literacy Program

Maths for Learning Inclusion

English as Second Language Professional Development

Senior Years Literacy Project.

EARLY CHILDHOOD SERVICES

107. **Dr McFETRIDGE**: What initiatives have been implemented to improve the capacity and quality of Early Childhood Services in 2006?

The **Hon. J.D. LOMAX-SMITH**: During 2006, the State Government implemented a number of initiatives to improve the quality and capacity of early childhood services.

The Establishment of Children's Centres for Early Childhood Development and Parenting

Establishment of twenty new Children's Centres for Early Childhood Development and Parenting continued during 2006. The Children's Centres represent a new approach to the learning, development, health and wellbeing of young children, combining early education and care for children from birth to eight years old with maternal and child health and family support services.

Children's Centres are being established in Enfield, Elizabeth Grove, Angle Park, Hackham West, Wynn Vale, Taperoo, Renmark, Cowandilla, Fraser Park and Salisbury North. Five more centres have been allocated to Gawler, Woodcroft, Campbelltown, Port Augusta and Marion and locations are being identified. Four more Children's Centres will be important parts of the 'Education Works' initiative. Improving opportunity and capacity for children with additional needs

Planning has been completed for the seventh Inclusive Preschool Program for children with high support needs, which will commence at Kirton Point Kindergarten, Port Lincoln in term 1, 2007. The eighth Inclusive Preschool Program at Adelaide Miethke Kindergarten, Woodville South, is currently being investigated.

Improving outcomes for Aboriginal children

Early childhood educators have been supported through a range of professional development offered by an Aboriginal Early

Childhood Team. 44 per cent of Department of Education and Children's Services (DECS) early childhood staff have participated in the professional development in the last two years. The program helps to sustain high Aboriginal enrolments in DECS preschools.

The Early Years Literacy Program has funded the appointment of extra teachers for ten preschools with high enrolments of Aboriginal children. The extra resources will improve the adult/child ratio, encourage research into improved teaching and build community links.

Focus on early literacy

During 2006, the Early Years Literacy Program has provided educators in preschools and schools with three extra days of professional learning on children's literacy. Preschool and schools have prepared and are implementing Early Years Literacy Plans. 'Running Records' will be used by teachers to assess the reading levels of 25 000 students. The record is a most effective method for addressing difficulties before they become entrenched.

State-wide implementation of Running Records assessment follows a successful trial in 73 schools last year, involving 2 000 children, which doubled the number of children reaching an acceptable year one reading level in six months.

Strengthening out of school hours services

Outside school hours care is the fastest growing part of the early childhood sector in South Australia and an area marked by continuing skills shortages. During 2006, funding was secured for ten new cadetships that will fund new graduates in this specialised field.

Financial management resources and training sessions have been developed and implemented for outside school hours services and will be made available as part of a web-based resource for school leaders and administrators in term 4, 2006. This will have a strong positive impact on the stability of the sector, as will the publication of a new handbook for out of school hours services, which is also being published progressively on the internet.

SCHOOLS, INTERVENTION STRATEGIES

111. **Dr McFETRIDGE:** What percentage of school and district based staff have attended professional development in effective intervention strategies in 2005 and 2006?

The Hon. J.D. LOMAX-SMITH: By the end of 2006, 100 per cent of Department of Education and Children's Services (DECS) preschools, school sites and district offices will have completed the Education and Care package of mandatory notification training, which provides strategies for responding to children and young people who have experienced child abuse or neglect.

SCHOOL COUNSELLORS

116. **Dr McFETRIDGE:** How many Departmental school counsellors are currently employed and have they all been trained in child protection?

The Hon. J.D. LOMAX-SMITH: During 2006 all school and student counsellors participated in the Education and Care package of mandatory training.

EDUCATION BUDGET, TEACHER PROFESSIONAL ASSISTANCE

121. **Dr McFETRIDGE:** How much of the 2005-06 education budget is allocated to teacher professional assistance and what are the details?

The Hon. J.D. LOMAX-SMITH: The 2005-06 DECS budget includes \$24.49 million of specifically identified training and development funding for teachers. This funding supports professional development through the following programs;

- \$35 million Early Years Literacy Program
- Teacher Standards
- Professional Development for Teachers (induction)
- Release Time Scholarships
- Teacher Quality Development
- Learning Technologies
- Science and Maths Strategy
- Australian Science and Mathematics School
- Training and Development Support Strategy
- School Resource Entitlements
- Other Training & Development Funding.

HEALTHY LIFE PRACTICES FUNDING

123. **Dr McFETRIDGE:** What State Government initiatives relating to the prevention of drugs, gambling, depression and the promotion of healthy life practices and physical activity are currently provided for children and young people, and what funding was allocated in this area 2005-06?

The Hon. J.D. LOMAX-SMITH: The Health and Physical Education Learning Area within the South Australian Curriculum and Accountability Framework, includes health education, physical education, home economics, outdoor education, sport and recreation, and promotes the integration of physical, social, emotional and spiritual dimensions.

This area, is supported through a substantial investment in a range of school sport and physical activity programs, physical infrastructure (ovals, gymnasias etc) and staffing.

Initiatives, such as the Premiers Be Active Challenge 2006-10 and mandatory healthy food guidelines in schools and preschools, represent a \$3.23 million investment over four years in the government's Making Every Body a Healthy Body policy. The Be Active - Let's Go initiative also incurred its final years' funding of \$3.5 in 2005-06, finalising the four year \$15 million program.

The School Drug Strategy supports schools to develop effective whole school practices in relation to alcohol and other drugs. It has a focus on skill development for resiliency, including drug refusal and resistance skills and responsibility for personal safety and the safety of others. It supports the Government's determination to prevent and reduce the harm associated with over-the-counter and prescription medication, tobacco and alcohol, as well as unsanctioned and illicit drug use.

In 2005-06 The State Government allocated \$1 million to the Department of Education and Children's Services (DECS) to support these initiatives.

Responsible gambling education is being addressed through *Dacey Dealings*, an internationally recognised responsible gambling education strategy designed for middle school children. Approximately 3000 students so far have undertaken the program during the pilot phase. For the pilot phase of the program (2002 06) \$800 000 was allocated to DECS, with \$200 000 allocated and spent in 2005-06.

DECS is currently undertaking a wide range of work in the mental health area including depression. This includes guidelines for planning support for learners known or suspected of having a mental health problem, illness or disorder. This work involves close liaison with mental health professionals to ensure matters related to mental health and to behaviour issues are well described and properly managed. The Department's role in the national *beyondblue* Schools Research Initiative, and as a partner in the national MindMatters (secondary) and Kidsmatter (primary) projects ensures that schools and children's services are providing high quality programs to promote mental health and to intervene early should problems arise. DECS recognises through its Statement of Directions 2005-10 that student wellbeing is central to learning and is currently developing a Learner Wellbeing Framework from birth to Year 12 that will focus and integrate policy, curriculum, programs and strategies that relate to students' physical, social and emotional welfare and development.

EMPLOYMENT, TRAINING AND FURTHER EDUCATION DOCUMENTATION

126. **Mr HANNA:** When were each of the following documentation completed:

- (a) the Department of Education and Children's Services Priorities for Aboriginal Education;
- (b) the Aboriginal Education Strategic Plan; and
- (c) the Aboriginal Employment Strategy?

The Hon. J.D. LOMAX-SMITH: The 'DECS Priorities for Aboriginal Education' was developed in 2004. It provided detail about proposed actions to improve the education outcomes of Aboriginal children and students in South Australia. The DECS Priorities for Aboriginal Education became a supporting document for the implementation of the DECS Aboriginal Strategy 2005-10.

The 'DECS Aboriginal Strategy 2005-10' was completed in 2005 and publicly launched on the 1 June 2005 by the Minister for Education and Children's Services, and the then Chief Executive, Department of Education and Children's Services, Mr Steve Marshall. It contains two key components, the DECS Aboriginal Education Strategy 2005-10 and the DECS Aboriginal Employment Strategy 2005-10.

**EMPLOYMENT, TRAINING AND FURTHER
EDUCATION DEPARTMENT STAFF**

127. Dr McFETRIDGE:

1. How many departmental staff were employed in each year since 2004-05?

2. How many staff were employed in the Chief Executive's Office in 2005-06, and what was the role and remuneration of each employee?

The Hon. P. CAICA: The Minister for Employment, Training and Further Education:

1. Details on how many Departmental staff were employed each year since 2004-05

2005-06	3746
2004-05	3547

The 2005-06 numbers include the Office for Youth

2. Details of the staff located in the Office of the Chief Executive (OCE) as at 30 June 2006 were as follows:

Total Staff Employed in the OCE as at 30 June 2006 = 21.2 (figure does not include trainee)

Role and remuneration of each employee within the OCE

Role	Remuneration (base)
Correspondence Officer	\$40 321
Senior Policy Officer	\$67 989
Speech Writer/Project Officer	\$70 714
Deputy Chief Executive	\$179 258
Executive Adviser (0.2 FTE)	\$17 636
Manager Ministerial Services	\$82 849
Senior Briefing and Liaison Officer	\$64 060
Briefing and Liaison Officer	\$50 729
Executive Assistant to Deputy Chief Executive	\$49 584
Executive Assistant to Deputy Chief Executive	\$51 874
Briefing and Liaison Officer	\$50 729
Administration Services Officer	\$40 321
Director Executive Services	\$103 044
Deputy Chief Executive	\$176 724
Chief Executive	\$234 447
Trainee	\$17 737
Project Officer	\$51 874
Administration Services Officer	\$40 321
Executive Assistant to the Chief Executive	\$51 874
Administration Services Officer	\$40 321
Manager Legislation and Delegations	\$81 629
Project Officer—Delegations	\$59 679
Project Officer—Freedom of Information	\$61 944

**EMPLOYMENT, TRAINING AND FURTHER
EDUCATION DEPARTMENT OUTCOMES**

128. Dr McFETRIDGE:

1. What additional outcomes were generated by the department in the last two financial years and what revenue was generated as a result?

2. Does the department have an overseas sales unit and if so, what are the staffing levels and what revenue is generated by this unit?

The Hon. P. CAICA:

1.

- DFEEST collects student data on a calendar year basis and not financial year.
- In 2004 there were 820 international students in TAFE courses and this generated revenue of approximately \$6.5 million in tuition fees.
- In 2005 there were 829 international students in TAFE courses and this generated approximately \$6.6 million in tuition fees.
- From January 2006 to October 2006 there are 881 international students in TAFE courses and this has generated approximately \$7.05 million in tuition fees.

2.

- DFEEST has a Marketing and International unit which includes an International Marketing team. The team is responsible for the recruitment of international students to TAFE SA.
- The team comprises four staff members as follows:
 - Manager, International Marketing
 - Manager, Off-Shore Recruitment

- Manager, On-Shore Recruitment
- International Resource Officer.

**EMPLOYMENT, TRAINING AND FURTHER
EDUCATION DEPARTMENT SUPPLIERS**

129. Dr McFETRIDGE:

1. How many local businesses currently supply the department and of these, how many await payment?

2. What is the total outstanding debt currently owed to local suppliers and by what length of time do departmental payments to suppliers exceed government directed payment procedures?

The Hon. P. CAICA:

1.

- The number of local businesses that currently supply DFEEST is approximately 9215.
- Of the 9215 businesses that supply DFEEST 357 of them are currently awaiting payment.

2.

- The total outstanding debt currently owed to local suppliers is \$923 645.57.
- Government directed payment procedures state that 90 per cent of all invoices must be paid within 30 days of invoice date. Based on this for the month of September 2006, DFEEST paid 85 per cent within 30 days, 9 per cent within 60 days, 2 per cent within 90 days and 4 per cent over 90 days.

LUCKY BAY FERRY

132. Mr HAMILTON-SMITH:

1. What funding and other support has the Government provided to the Lucky Bay to Wallaroo ferry project?

2. Will the State Government provide matching Federal Government funding to the District Council of Franklin Harbour for the purpose of sealing the road between Flinders Highway and Lucky Bay before the new ferry service begins?

The Hon. P.F. CONLON: I provide the following information:

1. The Eyre Peninsula Ferry Service is a privately funded project and the State Government has not provided any direct financial support to establish or operate the service. The Government has, however, provided assistance by supporting the construction of the berths at Lucky Bay and Wallaroo as Crown Infrastructure Developments and making Section 49 of the *Development Act 1993* available as the vehicle for project assessment and the granting of approvals. The Government has worked with the proponent to facilitate the necessary approvals and has leased Government owned land to the operator free of charge.

The Government is also assisting in the preparation of an Indigenous Land Use Agreement for a piece of land at Lucky Bay that is covered by Native Title.

2. The first run of the Eyre Peninsula Ferry service occurred on 8 December 2006. At this stage we are not aware of any commitment from the Australian Government to contribute money to seal the Lucky Bay Road.

The State Government's position on the provision of funds for sealing the Lucky Bay road has been consistent throughout all discussions and negotiations on the project. The State Government will consider providing a share of funds for the road to be sealed, once the ferry service has demonstrated that it has a reasonable chance of operating successfully into the future.

I note works have been undertaken to upgrade the intersection of the Lucky Bay Road with the Lincoln Highway.

TRANSPORT DEPARTMENT, SPACE

140. Mr HAMILTON-SMITH: Does the Department of Transport require additional space in Roma Mitchell House and is the Office for Women moving to facilitate this?

The Hon. P.F. CONLON: I provide the following information:

The Office for Women is being relocated from its current position in Roma Mitchell House to enable it to be co-located with the Women's Information Service.

When this move occurs, it will generate office space in Roma Mitchell House, which will most likely be used to accommodate officers from the Department for Transport, Energy and Infrastructure (DTEI).

The Office for Women is not moving because DTEI requires more office space.

GILLMAN LAND

166. **Mr HAMILTON-SMITH:** What are the Government's plans for the land held by the Land Management Corporation at Gillman, what is the value of this holding and when will it be sold or utilised?

The Hon. P.F. CONLON: I provide the following information:

The Land Management Corporation (LMC) owns approximately 59.2 ha within the suburb of Gillman. The Government has earmarked this land for future Industrial use, with the land being included in the Draft Metropolitan Adelaide Industrial Land Strategy. As at 30 June 2006, the total landholding was valued at approximately \$4.7 million.

Excluding access roads, levee banks and other leased areas, there is approximately 53.0ha of low-lying land that could be filled and developed for industrial use.

Pending planning approvals, filling works for Stage 1 (between 15 and 20 hectares) are expected to commence in 2007, after which the land will be serviced and allotments created, ready for sale to the private sector.

The development of subsequent stages would be dependant upon the sourcing of appropriate fill materials.

NORTH HAVEN LAND

167. **Mr HAMILTON-SMITH:** What is the progress of negotiations with Local Government regarding the transfer of land at North Haven beach?

The Hon. P.F. CONLON: I provide the following information:

Negotiations have been completed with the City of Port Adelaide Enfield concerning the transfer of land owned by the Land Management Corporation (LMC) at North Haven Beach. Documentation to revert LMC's title to Crown land has been signed by the relevant parties and will be lodged with the Land Titles Office.

Following this process, the beach land will be dedicated under the care and control of the City of Port Adelaide Enfield.

CITY OF UNLEY

183. **Mr PISONI:** Was the \$500 000 debt owed to the City of Unley discussed in the negotiations for the sale of the Adelaide '36ers' and the Dome and if so, when will this debt be recovered?

The Hon. K.O. FOLEY: I refer the honourable member to my response that was published in *Hansard* on 5 December 2006.

SCHOOLS, UNLEY PRIMARY

184. **Mr PISONI:** Will Departmental funding continue for the Unley Primary School's Greek and Italian Mother Tongue programs?

The Hon. J.D. LOMAX-SMITH: The Unley Primary School's funding for First Language Maintenance and Development Programs will continue in 2007.

RAINFOREST TIMBERS

185. **Mr PISONI:** Why are rainforest timbers such as Meranti, being supplied to students for use in their technical studies projects in South Australian public schools?

The Hon. J.D. LOMAX-SMITH: The budget line referenced by the Honourable Member does include expenditure by schools on timber. However, the Department of Education and Children's Services does not have detail of expenditures on particular timber purchases of individual schools.

Import and sale of timber is tightly controlled by Australian Government policy and international agreements. As Australia is a member of the international treaty *The Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES)*, which is administered by the United Nations Environment program, compliance is enforced under the *Environment Protection and Biodiversity Conservation Act 1999*, which strictly controls the importation, forestation and use of any endangered timber. Timber suppliers are required under the Act to abide by the regulations.

Meranti is not currently on the CITES list of banned or controlled tree species, which is updated from time to time when a tree species is considered endangered.

However, advice from schools indicates that design and technology teachers are vigilant in regard to issues of sustainability

and environmental impact and are mindful that Meranti is a rainforest timber. In addition, the characteristics of the timber are such that it is not considered of suitable quality for most design and technology projects. As such, little if any is currently used in schools. In any instances where it may be used, this is likely to be old stock. The vast bulk of timber purchased by schools is radiata pine.

Given the Department's strong stance on environmental conservation, communication will be undertaken with teachers to reinforce that purchase of rainforest timber should be avoided.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The \$99,000 and the \$5,000 are not related in any way. The line referred to, entitled Bad and Doubtful debts consists of two components; first, actual amounts written off during the course of the relevant financial year, and second, expenses to create a provision for doubtful debts in the statement of financial position.

In 2004-05 and 2005-06 no amounts were collected in relation to bad and doubtful debt provisions and write offs.

The \$99,000 of bad and doubtful debts expense reported in 2004-05 audited financial statements consists of a \$30,000 doubtful debts expense brought to account for the first time, to create a provision for doubtful debts in the statement of financial position and the remaining \$69,000 represents debts written off.

In 2005-06 \$5,000 of outstanding debts were written off.

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The \$263,000 Social Inclusion Initiative—School Retention Action Plan No. 4 is comprised of:

- \$97,000 funding for the Senior Secondary Retention and Engagement Program
- \$92,000 for the administration of funding; collection and evaluation of data; monitoring and coordination of the implementation of the School Retention Action Plan
- \$74,000 for evaluation of programs and collection of additional data for the Social Inclusion Board's Preliminary School Retention Evaluation.

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The \$3.13 million general purpose assistance for 2005-06 includes grant payments to the following entities:

- Leigh Warren and Dancers (\$253,000)
- Contemporary Arts Centre (\$227,000)
- Australian String Quartet (\$215,000)
- Vitalstatistix National (\$203,000)
- Brink Productions (\$161,000)
- Craftsouth (\$159,000)
- Doppio Teatro Inc (\$142,000)
- Mainstreet Theatre Inc (\$130,000)
- Community Arts Network of South Australia (\$128,000)
- Nexus Multicultural Arts Centre (\$116,000)
- Experimental Art Foundation (\$109,000)
- South Australia Writers Centre Inc (\$108,000)
- Ausdance South Australia (\$96,000)
- Co-Opera Inc (\$94,000)
- South Australia Living Artists Inc (\$83,000)
- Arts Access South Australia (\$80,000)
- Adelaide Gay & Lesbian (\$71,000)
- Adelaide Baroque Inc (\$70,000)
- Wakefield Press (\$70,000)
- Artlink (\$62,000)
- Folk Federation of South Australia Inc (\$49,000)
- Ananguku Arts & Cultural (\$40,000)
- Jazz Co-ordinator South Australia (\$38,000)
- The Bakehouse Theatre Company (\$35,000)
- Knee High Puppeteers Inc (\$33,000)
- Ausmusic (\$30,000)

The remaining \$328,000 of general purpose assistance for 2005-06 comprises 23 minor value payments to various artists and small art groups.

The \$2.320 million project assistance for 2005-06 includes payments to the following entities:

- Country Arts of South Australia (\$120,000)
- Adelaide Festival Centre (\$70,000)

- State Theatre Company (\$50,000)
- Flinders Medical Centre (\$35,000)
- History Trust of South Australia (\$30,000)
- The Queen Elizabeth Hospital (\$23,000)
- Admin & Information Services (\$18,000)
- Carclew Youth Arts Centre Inc (\$120,000)
- University of South Australia (\$109,000)
- Adelaide Fringe (\$106,000)
- Australian Festival for Young (\$90,000)
- Patch Theatre Company (\$54,000)
- Adelaide Vocal Project (\$41,000)
- South Australia Living Artists Inc (\$37,000)
- Adelaide Gay & Lesbian (\$35,000)
- Lampshade Shop (\$34,000)
- Beach Road Artworks Inc (\$30,000)
- Arts Access South Australia (\$30,000)

The remaining \$1.288 million of project assistance for 2005-06 comprises 143 minor value payments to various entities.

The 2.982 million other arts grants for 2005-06 includes payments to the following entities:

- Department of Health (\$63,000)
- South Australian Tourism Commission (\$40,000)
- Adelaide International Film Festival (\$865,000)
- City of Tea Tree Gully (\$157,000)
- Adelaide Fringe (\$151,000)
- Arts Projects Australia (\$134,000)
- Indigenous Festivals of Australia Inc (\$133,000)
- Carclew Youth Arts Centre Inc (\$107,000)
- Australian International Documentary (\$75,000)
- Ausmusic (\$52,000)
- City of Playford (\$50,000)
- City of Port Adelaide / Enfield (\$50,000)
- Minda Inc (\$50,000)
- Christies Beach High School (\$47,000)
- Parafield Gardens Junior & Primary School (\$47,000)
- Adelaide City Council (\$47,000)
- University of Adelaide (\$45,000)
- Jam Factory Contemporary Craft (\$38,000)
- Riley Sean (\$35,000)
- Dr Christine Nicholls (\$35,000)
- Belalie Arts Society (\$31,000)

The remaining \$730,000 of other arts grants for 2005-06 comprises 119 minor value payments to various entities.

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The amount of \$585,000 in 2004-05 relates to charges to other Departments for services provided by the former Division of the Department of the Premier and Cabinet known as the Office for the Commissioner for Public Employment. The charges can be detailed as follows:

- \$269,000 for a recruitment project for the Department of Families and Communities;
- \$20,000 for vacancy management;
- \$226,000 for leadership and management development;
- \$44,000 for competency consultancy projects; and
- \$26,000 for organisational consulting services.

The amount for the 2005-06 financial year was zero due to the fact that Office for the Commissioner for Public Employment was dissolved on 30 June 2005 and a new agency, the Office of Public Employment, was established on 1 July 2005 as a separate reporting entity.

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The item described as 'error correction' is now separately disclosed due to changes in Australian Equivalent of International Financial Reporting Standards, and comprises the following:

\$3,000 relates to the recovery of payroll overpayments recorded against revenue in 2004-05, however this should have been recorded against the Deductions Clearing Account in the balance sheet. Equity has been restated in accordance with AASB 108 paragraph 42(b) and AASB 101 paragraph 96(d).

\$4,000 relates to rounding adjustments made in 2004-05, which required equity to be restated in accordance with AASB 108 paragraph 42(b) and AASB 101 paragraph 96(d).

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The net assets deficiency increased from \$1.1 million to \$1.7 million during 2005-06 as a result of a net deficit on operations. This was largely due to the increase in employee entitlements that accrued during the year, such as long service leave and annual leave entitlements.

On 21 September 2006, the Government announced that the Office of Public Employment would transfer to the Department of the Premier and Cabinet from 1 October 2006. This will result in all employee entitlement benefits for former Office of Public Employment employees being assumed by the Department of the Premier and Cabinet. The Department will have sufficient assets in the form of cash and physical assets to assume the net liability position of the former Office.

Furthermore, the Department currently budgets for the estimated increase in employee entitlements on an annual basis. The Department will reassess this budget provision with the transfer of the former Office to the Department to ensure that it is adequate.

In reply to **Hon. I.F. EVANS** (22 November 2006).

The Hon. M.D. RANN: I have been advised of the following:

The Internal Audit Committee of the Department of the Premier and Cabinet identified instances of non-compliance with Treasurer's Instruction 15, *Grant Funding*, in February 2005. This is the only time since March 2002, when Arts SA became a division of the department, that the Internal Audit Committee has reviewed departmental grant management processes.

COUNTRY FIRE SERVICE

In reply to the **Hon. G.M. GUNN** (21 September 2006).

The Hon. M.D. RANN: The Minister for Environment and Conservation has provided the following information:

Emergency clearance of native vegetation to control a running fire is exempt under the *Native Vegetation Regulations 2003* from the need to obtain a consent, provided the clearance is authorised or at the direction of an appropriate person authorised under the *Fire and Emergency Services Act 2005* (generally the person authorised from the control of the fire).

PENSIONERS, WAITING LISTS

In reply to **Ms CHAPMAN** (20 June 2006).

The Hon. J.D. HILL: I am advised:

There has been a high demand for surgical shoes for a number of years and this has led to a waiting list for these items. In view of this the Rann Government has provided additional funding to clear the waiting list.

All clients of Metropolitan Domiciliary Care who have been waiting for surgical shoes have been contacted to inform them of the process to access their new shoes.

HOSPITALS, WINTER DEMAND

In reply to **Ms CHAPMAN** (27 June 2006).

The Hon. J.D. HILL: I am advised:

Between May 2006 and August 2006, an extra 179 nurses have been employed across metropolitan hospitals. This does not include the agency nurses or the carers who worked over the same period.

Between June 2002 and June 2006 an extra 1836 nurses have been employed in the public health system.

MARGARET TOBIN CENTRE NURSES

In reply to **Ms CHAPMAN** (20 September 2006).

The Hon. J.D. HILL: The Minister for Mental Health and Substance Abuse has advised:

Four staff members from Glenside Campus responded to an expression of interest to work at the Margaret Tobin Centre. The four transfers occurred between 16 September to 26 September 2006.

ENCOUNTER MARINE PARK

In reply to **Mr Pengilly** (12 October 2006).

The Hon. J.D. HILL: The Minister for Environment and Conservation is advised:

The latest information regarding marine parks in South Australia, including the Encounter Marine Park, is publicly available from either the Department for Environment and Heritage (DEH) website

(www.environment.sa.gov.au/coasts/mpas.html), regional DEH offices or by contacting DEH on telephone 8124 4900.

The Kingscote meeting of 12 September 2006 was one of 15 public meetings held across South Australia as part of the consultation program for the Draft Marine Parks Bill 2006. At each of these meetings, DEH officers provided a presentation and made available wide-range of information about the draft Bill and the marine parks program, including explanatory documents, brochures and various fact sheets. One of the available fact sheets is titled 'Marine Parks and Commercial Fishing'. This document is not compensation form

as suggested. Rather, it is information about marine parks tailored particularly for commercial fishers.

REGIONAL DEVELOPMENT CONTRACTORS

In reply to **Ms PENFOLD** (6 December 2006).

The Hon. K.A. MAYWALD: I am advised a breakdown of expenditure on the regional development contractors and consultants for 2005-06, listing names of the contractors and consultants, costs, work undertaken and the method of appointment is as per the tables below.

Consulting Firm	Work Undertaken	Method of Appointment	2005-06 amount
			\$'000
Below \$10 000			27
Ian McKenzie Pty Ltd	Independent review of company operations.	Single source	2
Kristine Peters	Planning Day for Aboriginal Strategy Consultation	Single source	3
Econsearch Pty Ltd	Final Report discussing findings in relation to the Regional Economic Model	Selective tender brief to 3 organisations	4
EconSearch Pty Ltd	Regional Economic Model	Selective tender brief to 3 organisations	5
Flinders University	Contribution to regional development policy papers	Single source	5
Indigo Consulting Group	Development of RCCC Policy Paper	Single source	8
Between \$10,000 and \$50,000			47
EconSearch Pty Ltd	Economic modelling project to provide input-output models for each Regional Development Board region.	Single source	16
PKF (SA) Pty Ltd	Independent review of company operations.	Selective tender brief to 3 organisations	31
Below \$10,000			
Janet Gould & Associates	Engaged to read and provide comments on a draft Aboriginal Economic Development Strategy.	Single source	1
Austin Williams Publishing	Research and write the Regional Skills Shortage Case Studies.	DTED Preferred Supplier Panel	5
Between \$10,000 and \$50,000			99
Maureen Sandrini	Provided a comprehensive range of administrative support services to the Regional Policy Team.	Single source	13
Kristine Peters Project Management	Deliver the 'Building Positive Rural Futures' study tours and coordinate the Community Builders Program.	Single source	86
Below \$10,000			45
Westaff Australia Pty Limited (10 individuals)	Temporary staff were engaged to perform administrative duties across the department.	Whole of Government – Temp Agency Panel	45

SMALL BUSINESS CONTRACTORS

In reply to **Mrs PENFOLD** (6 December 2006).

The Hon. K.A. MAYWALD: I am advised a breakdown of expenditure on the small business contractors and consultants for 2005-06, listing names of the contractors and consultants, costs, work undertaken and the method of appointment is as per the tables following.

Consulting Firm	Work undertaken	Method of appointment	2005-06 amount \$'000
Below \$10,000			9
Barnett Communications & Marketing	Conference Coordinator and secretariat.	DTED Preferred Supplier Panel	9
Between \$10,000 and \$50,000			86
Seemore Solutions	DTED Project Manager of Small Business Week.	DTED Preferred Supplier Panel	31
ICMI Speakers and Entertainers	Fees paid for sourcing and provision of speakers.	Single source based on referral from DTED Preferred Supplier	43
Corporate Matters	Provision of copywriting and general advertising services for workshops and seminars conducted by the Office of Small Business.	Single source	12
Below \$10,000			17
Locher & Associates (5 individuals)	Provision of temporary staff required in division for administrative support due to permanent staff members on leave, ie: by virtue of maternity leave for seven months.	Whole of Government – Temp Agency Panel	8
Drake Personnel (1 individual)			9

SMALL BUSINESS WEEK

In reply to **Ms PENFOLD** (6 December 2006).
The Hon. K.A. MAYWALD: I am advised the actual expenditure for Small Business Week was \$227,000.

EYRE PENINSULA BUSHFIRES

In reply to **Mr PENGILLY** (22 June 2006).
The Hon. K.O. FOLEY: The Hon. Carmel Zollo, MLC, Minister for Emergency Services has provided the following advice:
 The Government has provided the SA Country Fire Service (CFS) with additional funding of \$517,000 in 2005-06 and \$231,000 in 2006-07 for the Coronial Inquest into the Wangarry bushfires.

PAPERS TABLED

The following papers were laid on the table:
 By the Speaker—

- Reports of the Public Works Committee which have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991:
 - Port Lincoln Marine Science Centre Stage 1 Redevelopment;
 - Wine Innovation Cluster Central Building—Waite Campus;
 - Kingston Area School Redevelopment;
 - South Road Upgrade-Anzac Highway Underpass;
 - Clay Wells-Penola Road Widening And Pavement Straightening;
 - Henley High School Redevelopment—Stage 2;
 - Birdwood High School Music, Home Economics & Technical Studies Redevelopment;
 - Woodside Primary School Redevelopment
- Pursuant to section 131 of the Local Government Act 1999 the following 2005-06 annual reports of local councils:
 - Adelaide City
 - Barossa Council
 - Burnside
 - Campbelltown
 - Charles Sturt

- Copper Coast
- Gawler
- Goyder
- Holdfast Bay
- Kangaroo Island
- Light
- Lower Eyre Peninsula
- Loxton Waikerie
- Mallala
- Mid Murray
- Naracoorte Lucindale
- Northern Areas
- Norwood, Payneham & St Peters
- Onkaparinga
- Playford
- Port Augusta City
- Roxby Downs
- Salisbury
- Southern Mallee
- Tatiara
- Tea Tree Gully
- Unley
- Wakefield
- Walkerville
- Whyalla
- Yankalilla

- By the Deputy Premier (Hon. K.O. Foley)—
 - Australian Crime Commission—Report 2005-06
- By the Treasurer (Hon. K.O. Foley)—
 - Final Budget Outcome—Report 2005-06
 - Regulations under the following acts—
 - Southern State Superannuation—Salary Sacrifice
- By the Minister for Transport (Hon. P.F. Conlon)—
 - Proposal to Locate a new Dual Transportable Classroom at Burnside Primary School—pursuant to section 49(15) of the Development Act 1993
 - Regulations under the following Acts—
 - Development Act—
 - Building Safety
 - Major Developments Panel
 - Harbors and Navigation—Compulsory Pilotage
 - Road Traffic—Photographic Detection Devices

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

- Regulations under the following Acts—
 - Dust Diseases—Prescribed Industrial and Commercial Processes
- Rules of Court—
 - District Court—Rules—Criminal Court Subpoenas

By the Minister for Health (Hon. J.D. Hill)—

- Botanic Gardens and State Herbarium, Board of—Report 2005-06
- Ceduna Koonibba Aboriginal Health Service Inc—Report 2005-06
- Central Northern Adelaide Health Service—Report 2005-06
- Charitable Funds, Commissioners of—Report 2005-06
- Children, Youth and Women's Health Service—Report 2005-06
- Optometrists Board of South Australia Annual—Report 2005-06
- Public and Environmental Health Council—Report 2005-06
- South Australian—Victorian Border Groundwaters Agreement Review Committee to June 2006
- South Eastern Water Conservation and Drainage Board—Report 2005-06
- Upper South East Dryland Salinity and Flood Management Act Report—1 October-31 December 2006
- Regulations under the following Acts—
 - Controlled Substances—Uniform Poisons Standard Environment Protection—Fees and Levy
 - Natural Resources Management—Tagged Interstate Water Trades
 - Tobacco Products Regulations—Prohibited Advertising

By the Minister for Government Enterprises (Hon. M.J. Wright)—

- Regulations under the following Acts—
 - Fire and Emergency Services—Spark Arrester

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

- Teachers Registration Board of South Australia—Report 2004-05
- Regulations under the following Act—
 - Senior Secondary Assessment Board of South Australia—Subjects and Fees

By the Minister for Families and Communities (Hon. J. W. Weatherill)—

- Regulations under the following Act—
 - Children's Protection—Aboriginal Child Placement Principle

By the Minister for Disability (Hon. J.W. Weatherill)—

- Independent Living Centre Annual Report 2005-06

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

- Advisory Board of Agriculture Report

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

- Regulations under the following Acts—
 - Local Government—
 - Financial Management
 - Postponement of Rates
 - Local Council By-Laws—
 - District Council of Ceduna
 - No. 1—Permits and Penalties
 - No. 2—Moveable Signs
 - No. 3—Local Government Land
 - No. 4—Dogs and Cats
 - Rural City of Murray Bridge
 - No. 7—Taxis

By the Minister for Consumer Affairs (Hon. J.M. Rankine)—

Regulations under the following Acts—

- Liquor Licensing—
 - Beachport
 - Bonython Park
 - Glenelg
 - Goolwa
 - Holdfast Bay
 - Minors
 - Port Adelaide
 - Port Vincent
 - Renmark
 - Robe
 - Waikerie.

MURRAY RIVER

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

Leave granted.

The Hon. M.D. RANN: The importance of the Murray-Darling Basin to the future of South Australia cannot be overestimated. Over 90 per cent of South Australians rely on the River Murray, yet we extract, I am told, only 7 per cent of all water taken from the length of the river system. It is therefore imperative to South Australia's interests that the river system be managed responsibly and effectively to ensure the health of the river and the sustainability of our water supply.

The interests of the River Murray and the interests of South Australia cannot be separated. The current arrangements for the management of the basin, through the Murray-Darling Basin Commission and the ministerial council, chaired by the commonwealth government, are not working as well as they should. The Prime Minister has conceded that decisions of the commission often reflect parochial interests and do not reflect the best interests of the basin as a whole. This has worked to the disadvantage of South Australia. The Prime Minister has also acknowledged that the behaviour of upstream states has a significant impact on South Australia.

I believe that the national interest and the interests of South Australia require a new approach and that new arrangements are needed to manage the Murray-Darling Basin: arrangements that do not leave South Australia at the mercy of vested interests and powerful lobby groups upstream; and interests that have overexploited the river for decades through excessive water allocations, inefficient and wasteful irrigation practices, the planting of crops such as cotton and rice, and by simply exceeding or ignoring caps on water use. I should say that I am told that the rice industry, and perhaps even the cotton industry, have condemned me and South Australia for our position on this issue, and that I regard as a great vindication.

An honourable member interjecting:

The Hon. M.D. RANN: It's great to see people auditioning for The Wiggles here today. I understand that there is a vacancy for the yellow Wiggle and apparently they turned up. At least we have stopped Malcolm Turnbull's weir at Tailem Bend. John Howard, however, strongly supports, if necessary, a weir being built. So, maybe I can amend those afterwards—after you have finished your audition for The Wiggles.

South Australia has done its part to improve the management of the river system. This government has appointed an independent commissioner to the Murray-Darling Basin Commission. Our irrigators are amongst the most efficient in the nation, and our household water consumption rates compare favourably with other states. We lead the nation in the recycling of water for irrigation. Subject to environmental

approvals and a decision to proceed with the proposed Roxby Downs expansion project, this government has announced that it will invest in the biggest desalination plant in the southern hemisphere.

Members interjecting:

The Hon. M.D. RANN: We remember that members opposite supported a nuclear waste dump being put in South Australia. When having to choose between backing John Howard and backing the interests of South Australia, the Leader of the Opposition lined up alongside John Howard.

Members interjecting:

The SPEAKER: Order! I should not need to call order more than once. The member for Schubert is warned. The Premier.

The Hon. M.D. RANN: Thank you, sir. Irrigators are amongst the most efficient in the nation and our household water consumption rates compare favourably with other states. We lead the nation in the recycling of water for irrigation. Subject to environmental approvals and a decision to proceed with the proposed Roxby Downs expansion project, the government has announced it will co-invest with BHP Billiton in the largest desalination plant in the southern hemisphere, to be located in the Upper Spencer Gulf. The plant will relieve pressure on the Murray. The feasibility and economic viability of a desalination plant for Adelaide is also being considered. However, as a downstream state, we cannot do it alone; a national approach is needed.

I advised the commonwealth government last week that South Australia is prepared to relinquish constitutional control over the River Murray to the commonwealth provided—and only provided—South Australia's long-term water security needs are protected. On Friday 2 February, I met with my friend and colleague the federal minister, Malcolm Turnbull, and commenced negotiations with a view to establishing national control over the Murray-Darling Basin by an independent board reporting to him but with clear safeguards for South Australia. However, once surrendered, our constitutional rights and our ability to influence the management of the river may be lost forever.

South Australia's rights should not be given up lightly. It would be highly irresponsible, and I would not be fit for office—and you would not be fit for office—if we simply agreed to a commonwealth plan that did not preserve the state's fundamental right of access to an equitable share of the waters of the River Murray. That is what we are fighting to do: we are trying to preserve and protect the interests of the river which happen to coincide with the interests of South Australia. This government is not prepared to surrender the interests of the River Murray and the interests of South Australia. An agreement must be reached that safeguards the interests of the river in terms of environmental flows and the broader interests of the state.

Accordingly, as part of the negotiations, I will be seeking from the commonwealth—and there will be a meeting on Thursday afternoon, I understand, with the Prime Minister and other premiers—guarantees of minimum environmental and consumptive water flows into the River Murray for South Australia. I would like to know whether the opposition is going to line up, as they did over the nuclear waste dump with John Howard, or whether they are going to support South Australia's interests in regard to the River Murray.

I will also be seeking a specific commitment of commonwealth funding of water infrastructure projects in South Australia, including water-saving measures for irrigation and water security measures. For example, I will be asking the

commonwealth to commit to joining with South Australia in making a major funding commitment to the proposed desalination plant. I will be asking for a commitment from the commonwealth to provide funding for the desalination plant. I will also be seeking funding for other projects. We will be looking at other issues. In addition to minimum environmental flows—

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. M.D. RANN: Thank you for your protection. I am a delicate fellow and I need your protection. We will be seeking funding for other projects, including looking at, for instance, a water security reserve that could be made available for South Australia—commonwealth water in the event of a drought. As it stands, the plan released by the Prime Minister contains no such guarantees for South Australia and is ominously light on detail.

Members interjecting:

The Hon. M.D. RANN: Apparently members opposite want me to sign away the state's rights without getting the best deal for South Australia, yet they want to run this state. That is what they did over the nuclear waste dump and the IR laws. It should be recognised that South Australia has already undertaken significant irrigation infrastructure works such as closing culverts and opening channels that the commonwealth proposes to fund in the upstream states. South Australia should not be disadvantaged because it has led the way in creating an efficient irrigation sector over decades. I will also negotiate with the commonwealth over the creation of an independent board to manage the basin, with the board reporting to the federal minister.

Decisions about the management of the basin must be made on the basis of the best scientific and known environmental evidence and the responsible and equitable distribution of water from the basin. I believe this can only be truly achieved through an independent board of management comprising experts in the field. The model of an independent board or authority reporting to a commonwealth minister has worked most successfully in other areas. For example, the Reserve Bank is an independent body responsible for the prudential management of the banking and financial sector. Similarly, an independent commission can be responsible for the prudential management of the Murray-Darling Basin.

Mr Williams interjecting:

The Hon. M.D. RANN: I did write to them.

The SPEAKER: Order, the member for MacKillop! You will remain silent.

Members interjecting:

The Hon. M.D. RANN: I think he has just made my point for me. Yes, we did write to them, and they ignored our position. They must be fairly independent. A number of eminent persons with significant expertise and knowledge—

An honourable member interjecting:

The Hon. M.D. RANN: Apparently, they support high interest rates now. A number of eminent persons with significant expertise and knowledge about the issues confronting the Murray-Darling Basin have been in contact with me and I have been in contact with them. I am delighted that they have expressed their support for an independent authority to manage the basin. Professor Peter Cullen, a former Adelaide thinker in residence and a member of the Wentworth Group of Concerned Scientists favours an independent regulator. Professor Cullen's approach is supported by Professor John Langford, a recognised leader in urban and rural water management reform.

I am informed that Professor Mike Young, Research Chair, Water Economics and Management at the University of Adelaide, advocates the establishment of an apolitical authority to make decisions on the management of the ground and surface water resources of the Murray-Darling Basin. It is only through a politically independent authority that the parochial interests acknowledged to exist by the Prime Minister can be removed from the management of the basin. The management of this precious resource should not be left to federal politicians who are beholden to powerful lobbies such as the cotton and rice industries in the upstream states. We have heard that the rice industry has rejected the Rann plan and supports the Howard plan, so why should we sign up to the model supported by the rice and cotton industries? I ask you to consider that. Please consider. Only through an independent body can South Australia's interests be protected from the impact on the management of the river system of changes in the balance of power in the federal coalition or the unknown impact of changes to the priorities of future commonwealth governments in the decades to come.

Turning now to the creation of a new portfolio of water security. Today, her Excellency the Governor, on advice, appointed the member for Chaffey as Minister for Water Security. With South Australia facing a serious water crisis, the member for Chaffey will take responsibility for water security, including SA Water, complementing her current management of the River Murray. It makes sense, given the current national water crisis and debate and the challenges we face in South Australia, to bring together ministerial responsibility for both the River Murray and SA Water.

The Minister for Water Security will work in collaboration with the Hon. Gail Gago, the Minister for Environment and Conservation, on managing the environmental aspects of our state's water resources. The administration of SA Water has been transferred from the Minister for Government Enterprises to the new portfolio of water security. I would like to recognise the Minister for Government Enterprises and thank him for his efforts in assisting other ministers to develop and implement Waterproofing Adelaide initiatives, which are being highlighted not only around Australia but also internationally.

The minister's responsibilities have, of course, expanded with the new finance portfolio, and they include the large Shared Services project, which seeks greater efficiencies across the whole of government. In other changes to the ministry, the Minister for Employment, Training and Further Education takes on the extra responsibilities of science and information economy, which is being transferred from the member for Chaffey, allowing her to focus on the important issue of water security. Bringing these portfolios together under one minister makes sense given our emphasis on training, higher education and science. My final message to members opposite is that being in government requires a lot greater responsibility than auditioning for The Wiggles.

ADVISORY BOARD OF AGRICULTURE

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): With reference to the report of the Advisory Board of Agriculture, which I tabled today, I wish to place on the record my thanks to Michael Richards and his team for the leadership they have shown.

WATER RESOURCES

The Hon. K.A. MAYWALD (Minister for Water Security): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: Widespread drought in the Murray-Darling Basin is putting incredible strain on our water resources, particularly the River Murray. We have had record low inflows in the Murray-Darling Basin in each of the past eight months. Since June 2006, the River Murray (excluding Snowy and Darling inflows) has recorded about 10 per cent of median inflows. South Australia's median flow across the border is usually about 4 800 gegalitres per year. The last time South Australia received this was in the 2000-01 water year. For this year (2006-07), South Australia is likely to receive only 1 470 gegalitres.

The low inflows are causing a significant emptying of the Hume and Dartmouth reservoirs. Storage levels at the end of January 2007 were 1 540 gegalitres. The long-term average is 6 050 gegalitres. With continuing dry conditions and minimum inflows, the total storage at May 2007 will be about 350 gegalitres. The basin storages are unlikely to recover this year without extremely high rainfall and run-off. Average rainfall will not produce average run-off. Extremely low storage levels will present significant problems for water management in South Australia in 2007-08. It is almost certain that water availability in 2007-08 will be low.

As Minister for Water Security, my role involves driving the government's emergency response to the current drought. Today the government has outlined its immediate water security response to prolong supply to the more than 90 per cent of South Australians who rely on the River Murray. I advise the house that, based on available information, this involves a five-point strategy, including:

1. Pumping to Adelaide Hills storages

SA Water is pumping an extra 60 gegalitres from the River Murray to Adelaide Hills storages to build existing reserves and safeguard supplies of water for household use against water quality issues such as toxic algal bloom outbreaks.

2. Lowering of the pump offtakes

Starting in March 2007, four of the main stations that supply Adelaide and country areas will be modified to access water at lower levels as the river level falls. Modifications will extend the time for a decision to be made regarding the construction of a temporary weir.

3. Wetlands and backwaters

Already, 27 regulated wetlands have been closed off from the main river channel, which will save 14 gegalitres in evaporation this year. Another eight water bodies are under investigation for closure, with the potential to save over 43 gegalitres. This will also reduce the risk of water quality issues as highly saline and nutrient-rich water drains back into the river.

4. Fast-tracking filtration plants

The government is accelerating the second stage of the government's \$50 million Country Water Quality Improvement Project. This will provide new water filtration plants for 17 country towns presently supplied with unfiltered River Murray water.

5. Temporary weir

A temporary weir at Wellington is an option that we have to consider. Twelve sites have been investigated as potential sites for construction of a temporary weir to secure water supplies for Adelaide and country areas in 2007-08 if current drought conditions continue. A final location has now been

chosen below Wellington at Pomanda Island. There are three key decisions to make before a weir would be operated, as follows:

- (1) There will be a decision to finalise the design and to commence procurement of materials for a temporary weir. I am advised that this decision will be made later this month.
- (2) That will be followed by a decision to commence construction, and at this stage that decision will be made in June 2007.
- (3) The decision to finish construction and operate the weir will not be made until later this year and probably will occur around October. This decision will be made on the basis of the season as it progresses.

All these measures are emergency measures. They are in response to the extremely low flows to South Australia as a result of the current drought. Running out of water is not an option, and we must plan to provide water to South Australians who rely on the River Murray for their household supply in the event that the current extreme drought conditions continue and the worst case scenario eventuates. It is important to reinforce that this government does not want to build a temporary weir.

Members interjecting:

The Hon. K.A. MAYWALD: We do not want to do it. From the very first statement that was made regarding the matter, it has been made quite clear that the state government does not want to build a temporary weir.

Members interjecting:

The Hon. K.A. MAYWALD: Can I offer the house some advice from the Hon. Malcolm Turnbull, the newly appointed Minister for Environment and Water Resources, who has said that the single biggest measure in terms of creating additional water availability is building a weir at Wellington. Malcolm Turnbull also said that it is probably the single most important piece of infrastructure as far as Adelaide is concerned because, in a drought year such as the one we are going through, Adelaide draws up to 90 per cent of its water from the River Murray. The planning required to establish a temporary weir is one of the key contingency measures that have been endorsed by the Prime Minister.

An honourable member interjecting:

The Hon. K.A. MAYWALD: Concerns about the—

Members interjecting:

The Hon. K.O. FOLEY: Point of order, sir. I rise in defence of our nation's Prime Minister. I ask that the member for Finnis withdraw the obvious implication when he said, in reference to the Prime Minister, 'If you lie down with dogs, you get fleas.' I ask him to apologise to Prime Minister Howard.

Members interjecting:

The SPEAKER: Order! There is no point of order. I am sure the Prime Minister is capable of looking after himself. The Minister for Water Security.

The Hon. K.A. MAYWALD: Concerns about the impact of a temporary weir on the Lower Lakes are misplaced because, if the drought continues, those lakes will be virtually empty irrespective of whether a weir is built. Fortunately, the decision to lower the pumping stations below lock 1 buys us some more time and puts a decision on construction of a temporary weir back to June 2007. Water levels in Lakes Alexandrina—

Members interjecting:

The Hon. K.A. MAYWALD: Are you interested?

An honourable member interjecting:

The Hon. K.A. MAYWALD: Water levels in lakes Alexandrina and Albert are falling rapidly. Today water levels are at 0.38 metres AHD and are forecast to fall to 0.2 metres AHD by mid-March to April this year. Irrigators experience difficulty with pumping water when lake levels drop below 0.4. There is no weir there and we are already having significant difficulties. To help irrigators access water as lake levels decline, the government has streamlined the dredging approvals process. This process was developed by government working with local government and with the cooperation of the lakes' indigenous communities. With correct supporting information, applications are being processed within five days. Stock and domestic water users also experience similar access issues. Work is continuing on the need to arrange alternative water supplies for towns around the lakes which may have trouble accessing water as the lake supply dwindles.

Another issue will be the quality of water. The government is addressing this by manipulating entitlement flow to manage peak offtakes and limiting lockages through the barrages during peak use periods and reverse head conditions. The appointment of community liaison managers, Dean Brown and Neil Andrew, has been an extremely valuable link between the government and communities impacted by this unprecedented drought. We are hearing the concerns raised by the various communities and we are working through the issues with them, and I encourage any residents, irrigators or community groups who want to raise issues involving water supply to contact Mr Brown and Mr Andrew as soon as possible.

I was very pleased that, earlier today, the Leader of the Opposition and some of his colleagues were able to attend a briefing of the media on the serious issues that face our state, and a following briefing with the opposition members alone. I will continue to provide regular briefings to the Leader of the Opposition as we work our way through the challenging times ahead. It is important that we have a bipartisan approach on behalf of our communities on matters that affect all South Australians.

QUESTION TIME

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Premier. What is the latest cost estimate of the proposed weir at Pomanda Point?

The Hon. M.D. RANN (Premier): It is very interesting to talk about this because, before dealing with the substance of the Leader of the Opposition's question, I want to refer to a statement made by Malcolm Turnbull.

The Hon. I.F. EVANS: On a point of order, the Premier has just said he is not going to answer the substance of the question.

The Hon. M.D. Rann: I didn't say that at all.

The Hon. I.F. EVANS: He said 'before he gets to it', and that means he is not answering it now, doesn't it? So, I have a point of order.

The SPEAKER: I will listen to what the Premier has to say.

The Hon. M.D. RANN: It is interesting that the Prime Minister supports building a weir if necessary, and the new Minister for Water Security pointed out today at the briefing

that, on the probabilities, there is a less than 10 per cent chance that it will be necessary to build a weir. No-one wants to build a weir. The Prime Minister does not want to build a weir and I do not want to build a weir. However—

Members interjecting:

The Hon. M.D. RANN: Members opposite want me to hand over control of the River Murray to Malcolm Turnbull. This is what Malcolm Turnbull said.

Ms CHAPMAN: On a point of order, unless the quote gives a quotation of the cost by Mr Turnbull, then it is totally out of order and irrelevant.

The SPEAKER: Order! I will be the judge of that. The Premier.

The Hon. M.D. RANN: Malcolm Turnbull, the man members opposite want to return the River Murray to, said:

The single biggest measure, in terms of creating additional water availability, is the building of a weir at Wellington.

He went on to say:

If the weir is built on the river, it is more likely to be built where the river narrows a little bit upstream from Wellington, near a place called Tailern Bend.

That is what you want: he is the one that you want to run the river. Mark Vaile said:

We will continue to work cooperatively with the South Australian government to ensure that water can adequately be provided to Adelaide.

Vaile goes on to talk about the possibility or the feasibility of the weir at Wellington—

Mrs REDMOND: On a point of order, the answer is irrelevant to the question that was asked, which was clearly about the cost of a weir at Pomanda Point.

Members interjecting:

The SPEAKER: Order! Members on both sides will remain silent while I am trying to hear the point of order. I take it it was about relevance?

Mrs REDMOND: Yes, sir, or the lack thereof.

The SPEAKER: As long as the Premier does not debate—

Members interjecting:

The SPEAKER: Order! As long as the Premier does not debate and is answering the substance of the question, which was about the weir, then he is in order.

The Hon. M.D. RANN: In summary, the issue is this. The Prime Minister does not want to build a weir at Wellington and I do not want to build a weir at Wellington. What we have said right from the start is that it is a last resort, an emergency, temporary measure to guarantee the water security of Adelaide. We believe that there is a less than 10 per cent chance that we, either the commonwealth or the South Australian government, will be forced to build a weir at Wellington. However, if it is necessary, we will. Whatever is necessary, we will do.

Members interjecting:

The SPEAKER: Order!

SOUTH AUSTRALIAN STRATEGIC PLAN

Ms CICCARELLO (Norwood): Can the Premier advise the house of recent changes to South Australia's Strategic Plan?

The Hon. M.D. RANN (Premier): It would have been nice to have had more notice so that I could give a longer answer, but I have been able to cobble up something. I guess my message to the member for Norwood is that if you give me a bit more notice I can give you even more detail. This

will be breaking news. I released the update of South Australia's Strategic Plan on the 24 January. The update renews our commitment to a plan that is a goad to action—if Channel 9 is here—goad to action—for all South Australians—for business, for the community and for government, not a plan for government alone. I said it was a goad to action three years ago, and I am consistent. I am saying that three years later because I think consistency is important in this area.

It sets new ambitious goals for where we want to be in 2014, with a strong focus on health, the environment, education and building a competitive economy. Before I go into detail on the update, let me say something on how this update has come about. I do this particularly for the benefit of the opposition leader because it is clear that he does not get it. He criticised the thousands of South Australians, by implication, who took part in updating the plan from all parts of the state when he called it a 'strategic sham'. Good and decent South Australians in all parts of our state came together to make an input, and what were they described as being involved in? A 'strategic sham'. This from the leader of the party that governed South Australia for more than eight years with no plan except privatisation and sell-offs. And we remember how much the Leader of the Opposition and his group decided to commit to selling off ETSA. How much did they pay the consultants—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: \$100 million.

The SPEAKER: Order! The Premier is now debating the answer. He will return to the substance of the question.

The Hon. M.D. RANN: I apologise. Let me be clear: the updated plan is the outcome of a vigorous and unprecedented process of listening and of community consultation across all parts of South Australia. People from all over our state from all walks of life took part. Community leaders from local government, from regional development boards, natural resource management boards, business and unions came together to talk about what they wanted from the updated plan and what targets they wanted to have included. The update team that comprised people from such organisations as the Local Government Association, the Regional Community Consultative Committee, the Economic Development Board, and others, coordinated this. People such as Peter Blacker, a former National Party member of this house, worked tirelessly to represent the state's regions in this process.

Mrs Penfold: It's not in the Strategic Plan.

The Hon. M.D. RANN: What? Peter Blacker is not in the Strategic Plan?

Members interjecting:

The Hon. M.D. RANN: The update plans new targets, and changes to existing targets came out of this community focused process. I have agreed to continue this positive approach by establishing a community engagement board to ensure the community continues to have a say in the implementation of the Strategic Plan. We will have an audit committee report in mid 2008 on our progress against the targets, and the plan itself will be updated in four years' time following a process of consultation with and listening to the community.

The updated plan comes after an independent audit committee reported publicly in 2006 that after only two years into a 10-year plan South Australia either had achieved or was on track to achieve more than 50 per cent of planned targets. As I said at the time, this is a wonderful result, but

one that should encourage us all to work harder still on the areas in which we need to improve. We were never going to reach every target in the first two years of a 10-year plan. There would have been nothing more cynical than to have set the bar too low simply to be able to congratulate ourselves when we achieved targets that we were always going to achieve anyway. If it were that easy, we would not have needed a plan in the first place.

We have changed targets where the meaning was not as clear or as measurable as we wanted, and we have changed targets when we had already achieved our goal so that we can address new challenges because we should not rest on our laurels. For example, the first edition of the plan targeted \$100 million in minerals exploration expenditure by 2007, \$3 billion in mining production, and a further \$1 billion in raw materials processing by 2020. In fact, we smashed that exploration target well ahead of time, despite, by the way, lots of people saying that they were unachievable. So, we have made it more ambitious, that is, 'exploration expenditure in South Australia to be maintained'—not just one year, but maintained—'in excess of \$100 million per annum until 2010'. We have brought forward the target for \$4 billion combined minerals production and processing by six years to 2014. So, rather than having a 2020 target, which many people thought was too ambitious, we have been even more ambitious and brought that 2020 target of \$4 billion back to 2014. As I said, we have changed or added targets when the community has asked us to do so.

The new plan has 98 targets, up from the 84 in the first edition of the plan. The updated plan strongly emphasises the value South Australians must place on having an environmentally sustainable future, with a particular focus on securing sustainable water supplies, the health of the River Murray, renewable energy and tackling climate change. It emphasises that education at all levels is central to our future prosperity, expanding opportunity to all South Australians and achieving a healthier community. It contains new early childhood targets to improve year 1 literacy; reduction in the proportion of low birth weight babies; a new target to increase the number of students undertaking maths, physics or chemistry; and renewed commitments to educating and skilling South Australians. The goal is now to use the plan to make South Australia an even better state, and I commend the updated plan to members.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Premier. Why will the Premier not provide the house with the estimate, or a range of estimates, of the cost of the proposed weir at Pomanda Point?

The Hon. M.D. RANN (Premier): As it was explained in detail today at a briefing, which I understand the Leader of the Opposition attended, we are looking at a variety of different options. So, what we are doing—

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: I'm sure you will be saying the same to Malcolm Turnbull if I hand over control to him—he wants one at Tailem Bend, although he apparently has backed away from that now.

An honourable member interjecting:

The Hon. M.D. RANN: Yes; my friend. Okay. Friends can have disagreements. It's not like the South Australian Liberal Party, when it goes on for 30 or 40 years. It is

inherited generation to generation. Just look at the top three; they barely speak to each other.

Mr PENGILLY: On a point of order, Mr Speaker: relevance to the question.

The SPEAKER: I point out to members that the Premier was merely responding to an interjection. You cannot interject and then complain when the minister responds.

The Hon. M.D. RANN: It is entirely relevant, because they want to govern the state and the top three can barely speak to each other. Look at the body language. It might be Wiggles down the back, but in the front it is all fairly frosty. What we are looking at is different options on a plan we hope will not have to be implemented; but, as I said before—and I am sure the Prime Minister will agree with me, because he might be having to foot the bill—whatever is necessary for the water security of this state.

HOSPITALS, STAFFING

Ms THOMPSON (Reynell): My question is to the Minister for Health. What is the government's strategy for attracting and keeping doctors employed in our busy public hospitals at a time of international shortage of medical staff?

The Hon. J.D. HILL (Minister for Health): I thank the member for Reynell for this important question. As all members know, South Australia has an excellent health system, and at the moment we have in our employ in public health record numbers of doctors, nurses and allied health workers. However, we are not immune from the national and international workforce shortage that affects all health systems. From time to time workforce shortages occur in key areas, and we have to respond to those. For example, health has stepped up efforts to recruit intensive care doctors to the Royal Adelaide Hospital which continues to face rising patient demand. Currently the equivalent of about six full-time consultants are leading that unit, with many more registrars there. The important thing is that the consultants are the ones who provide the teaching to the next generation of doctors. Up to an extra four consultants will be recruited to substantially boost the medical workforce and training capacity of the state's flagship intensive care unit. Meanwhile, the Department of Health will lead a process to have the hospital's intensive care unit reaccredited for training in 2008 and beyond. It is currently accredited appropriately.

High level recruitment is also under way at the Lyell McEwin Hospital for extra intensive care doctors to boost medical staffing for that hospital's four intensive care and four high dependency beds. These important workforce pressures are being addressed in the short term. For the longer term, health is also developing a long-term strategy to maximise retaining our current hospital workforce while also recruiting from around the world.

In the past, individual hospital managers have managed their own recruitment processes. This often means that local hospitals compete with each other when they should be looking further afield. I want to ensure that our state has the most effective approach possible to recruit doctors, especially those senior clinicians who are in the greatest demand. This is in the context of fierce national and international competition. We will not be successful in every employment negotiation and we will not always offer the highest salary, but we will make sure that our recruitment process is one that is sophisticated and maximises the advantages of working in South Australia's excellent public health system.

I also announce today that a new and high level workforce development role has been established in a significant restructure of the health department. That restructure has been designed to make the department more responsive to the key challenges facing our hospitals and our health system. I advise that Mr Etienne Scheepers will take up this role in April. Mr Scheepers has extensive experience in workforce planning and was previously the General Manager of Human Resources for two health regions in New Zealand.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): How does the Premier explain that he could advise the house on 14 November that the cost of the weir was then estimated at \$20 million after just one meeting with the Prime Minister and now, three months later, the government cannot provide the house with even an estimated range of the cost of the weir?

The Hon. K.A. MAYWALD (Minister for Water Security): I take great pleasure in answering this question for the opposition. On 14 November last year, when the Premier first advised the house that it may be necessary to build a temporary weir as an emergency measure to ensure that we could supply water to country towns and Adelaide city as a consequence of the predicted low flows under a worst case scenario, the Premier indicated that the cost of a sheet pile weir, or the like, would be around \$20 million, or words to that effect.

It has been quite obvious since then that there has been an enormous amount of work in 12 different sites. As the opposition was briefed earlier today, 12 different sites have been investigated. A final site has been settled upon as the only feasible site to build a weir, which is at Pomanda Point, south of Wellington. It requires a 2.6 kilometre construction which is far different to an ordinary sheet pile construction. The costs associated with the construction of a weir will be determined by the final design that is decided by government later this month.

CHILD PROTECTION

Ms SIMMONS (Morialta): My question is to the Minister for Industrial Relations. What action is the government taking to ensure that children are protected within South Australia's workforce?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for Morialta for her question. The welfare of children who are employed within South Australia's workplaces is of paramount importance. In May of 2005, the Rann government introduced amendments to the Fair Work Act 1994, part of which set in place provisions relating specifically to the employment of children. The child labour provisions of the act require the South Australian Industrial Relations Commission to establish a new award, or to vary existing awards, in order to enact special conditions for the employment of children. These may include the limiting of working hours, providing special rest periods, prohibiting particular categories of work and any other provision that the commission sees fit.

In July 2006, a full bench of the commission commenced a review of awards with representatives from unions, employer associations, the government and the employee ombudsman. Six state awards were initially identified for review to determine whether they reflect the appropriate

standards for the employment of children. Subsequently, SA unions lodged an application with the commission for an award to be established that sits above all awards in relation to workers under the age of 18 years. The government wants laws relating to child labour to set out greater instructions for employers, employees and parents about what are acceptable working arrangements for child employees. This way parents can be reassured that conditions prescribed in the act can offer protection to their children and, on the other hand, employers can have sufficient clarity about where, when and how child employees can and cannot be engaged in the workplace. I have indicated my support for measures that will ensure our state industrial relations system is taking the lead in conditions for child employees.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Minister for Water Security. Has the minister advised cabinet of an estimated range of costs for the weir at Pomanda Point?

The Hon. K.A. MAYWALD (Minister for Water Security): I am sure that the member opposite understands the issue of cabinet solidarity and cabinet confidentiality.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: I forget: there are a few members over there who have not been there. Discussions—

Members interjecting:

The Hon. K.A. MAYWALD: That's right. Solidarity was not one of their strong points. I think the really important thing to note here—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —is that it is required of this government to do the appropriate investigations to determine what the design will be for a weir. We are going to settle upon a design and, at that point in time, we will provide this house and the general public with the cost estimates of the final design. We will also negotiate with the federal government regarding funding arrangements.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: There is a really simple analogy here. When you build a house, first you decide on how many bedrooms and how big the floor plan is going to be before you actually decide on the cost.

Members interjecting:

The SPEAKER: Order! I cannot hear the minister's answer because of the interjecting on my left. The minister will be heard in silence.

The Hon. K.A. MAYWALD: Coming back to that analogy, you decide on what materials you will use: is it going to be brick or fibro; is it going to have a tin roof or tiled roof? That is the work we are doing at the moment, and I can assure the house and the opposition that we will bring to this house and the public a figure on the final design once it has been determined.

TEACHERS, RECRUITMENT

Ms FOX (Bright): My question is to the Minister for Education and Children's Services. How have government initiatives influenced teacher recruitment and selection for the start of the 2007 school year?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Bright for her question. As we know, she is well aware of the value of teachers and the impact they have on every child's life. In fact, we as a government have recognised how important teacher quality and local selection is to the capacity of our schools to deliver high-class education. Since coming into government, we have introduced a range of reforms and initiatives aimed at improving teacher selection and recruitment practices. We have reduced vacancy rates, and we have worked to retain quality teachers in the state education system.

At the start of the 2007 school year, a number of these reforms and initiatives have come into place and are bringing some real benefits to teachers and schools around the state. A key element of our reforms has been the introduction of a fairer system of recruitment and selection for teachers, and I am pleased to announce that 907 teachers around the state have now been employed using our new local selection processes. These teachers have filled all but eight vacancies, I understand, in government schools, beginning in term 1, and permanent relieving teachers are working in those eight positions to fill the jobs until a suitable candidate can be found.

The number of unfilled vacancies represents a very small percentage of the 3 050 vacancies overall that have been filled this year. The department has reported that school principals have welcomed the opportunity to be involved in the selection of teaching staff in their school. I am pleased that the initiatives we have introduced to help recruitment, particularly in specialist areas of shortage, have again had an impact on recruitment. Of course, our teaching scholarships for country areas, which provide \$2 500 annually over four years to support study costs, have been important. We also have a targeted graduate program whereby the best of the teachers in training are recruited before they complete their courses, and we can then provide talented employees to our regional schools. These selected graduates, of course, are in the areas of maximum shortage, such as maths, science, physics and chemistry, as well as agriculture and physical education. Some 46 of our top student teachers have accepted jobs in regional areas for 2007. Members will have noted that earlier this afternoon I laid on the table the Teachers Registration Board Annual Report, which states that we have had the highest number ever of registered teachers in our state. It proves that our state is a desirable destination for teachers, and a place in which they would choose to work.

Our initiatives, including our country strategies, our targeted graduate programs and our local selection procedures are not only providing the best quality new teachers in our system but also are guaranteeing that principals have the opportunity to go through the processes of selection whereby they not only interview but also check references. That is a very good modification, and some significant reform to our processes.

CABINET SOLIDARITY

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Premier. If it is acceptable for the member for Adelaide to breach cabinet solidarity and discuss voting against a cabinet decision, why cannot the Minister for Water Security breach cabinet solidarity today and advise the parliament of the range of costs for the weir that already have been advised to cabinet?

The Hon. M.D. RANN (Premier): I love it when members of the opposition talk about cabinet solidarity and cabinet confidentiality, and I would be more than happy one day, on a more leisurely afternoon, to tell members a story—

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: You asked me a question and I will give you a 55-minute answer, because you will remember one day when I came into this place and I had, I think, 880 pages of cabinet and other documents.

The Hon. K.O. Foley: I had a water contract.

The Hon. M.D. RANN: And, of course, the Deputy Premier was also given a water contract. I remember being telephoned and told to go to a certain cafe, not in a white car but in a taxi, and then to walk in a zigzag fashion through the streets of a suburb, where I was to be handed cabinet documents. So much for their cabinet solidarity and cabinet confidentiality! There was a queue on the telephone telling us what had happened the day before.

It was the same during the 1997 election campaign. People thought, 'How does this guy (the leader of the opposition at the time) know intuitively exactly what John Olsen is doing the next day?' It was because I was being phoned and told! So, do not talk to me about cabinet solidarity lest I come in here and start naming names, which will set off another generation of disputation on the other side of the house.

Anyway, cabinet approved, among other things, on 20 December 2006 minister Lomax-Smith's proposed statement and approved her to announce publicly that she opposed the proposal in cabinet. She did so because we agreed that she should be able to do so. Somehow I do not think that John Olsen agreed to what happened when I was getting the phone call at 6 o'clock in the morning and at midnight, and walking in a zigzag pattern through suburbs to be handed a cabinet bag and cabinet documents. We have a different approach. We agreed to it. It was a cabinet decision to agree to it. So, please, ask me some more questions, because there were two different camps involved in this leaking to the then poor unpopular leader of the opposition, and I am more than happy to name names.

An honourable member: Do it!

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! When the Speaker rises to his feet the house will become silent. The member for Florey.

RECONCILIATION

Ms BEDFORD (Florey): My question is to the Minister for Aboriginal Affairs and Reconciliation. What is the significance of this year for the process of reconciliation in South Australia?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): This is a very important year for Aboriginal affairs in this nation and, indeed, this state. There are at least three very important anniversaries this year. The first is the 50th anniversary of the National Aboriginal and Islanders Day of Observance Committee, which celebrates the fact that indigenous culture at that point (50 years ago) had survived and the contribution it was making to modern Australia. That organisation has continued in existence since that time. It is, of course, 40 years since the important referendum on 27 May when Australians voted yes to the question that they really should never have been asked, and that is whether to exclude all discriminatory references—or, indeed, include references, where that was appropriate—in

the Australian Constitution to the first Australians. Finally, it is the 10th anniversary of the Bringing Them Home report, a report on the devastating consequences of government-sanctioned policies of removal of Aboriginal children from their parents.

So, it is an important year for reconciliation. Of course, the fundamental tenets of reconciliation involve three matters—first, recognition; second, justice; and, finally, healing. I am reminded of a series of remarks that Aunty Josie Agius uses when she welcomes people to Kurna country. She says to the assembled gathering that we should not forget the past but she also acknowledges that we should not dwell on it as we move forward together in harmony. I think those sentiments are very powerful sentiments and the ones that guide our approach to reconciliation.

Before proceedings started today, this parliament was the site of a smoking ceremony—at least, a traditional smoking ceremony, not one of those smoking ceremonies that perhaps those opposite might have been engaged in in their youth.

The Hon. P.F. Conlon interjecting:

The Hon. J.W. WEATHERILL: That is right, yes. It was an important ceremony. It symbolised the strength and survival of cultural practices of Aboriginal people in South Australia. It was supervised and led by Carl Telfer and a number of young people in a program that he runs out of the Parks Community Centre, the Nunga IT program, and it is based on the notion of a cleansing of this place as we seek to understand what has happened in the past and as we move forward. He assisted us to understand an important cultural tradition within the Kurna community, and I think it was a fitting way for us to start this new year in the parliament. I thank the Speaker for making this chamber available for those purposes.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): Further to the Premier's previous answer, will the Premier now give permission for the Minister for Water Security to advise the house today of the range of costs for the proposed weir?

The Hon. M.D. RANN (Premier): I will certainly be very happy to give you those details sine die.

MIGRANT LEGAL AID

Ms PORTOLESI (Hartley): My question is to the Minister for Multicultural Affairs. Can the minister advise the house of details of the steps taken to help facilitate the access of newly arrived migrants to legal aid and the distribution of legal advice cards through the Legal Services Commission?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): I am pleased to advise the house that the Legal Services Commission is making every effort to inform newly arrived migrants about Australian law and to explain what services are available to them. The commission has recently launched a series of legal advice cards in 22 community languages other than English, including Swahili and Dinka, the latter being a language that has been banned by the Islamic rulers of Sudan but is spoken by refugees in South Sudan.

The Hon. M.D. Rann: It's such a very beautiful and rich language.

The Hon. M.J. ATKINSON: I note the Premier's regard for the Dinka tongue. Thirty thousand contact cards have

been printed in 22 languages, including Albanian, Amharic—and for the benefit of the opposition who wouldn't know, Amharic is the most common language in Ethiopia—Arabic, Bosnian, Chinese, Croatian, Dari—for the benefit of the member for Bragg, that is the most common language, apart from Pustan, in Afghanistan—Dinka, Greek, Italian, Khmer, Kurdish, Farsi, Filipino, Polish, Russian, Serbian, Somali, Spanish, Swahili—and for the benefit of the member for Waite who is often lacking in this area—Tigrinia, the language of the hill tribes of Eritrea, and Vietnamese. The cards say: 'Free Legal Help' and 'We arrange and pay for interpreters' and 'Free Legal Advice by appointment'. The provision and distribution of these cards is an important way of reaching people who may otherwise be unaware of legal aid and free legal advice services.

The commission has a longstanding policy of providing professional interpreters for clients who have limited English skills. In 2005-06 the commission's expenditure on interpreters and translators was \$288 219.28. That amount included 783 interpreter sessions and access services and the translation of various documents required for client matters. The commission is currently running a program with new and emerging migrant opportunities to find out what they need to know about Australian family law and to determine what is the best way to provide legal help to migrants who are often bewildered by our legal system.

In 2005-06, 1 235 people attended 61 sessions. The commission also targets community workers and leaders within these communities to study the Law for Community Workers course, part of the certificate 4 in Justice Studies at TAFE SA. It is the faculty of Justice Studies at TAFE SA that is producing our special justices for the magistrates system, the special justices that the opposition and, in particular, the member for Heysen, did not want. I congratulate the Legal Services Commission on its efforts to educate migrant communities about the legal system and to facilitate their smooth transition into the great South Australian community.

WELLINGTON WEIR

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Minister for Water Security. Does one of the design options for the weir include up to 700 000 tonnes, or thereabouts, of rock being dumped into the Murray as part of the weir?

The Hon. K.A. MAYWALD (Minister for Water Security): A number of design options are being considered. A number of design techniques and a number of material options are all being considered in the final design option, which will be brought to the house once that information is received from the consultants.

DOG SALE SCAM

Mrs GERAGHTY (Torrens): Will the Minister for Consumer Affairs inform the house of recent scams that dog lovers should be aware of?

The Hon. J.M. RANKINE (Minister for Consumer Affairs): Those of us who know the honourable member well know what a dog lover she is. You have only to visit her home to become very aware of it, and you have to be very fleet of foot not to be knocked over by those two massive Rhodesian Ridgebacks! As Minister for Consumer Affairs I have come across some amazing scams in the last few months, devised to trick people out of their hard-earned cash.

However, I was particularly amazed to learn of this latest scam to hit South Australians, which targets people seeking to purchase a puppy. I recommend that all those dog lovers searching the newspapers for an English bulldog or a Yorkie puppy be particularly vigilant. Puppies are being used as bait in a new version of the Nigerian money transfer scam.

In a new twist, scammers are advertising puppies for sale in South Australian newspapers, hoping that the reader will pay out a substantial amount of money without even seeing the puppy. When a consumer responds to the advertisement, the seller explains that the puppy is in Australia but the owner has been transferred to West Africa to work for the United Nations. The asking price for the puppy varies, I am told, between \$500 and \$700 and the puppy is, supposedly, house trained and good with children. The seller then requests that payment be sent by wire to Nigeria and says that the dog will be shipped to the consumer's address. However, the puppy never arrives, as one lady found out when she went to the airport to wait for her new bundle of joy that simply did not turn up.

Previous versions of the Nigerian scam have been used with the promise of large amounts of money but, in the latest form, the scam has been modified to target families looking for a pet puppy. It is a pretty calculating ploy to get people to pay out money. In another example, one country dog lover, who paid \$500 for a dog, was given constant excuses for the delay, such as shipping problems, and was asked to send more money. The only thing he did not get was his dog. When alarm bells began to ring, he asked his friend to pretend to buy the same dog, and his friend was told that the puppy was still available. Scams all have one thing in common: they are deliberately set up to look genuine while exploiting people's trust.

The Office of Consumer and Business Affairs is contacting newspapers and alerting them to the scam, and it is aware that scammers have already targeted the South-East, the Riverland, the Mid North and the Adelaide metropolitan area. My warning to the community is that it is not a good idea to pay in advance for goods that you have not been able to inspect. You certainly should always take care when purchasing a puppy, and it is not wise to purchase one unseen from people you have not met. Consumer Affairs maintains a list of scams on its website, and I would urge people, if in doubt, always check it out.

WELLINGTON WEIR

Mr PENGILLY (Finniss): My question is to the Minister for Water Security. Under the option to dump approximately 700 000 tonnes of rock into the Murray River to form the wings of the proposed Wellington weir, is it the intention that the rock structure will be permanent? If 700 000 tonnes of rock is dumped in the river, it will permanently interrupt the flow up and down the river and the lake system.

The Hon. K.A. MAYWALD (Minister for Water Security): I appreciate the concern that the local member has for the constituency around the Lower Lakes. We share that concern, and we do not want to build a weir. However, we are investigating this option in partnership with the federal government, which believes that a weir at Wellington is an emergency response to the very low inflows that may occur if drought conditions continue. As I have repeatedly said today, and as I will say again, the design options will be revealed once we receive the consultants' report.

Mr PEDERICK (Hammond): My question is to the Minister for Water Security. Has the government received any indication that the cost to quarry and stockpile the 700 000 tonnes of rock for the weir will be around \$15 million?

The Hon. K.A. MAYWALD: Once again I will reiterate the government's position: we do not want to build a weir. There is no intention of this government to build a weir unless we absolutely have to. Investigations are being undertaken. There is no decision made on a design model; there is no decision made on whether it will be rock; there is no decision made about its construction design. We will make those decisions once we receive advice from the consultants who are undertaking the work. I repeat, for the next question and the next question and the next question that will obviously come from the opposition, that we have not received a report from the consultants as yet. We have made no decision on a design option. When we have that information I will provide it to the house.

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Minister for Water Security. Given her ministerial statement that she wants a bipartisan approach on the weir issue, can the minister explain how the former National Party candidate Kym McHugh was able to tell a meeting last Friday that the minister had phoned him the night before and advised that the decision regarding whether or not to construct the weir had been deferred until May or June, while at the same time the briefing that the opposition had requested was denied until this week on the basis that nothing had changed?

The Hon. K.A. MAYWALD: As Minister for the River Murray and now as Minister for Water Security, one of the important issues with which I have to deal is communication with the local community. I have established a process whereby I meet with the local community on a regular basis. I have had numerous public meetings with over 2 000 people attending. I am briefing the mayors on a regular basis; I am briefing the opposition on a regular basis; I am briefing the community stakeholders on a regular basis. I intend to continue to consult broadly and to brief communities as information becomes available. As information becomes available about the design that the consultants bring forward in the final report, I will bring that to the opposition.

LAKE BONNEY

Mr PENGILLY (Finniss): My question is to the Minister for Water Security. What is the timing for the decision on whether Lake Bonney is to be closed? Will that now also be deferred until June?

The Hon. K.A. MAYWALD (Minister for Water Security): Investigations are being undertaken in regard to the closure of Lake Bonney and seven other backwaters and waterways on the flood plain. Those waterways would collectively save 43 gegalitres of evaporative losses should they go ahead. Should we be in a situation where a worst case scenario plays out, those kind of decisions will need to be made in regard to a number of other wetlands, in addition to those eight.

We are undertaking the investigations for Lake Bonney, and we are doing them as quickly as we can. I have advised the Riverland community that we will be making a decision on that within six weeks of the public meeting I held a couple

of weeks ago (on 18 January, from my recollection), and that we will be providing that information to the community.

WELLINGTON WEIR

Mr PEDERICK (Hammond): My question is to the Premier. Has the government yet received an assessment of the environmental impact of its temporary weir at Wellington and, if so, when will the report be released? Constituents have contacted me and raised concerns about the harm to the environment of the Murray, the Lower Lakes and the Coorong that will be caused by the government's proposal to dump around 700 000 tonnes of rock into the river to form a temporary weir. As yet, no information regarding the environmental impacts of the weir has been released for discussion.

The Hon. K.A. MAYWALD (Minister for Water Security): As advised to the member at this morning's briefing, we are undertaking the investigations necessary to determine a site and design for a temporary weir, should it be required, and we are doing that in partnership with the federal government. We are negotiating with the federal government, and we are talking to those people to whom we need to speak regarding the environmental impacts. However, I need to go back to my ministerial statement, because the member obviously has not heard what the impacts of the low flows will have on the lakes regardless of whether or not a weir is built.

Members interjecting:

The Hon. K.A. MAYWALD: The impacts to which the member refers are impacts that are occurring regardless of a weir: they would occur prior to a weir being built.

Members interjecting:

The SPEAKER: Order! Interjections are one thing; shouting down a minister is another. All members will come to order. The Minister for Water Security.

The Hon. K.A. MAYWALD: Thank you, sir. I will reiterate once again for members opposite: the environmental impact on the Lower Lakes will be as a consequence of low flows, not a weir.

Mr PENGILLY (Finniss): My question is to the Premier. Has the government completed a regional impact assessment statement to accompany the proposed temporary weir at Wellington and, if so, when will the assessment be released? In 2003, the Minister for Regional Development announced that all significant government initiatives would be accompanied by a regional impact statement for cabinet and a regional impact assessment statement for public consultation. However, as yet, no regional impact assessment statement regarding the proposed weir has been released for public discussion.

The Hon. K.A. MAYWALD: A policy has not been put to cabinet that says, 'Stop the Rain'! The fact that we have low flows coming into the system is what is causing the problem. We are in a record drought, and that is going to have an impact on regional communities, not a decision of government. The fact that no water will be flowing across the border is not the decision of government. We are looking to the skies for rain to break the drought. A decision to stop the rain was not made by this or any other government.

Mr PENGILLY: My question is to the Minister for Water Security. The minister stated this morning at the briefing and also in the house this afternoon that the weir has

the support and has involved consultation with the indigenous people. Why then have the Ramindjeri people (the custodians of the western side of the lakes) not been consulted, and do not agree? I have recently had a deputation of the Ramindjeri people at my electorate office complaining that they have had no consultation whatsoever on this issue and expressing indignation that it has not taken place.

The Hon. K.A. MAYWALD: I would like to again refer the honourable member to my statement made earlier today. Irrigators experience difficulty with pumping water when lake levels drop below 0.4 metres AHD. I am repeating the ministerial statement here for the benefit of the member for Finniss. To help irrigators access water as lake levels decline, the government has streamlined the dredging approvals process. This process was developed by government working with local government and with the cooperation of the lakes indigenous communities. There was no reference to the weir in regard to this. The member's question referred to indigenous consultation about the weir. If the member would like me to answer a question about indigenous consultation about the weir, of course it will be part of the process.

Mr PEDERICK: My question is to the Minister for Water Security. What plans does the government have for supplying water to communities south of the proposed weir? Irrigators around the Lower Lakes have started preparing for zero water allocations but some communities, such as those near Meningie and on the Narrung Peninsula, require almost 5 million litres a day for stock and domestic use.

The Hon. K.A. MAYWALD: First, I would like to draw the house's attention to the fact that the question is misleading in its nature in that it implies that a weir is going to cause problems for the supply of water to Lower Lakes irrigators and communities. That is not the case. Low flows will cause those problems and, indeed, are causing those problems right now. There is no weir constructed now. We have Lower Lake levels dropping to critical levels within the next couple of months and we need to be able to supply water to those communities. Those communities need water because of low flows into South Australia, because of the record drought, not because there is an imaginary weir. There is no weir built. We are working with those communities down there who are impacted upon by the low flows caused by the drought. We must supply water to those people and we are working with those communities on the best options to supply water as a consequence of low flows.

EYRE PENINSULA WATER SUPPLY

Mrs PENFOLD (Flinders): My question is to the minister responsible for SA Water or to the former minister responsible. Can either minister advise if it is true that water from the overdrawn underground basin south of Port Lincoln is being pumped up to Streaky Bay, dechlorinated and used to recharge the overdrawn Robinson underground basin? It has been leaked that the Robinson basin has been so severely overdrawn by SA Water that it has become too saline to be used and has had to be recharged because the new SA Water \$7 million pipeline is too small to provide Streaky Bay with enough water without water from the Robinson basin.

The Hon. K.A. MAYWALD (Minister for Water Security): That is a question that I will take on notice and I will provide advice to the member in regard to that matter.

Mrs PENFOLD: Can the Minister for Water Security advise if a privately built desalination plant proposed for Ceduna has been refused permission to run their potable water through the SA Water distribution system? Despite SA Water having overdrawn the Poldia basin, the Uley/Wanilla basin, the Lincoln South basin and now the Robinson basin that provide water for all of Eyre Peninsula, making the water situation critical, a private desalination plant that is powered by renewable energy and has zero waste emissions into the environment is not being given access to SA Water pipes and customers which would significantly reduce the dire water situation on Eyre Peninsula, and the situation will not be helped by the dribble that may one day come from the River Murray through to Kimba.

The Hon. K.A. MAYWALD: Of course, the issue of water supply to the Eyre Peninsula has been an ongoing matter for some time. A pipeline is currently under construction from Iron Knob through to Kimba that will supplement the supply on the Eyre Peninsula. As to any private development, I will take that part of the question on notice and bring back a considered answer to the member.

Mrs PENFOLD: Can the minister advise—

The Hon. M.J. Atkinson: What language is this one in? I can help you.

The SPEAKER: Order!

Mrs PENFOLD: —if it is true that the SA Water assessment of the Robinson basin's capacity to provide 50 per cent of Streaky Bay's water requirement was incorrect and that the pipeline to supply additional water to the town is inadequate for the purpose?

The Hon. K.A. MAYWALD: Once again, I will take the question on notice.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. K.O. FOLEY (Treasurer): I lay on the table a ministerial statement made by the Minister for Police in another place.

VON EINEM, Mr B.S.

The Hon. M.J. ATKINSON (Attorney-General): I lay on the table a ministerial statement made by the Minister for Correctional Services in another place.

GRIEVANCE DEBATE

WELLINGTON WEIR

Mr PEDERICK (Hammond): When the Premier announced his weir proposal, the figure was \$20 million. Since then, it has become apparent that this was a wild guess and an ill-conceived plan. I will give my thoughts on the proposed weir and site. I believe that one option, which is probably the main option, is 2.1 kilometres of rock walls with a gap of 500 metres left for sheet steel piling in the middle. About 10 kilometres of roads would need to be constructed coming in from either side and approximately 1.5 kilometres of causeway across a reed swamp. The present causeway has mud sitting on two metres of sand which will obviously leak.

I believe that, as stated in question time, there will be 700 000 tonnes of rock dumped into the river. We have information that a contractor has quoted \$15 million to quarry, transport and deliver rock to the site. At the eastern end is Wellington Lodge, the take-off point for the eastern wing, which is right next to the home of a workman and his family. Rock dumping will go on 24 hours a day, seven days a week. Has the government factored in the cost of relocating this man and his family?

The effect on the Lower Lakes communities will be huge. Local councils and community groups from Meningie to Goolwa have come out against the weir. There are many implications. The obvious one is the environmental implications for the lakes and the Coorong (which is a Ramsar wetland), and there are also the employment, health and social implications. A question to be asked is whether a full environmental impact statement on the effects of the weir is being commissioned.

Adelaide's reservoirs hold about 198 gegalitres and, at present, they are at 56 per cent capacity at least. Pumps are currently running flat out to lift reservoir capacity, and I applaud that action. SA Water is doing the right thing by dropping the pump off-takes 1.5 metres. I believe that we should be looking at ways in which to lower the pumps or to get more water to the pumps using coffer dams and external pumps to keep the water up. Even if the water level in the Murray drops to the natural weir level between Wellington Lodge and Nalpa Station, the capacity from Lock 1 to Wellington is 1 305 gegalitres. We need to access this weir pool.

A lot of questions need to be answered before any rock is dumped on the river bed. Will the water become too saline and toxic for use, either by irrigators or for recreation; will the Ramsar wetlands of the Coorong and Lower Lakes be destroyed; which animal, plant and fish species will become extinct; and will the economic and social character of the 30 000 people below Wellington ever recover?

Another factor is the wind-driven surge that provides life to the lower river by pushing up to a metre of water as far as Lock 1, helping to flush the river system. Even a partial weir will severely affect this vital action forever. I urge the government to look at all possible options before it makes another State Bank-like decision and begins to build the weir, which will have ramifications on the health of the River Murray for years to come. The possibility of this weir's costing \$100 million plus may mean that the government suddenly finds ways to access water at the four off-takes below Lock 1.

We should learn from history. The Aral Sea in Russia was the fourth largest lake in the world before the government decided to interfere with nature. It thought it could grow cotton and rice in the desert, and it fiddled with nature and interfered with the lake's tributaries. By late in the twentieth century, three-quarters of the lake had disappeared, taking with it the livelihoods of tens of thousands of people. Large ships now sit on a dry, dusty plain, rusting away. The regional climate has changed: it experiences colder winters and hotter summers. The land is too saline for any growth and huge dust storms are common, and the government blames nature. If that is not ringing any bells on the other side of the house, members of the government should get their hearing tested.

This government keeps blaming the drought. When the river's flow returns to normal and the effects of this incomplete weir wall become more obvious, will the government

still blame the drought? When the river floods—as it inevitably will—and flood waters cause chaos above the constriction of the incomplete weir wall, will the government still blame the drought? I urge the government to help nature to overcome this drought, and not set the state up for another man-made disaster. It is a 19th century solution to a 21st century problem.

STATE ELECTORAL OFFICE

Ms THOMPSON (Reynell): Sir, last week, unfortunately, you had a family emergency—and I understand that there has been a happy outcome. That was very sad for you and your family, but it was quite happy for me, because I was able to take your place at a ceremony to recognise 100 years of the South Australian electoral commission. I was very pleased to do so, because the independent electoral system that we have in Australia is something about which we can hold our heads high on the world stage. Any examination of political systems outside Australia very quickly shows the advantage of our electoral system, and it is important that we recognise the contribution of those who developed the system and those who have fiercely and independently administered it for the last 100 years.

I would like to put on the record today some facts about the South Australian electoral office. Prior to 1907, Sheriff Boothby, with a small staff, administered the elections in South Australia after Federation. However, with his death in 1903, it was realised that a centralised department was necessary for roll and boundary management. Following a couple of short appointments, Charles Mathews was offered the position as returning officer for the State of South Australia on 30 January 1907 with a salary of £300. The office was established on the site where we held that ceremony, which was in the old Treasury buildings. I would like to mention that, apart from the basic rudimentary office requirements of the day, a couple of combs, soap and a basin, as well as a corkscrew, were provided to the returning officer.

A potted history of the office since it was accorded status as a separate department in 1907 reveals that:

- until 1973 the then department had to accommodate differences between the Legislative Council property-based franchise and the more egalitarian House of Assembly right to vote;
- 18 to 21 year olds came on the roll in 1972 after the voting age was lowered to 18 years, and the youth vote today is a focus of enrolment drives;
- from 1908 the office had to work out procedures for joint roll arrangements with the commonwealth—arrangements which still exist today;
- the office has regularly implemented changes to its roll management practices, and was the first administration to computerise the rolls;
- it adopted revised voting and vote counting practices under the 1929 Electoral Act which introduced preferential voting for both houses of parliament and later, from 1973, it devised administrative processes to undertake proportional representation counts to fill upper house vacancies;
- it has had to meet increasing demands from electors for information and materials that explain the electoral system, and it uses its website as a parallel means of information;
- it has instigated programs to handle postal, pre-poll and absent voting, both intrastate, interstate and overseas.

Much of the framework for election administration is contained in electoral law, and electoral administrators liaise with the responsible minister—now the Attorney-General—to protect the interests of electors and work to ensure that a balance is obtained between political and operational requirements. The administrators monitor that legislation to ensure that it:

- is supportive of transparent, impartial, free and fair electoral administration;
- confirms the independence and role of administrations and their staff;
- has the capacity to maintain currency with practice;
- is inclusive and allows marginalised groups within the community to be empowered and have access to the system; and
- is appropriate for the jurisdiction.

It is fortunate that the member for Fisher has given notice today of a motion relating to Sheriff Boothby and the origins of the South Australian electoral commission so that we can all participate in a debate later to commend the integrity and independence of both the founders of our electoral system and, as I mentioned earlier, those who continue to administer it so impartially and helpfully. I certainly put on record now my thanks to those who administered the three elections for Reynell. They were always very clear, very helpful and very independent.

Time expired.

NATIVE VEGETATION

Mr PENGILLY (Finniss): Today I would like to spend my allocated time discussing the Native Vegetation Authority in South Australia which came out of legislation that was enacted many years ago. It was very proper legislation to be administered sensibly and in the best interests of South Australia and its economy. My view is that the authority has gone completely haywire, and none of the people to whom I speak (including ministers on the other side) disagrees with me. What has happened is that the Native Vegetation Authority has completely lost track of where it is going and it has completely lost accountability to anyone. It is being run by a mob of ideological zealots who want to stop everything happening, and they are pushing people into taking actions which they normally would not take just so they can get on with running their properties, going about their normal business and acting in the best interests of South Australia.

I will refer to a couple of cases. The first case is that of an elderly lady from Adelaide who had a block of land in Goolwa and wanted to clear it, tidy it, get rid of the vermin, and generally make it attractive so she could sell it. She put in an application, and was she allowed to sell it? No. Was she allowed to clear it? No. If she chose to put in an application for a house, she could clear it, no question whatsoever. She was refused on that, so it is still there, still full of rats, rabbits, mice and God knows what else, and remains a blight on the landscape on Beach Road, Goolwa.

The main focus of my few minutes this afternoon is to deal with the actions of the native vegetation authority in relation to some dams on Kangaroo Island. As members may well recall, recently there was a ministerial announcement that water was being acquired from a private dam on Kangaroo Island to assist the residents of Kingscote, Parndana and elsewhere without water to get through the summer. It was a great announcement and I am fully supportive of it. However, what members probably do not

know is that the former property owner has been summonsed by the Native Vegetation Authority to produce documents about the clearance of a handful of trees in that dam site—the dam site that has been taken over by SA Water to provide water for the community. That is only one of a number of dams that have been investigated by the Native Vegetation Authority, which seems to be uncontrolled, faceless and trying to bring that area of the state's economy down.

The western end of Kangaroo Island contains some of the highest rainfall country in South Australia and has huge potential for agricultural development. It may be seen as a leader in the future as climate change ultimately occurs and rainfall alters. This area could be great, but what is happening? The native vegetation authority is running around, secretly investigating places, making affidavits to take satellite pictures and then finding out that it does not have the capacity to do so. Recently it took one landowner, Mr James Wandel, to court. On the day of the hearing it withdrew a charge that he be fined for destruction of native vegetation and ordered him, over three years, to lower the walls on a dam to let the water run down the creek and out to sea. It is an absolute waste of vital water, and I am sure a number of people would agree with me.

I do not condone in any way, shape or form the vegetation that was destroyed by Mr Wandel. However, although that court case was decided, he has now received a summons to go to court to be fined for that clearance. So after dropping that in the original court case, it is being put on him again and he has to go through that process. I know that the member for Stuart is a great admirer of the native vegetation authority and he will probably want to pick up on this in due course.

The Hon. G.M. Gunn: They don't tell the truth. They are scoundrels, half of them. I will name some of them.

Mr PENGILLY: However, in the best interests of South Australia—

The Hon. G.M. Gunn interjecting:

Mr PENGILLY: It is interesting that the member for Stuart says that he will name them, because I am not going to name them today. However, the government must pick up on this and do something about it. I believe it needs an inquiry, probably a judicial inquiry, into the actions and the obtaining of papers, the operations and everything that goes with the native vegetation authority because, in my view, it has gone way outside the bounds of the legislation and it is operating way outside what the government would like it to be doing. I am sure that there is no ministerial control of the authority because that is the way it has happened, and sooner or later there is going to be an absolute disaster.

No clearance is ever allowed by the native vegetation authority. I refer to James and Sandra Bates on Springs Road, Kangaroo Island, who are trying to put in a dam in a desperate attempt to capture water. It was suggested to them that they relocate to another site. I do not know whether members opposite are aware of the process of running water into a dam. You have to put it where the water runs, you cannot run it uphill. However, the native vegetation authority has said that the dam must be relocated because there is an endangered species of thryptomene that is going to be put in danger by Mr and Mrs Bates doing the right thing, making an application to put in this dam. They are tearing their hair out. They have been carting water to their property since November. It is costing them tens of thousands of dollars to cart water, as indeed are many producers on Kangaroo Island and elsewhere across South Australia.

This disgraceful, despicable, cowardly, gutless action by the native vegetation authority across the board needs to be questioned. I am going to pick up on this subject again. As the member for Stuart correctly said, I will name some of these people who are into it. We are going to have this out once and for all because I think it has gone far too far and it needs to be addressed.

I have no sympathy for those who destroy huge amounts of native vegetation when they do not need to. However, in the case of building dams, clearing old ladies' blocks, doing sensible things such as putting in fence lines, putting in fire breaks, building pits for rubble for council so that it can get on and build roads so that people can actually have a look at things, these things need some common sense. This mob is way out of control and needs fixing pronto.

Time expired.

AUSTRALIA DAY AWARDS

The Hon. L. STEVENS (Little Para): Like many others in the house, I attended a range of functions on Australia Day. The first of those was a breakfast at Government House under the auspices of the Australia Day Council of South Australia, when the Governor of South Australia (Her Excellency Mrs Marjorie Jackson-Nelson) presented a number of awards to distinguished citizens. I went because I had nominated someone who subsequently received an award, but I was also pleased to note that the first award, that for South Australian Citizen of the Year, went to Mr Bill Hender of Keith. I did not know that at the time, but I was pleased to be there when he received his award.

In reading the citation, Australia Post's State Operations Manager (Mr Gary Prior) noted that Bill Hender is either a member or a past member of numerous community sporting and professional bodies in his area, including being Chairman and committee member of the Tatiara District Council, President and committee member of the Keith War Memorial Community Centre, President of Keith Football Club and Chairman and committee member of the Keith and District Hospital. I have known Bill Hender for many years, as would members on this side and probably also members on the other side of the house. He is truly deserving of this award and I congratulate him today as I congratulated him on Australia Day at Government House.

The person I actually went to the breakfast to support was awarded the Premier's Award for Outstanding Community Achievement for 2007. I was delighted to have nominated Mr Dennis Jarman of Elizabeth Park to that Premier's award. When the Premier introduced him, he noted that Mr Jarman had a stellar record of voluntary community service in the northern suburbs of Adelaide, which is absolutely the case. Dennis Jarman has lived and worked in the northern suburbs for the past 42 years. He is currently the Chairperson of the Playford Community Fund, a role which he has fulfilled for the past four years and which also encompasses day-to-day leadership and management of the fund's activities.

In addition to his many years of service for this organisation, Dennis has been an active volunteer for numerous other organisations. He is a dedicated and tireless advocate for disadvantaged members of the Playford community. Originally, when he worked for money, Dennis was a senior executive at John Martin and Co., Saverys Retravision and Barry's Hardware. He was in the furnishing industry for 25 years, travelling extensively interstate and overseas for purchasing and investigation of the market.

Dennis has an extensive history of voluntary community service. I mentioned some of this earlier, but he has also been a Lions Club member for 29 years, including President of the Elizabeth Playford Lions Club. He received the Lions District Governor's Star Award, amongst many others. He has previously been involved with the Elizabeth Parks Scout Group, a member of the Elizabeth High School Committee and a member and sponsor of the Central Districts Football Club since 1967. He is also a member of the Elizabeth Church of Christ, as well as a member of the Church Management Committee.

In 2005 he was a recipient of the Playford Citizen of the Year Award. So, what more can I say about Dennis Jarman? He is a very special man, a man of incredible energy. He possesses a wealth of skills and experience, and works with others to make a difference. He epitomises the volunteer ethic and the power of one in bringing about positive change by working across a range of organisations and with many individuals at the grassroots. His leadership, practical know-how and energy and commitment have provided a multiplier effect in extending and rebuilding the social fabric of this community. He is an outstanding recipient of the award.

EYRE PENINSULA WATER SUPPLY

Mrs PENFOLD (Flinders): This Labor government's water policy and SA Water's operations are a shambles. Eyre Peninsula is also part of South Australia, and our water supplies, like those of the people using the River Murray water, are also collapsing. I call on the Premier to sack minister Wright, not just shift him from his responsibility for SA Water, and to review the SA Water Board. I demand that he facilitate private enterprise to build a desalination plant at Ceduna, where one is ready to be built, as a matter of urgency. This desalination plant should be followed up immediately with desalination plants at Streaky Bay and Port Lincoln before Eyre Peninsula's water supplies totally collapse.

I have discovered that the overdrawn underground resource south of Port Lincoln, which provides water for most of Eyre Peninsula, has for several months been pumped into the Robinson basin near Streaky Bay. According to SA Water this is 'to improve the condition of the aquifer and increase its long-term viability as a water source for the region'. It is a case of robbing Peter to pay Paul, and the ramifications of pumping chlorinated water from the overdrawn Uley underground basin at Port Lincoln, dechlorinating it and putting it into the overdrawn Robinson underground basin at Streaky Bay beggars belief.

The basins south of Port Lincoln are being drawn down so far by SA Water's pumping that incursions of seawater may not be able to be reversed. This could contaminate the freshwater and render it undrinkable for the people of Eyre Peninsula. In 2003, SA Water spent \$7.8 million on a 65-kilometre pipeline to link Streaky Bay to the main Tod/Ceduna system to deliver 180 megalitres of water a year. This was to take the pressure off Robinson basin while a solution was found for the whole Eyre Peninsula region. The Robinson basin was still expected to provide about 50 per cent of the water required by the town in addition to the Uley water; however, only 10 per cent was able to be drawn from the basin, and obviously even this was too much, necessitating the recharge and a second pipeline to be built. A second pipeline to Streaky Bay is currently being surveyed and the water supply to Wirrulla and Streaky Bay is being alternated

to ensure that pressure is intermittently adequate to provide water to the stock along this route. This is a totally inadequate outcome that is causing havoc for users, particularly in this drought time.

In 2006, \$48.6 million was spent by SA Water on a 90-kilometre pipeline between Kimba and Iron Knob to link Eyre Peninsula's water system to the overdrawn River Murray via Whyalla to deliver 1 400 megalitres of water per year. This was designed to take the pressure off the Uley, Lincoln and Poldas basins, but is yet to be completed and will not replace SA Water's current overdraw on their allocation. The Poldas basin, Uley/Wanilla basin, Lincoln South basin and now the Robinson basin are, as a constituent put to me recently, 'totally stuffed'. The Robinson basin SA Water assessment was inaccurate, and the pipeline was inadequate. Worse still, the Eyre Peninsula water assessment was totally inaccurate and the Iron Knob/Kimba pipeline inadequate and inappropriate, bringing, as it does, water 600 kilometres from the River Murray.

The planned private desalination plant at Ceduna would use alternative energy, and there would be no waste into the environment as the salt would be harvested by an existing local salt enterprise. The proposed system is modular and could be duplicated at Streaky Bay and Port Lincoln. Last year, \$281 million from SA Water revenue was put into general revenue and the capital works budget was underspent, despite \$48.5 million being spent on an inadequate pipeline to Kimba. With water so important in the water management by this government so bad, I fear for the future of our whole state.

Time expired.

FLOREY CONSTITUENTS, DEATHS

Ms BEDFORD (Florey): It is my sad duty to inform the house of the death of several prominent South Australians with a direct connection to the Florey electorate. Mr Fred Shilcock passed away at the end of last year. A resident of the Lutheran Village, his funeral service was held at the village's Trinity Church, and was full to capacity with Fred's loving family, fellow residents and many close friends from many walks of life. Fred was a proud retired RAAF serviceman, and he attended with me several really grand occasions.

Fred was active in the residents' village, in whose community there were not too many problems that he did not sort out. Together we worked to have a pedestrian-activated crossing outside the village to allow residents safe access to the shops on the other side of busy Grand Junction Road. It had been a project of great concern, not solved until our successful collaboration. Fred was truly loved and will be greatly missed and remembered. He also played an integral part in bringing in the Remembrance Day ceremony at Modbury High School. Each year he attended in his uniform, and his speeches have played a special and important role for the students and the wider school community.

As is often the case at funerals, I learnt a great deal about Fred's commitment to the Tea Tree Gully area, the time spent on the council and his days as a restaurateur, his North East Highway restaurant being an icon in our area for many years. A lot of my special family occasions in the early 1970s were held at his restaurant. That restaurant will always be remembered by the community and, as I have said, Fred will be greatly missed by everyone.

Another true champion of the Modbury area is Mickey Dye. For as long as almost all soccer enthusiasts in our area

can remember, Mickey was the heart of the mighty Jets, the Modbury Soccer Club. About 400 friends and associates, many of whom are involved in soccer at every level, as well as members of the council and this chamber, including the former member for Morialta, were present to pay their last respects. Mickey gave 25 years service to the Modbury Jets. As coach Duane Gray said in his eloquent eulogy, Mickey took on a number of important roles to advance and protect the future of the club. His commitment to soccer and Modbury in general was exceptional. Tributes poured in from many soccer officials and clubs, and black armbands were worn at Adelaide United's match that week against Melbourne Victory. Mickey is survived by his beloved wife Tracy and five children. He was a friend to many, and he welcomed everyone with an interest in the game. Apart from that, he was a really great bloke. As the community radio team from *Talking Football* at radio station Coast FM said:

... [Mickey] was a selfless contributor to making soccer better in this state. He was everything good about the great game. His memory will live long with all who knew him.

Vale Mickey. Another person much involved in advocacy for consumers of mental health services was Neville Ormsby, who is well known to many of us in here. It was noted at Neville's service that his address book was completely filled with the details of members of parliament, both state and federal, local government people and services to the community. Neville pursued a greater appreciation for those with mental illness, and his good humour and zeal was rarely matched. He had many friends. His mates from Diamond House sent many messages, and many attended the funeral service for their great mate. Neville had just achieved his life's ambition to become a radio announcer, something for which he had worked for years.

I did not know that Neville had a life-changing accident in the 1960s, after he had begun his career in the then Savings Bank of South Australia, as well as a promising football career. His sister recounted many stories of Neville's rehabilitation and of how he regained his speech and the use of his limbs, mastering a dual turntable, which was the seed of his ambition to be in radio. Neville never gave up, and his work will endure in the better outcomes he has achieved.

Neville's death was preceded a few days earlier by the death of Dr Rob Barrett. Although I never met Dr Barrett, he worked closely with indigenous people in South Australia through the health service known as Nunkuwarn Yunti, where he was highly respected. His obituary in *The Advertiser* spoke of an outstanding scholar and clinician, gifted teacher and wise mentor. His colleagues stated that he contributed substantially to the disciplines of medical anthropology, psychiatry and medical education. In his significant body of written work, he undertook two major ethnographic studies on schizophrenia, one of which was on a psychiatric hospital here in Adelaide. He was a skilled and caring medical manager of psychiatric patients. He will be greatly missed by his family, friends, colleagues and patients.

LOCAL GOVERNMENT (STORMWATER MANAGEMENT) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 November. Page 1437.)

Mr HAMILTON-SMITH (Waite): The opposition supports the bill, although we have some quite serious concerns about a range of aspects and matters included in the bill, shared by those with whom we have consulted. As the house would know, the bill was introduced by the minister on 23 November 2006. To put the matter into perspective, one needs to recollect the impact of the tragic floods that occurred across Adelaide in 2005. Those floods had a serious effect on the council precincts of Burnside and Mitcham and tragic effects in the north, in the Gawler area. A lot of people's homes were destroyed and a lot of people's livelihoods were destroyed in the agricultural precincts. Frankly, a lot of councils were thrown into the difficult situation of having to respond to the crisis to a degree unprepared and poorly resourced—along, of course, with the state emergency services and a range of other agencies under the control of the state government.

Perhaps that reflects a long period of a lack of preparedness across the state for stormwater response. However, at least with this bill we have before us a measure that one hopes will deliver an outcome, although I would say to the house that the view on this side is that it has been a long time coming. The opposition recognises that it is not an easy matter, and we realise that the minister and the government have had a number of challenges in getting to this point. There has been a period of consultation, and an agreement was mooted and eventually signed between local government and state government about how arrangements would work, and that has flowed into a bill. Nevertheless, it has been 18 months or so. Fortunately, at least today we have something on the table.

The bill gives statutory effect to aspects of the memorandum of agreement on stormwater management dated 14 March 2006 between the Local Government Association and the state government to which I referred a moment ago. A key feature of the bill is the establishment of a stormwater management authority, termed 'the authority', as a statutory corporation under the Local Government Act 1991. The authority will have membership from both state and local government and will manage the distribution of funds towards priority projects. We note from the bill that the authority will support flood plain mapping, the preparation of stormwater management plans and it will prioritise stormwater infrastructure works on a catchment-wide basis, and that is welcome.

The authority, with the approval of the Treasurer, will be able to borrow money against future stormwater allocations so that funding can be brought forward, enabling priority works to be delivered earlier than would have been possible otherwise. This will be particularly attractive to the Treasurer as it will allow, in my view, off balance sheet borrowings for the construction works, which may go beyond stormwater management to include projects or measures relating to water quality or pollution abatement, and I will come back to that point later.

The government's arrangements set up in the bill are aimed at both levels of government working together towards high priority total catchment solutions. The authority has coercive powers to issue orders to councils requiring them to undertake necessary works, including construction or maintenance of stormwater infrastructure, and I will come back to that point later as well.

The state government's funding allocation of \$4 million per annum, adjusted in accordance with CPI for a period of 30 years, replaces the previous year-to-year funding alloca-

tion of around \$4 million in 2005-06 to the catchment management subsidy scheme. The view on this side of the house is that that contribution is not enough, but I will refer back to that point later and raise it during committee.

The government indicated that there had been consultation with the natural resource management boards, the federal government and Residents for Effective Stormwater Solutions (RESS), an active community group representing constituents who are affected by flooding. I have been part of some of that consultation. I have attended meetings with RESS during which officers of the department have briefed residents. That has gone on and it has been confirmed during the opposition's separate consultation that there has been quite a degree of communication between the government and local government. I commend the government for that homework prior to bringing the matter to us.

I am aware that the Local Government Association (LGA), as an entity, supports the measure, and I am aware that most councils support the measure. Both the government and we on this side are aware that a number of councils still have serious reservations about what is proposed in the bill, and I will mention some of those reservations shortly.

I have also sought advice separately from all MPs on this side, some from the other side and Independents about the bill and I have consulted a range of community groups, and there are some serious concerns. Some might say that this is a clever bill, that it introduces a clever device in the form of the authority to handle quite a sticky and difficult management issue, one that previously has been the result of considerable conflict and disagreement between state and local governments. Others might have the view that it is a bill that seeks to shift responsibility from the state government to local government for a range of things that should rightly be the responsibility of state government.

Some might have the view—and, indeed, I am one of them—that this bill will create an authority that might become an out, if you like, when responsibility is sheeted home after a flood, for both the state government and, to a degree, local government. The answer back might become, 'Well, it is not my fault. After all, there is a statutory authority responsible for carrying out stormwater works, planning them and preparing the state for a catastrophe. So don't blame me as the minister; it's not my fault. Go and blame the authority.'

Similarly, I can see some local governments seeking the same out: 'It's not my fault. After all, we've got this authority. Go and look for the chair of the authority; they didn't do their work.' The Local Government Association might seek to gain protection from the same out. I raise the question: are we creating yet another level of bureaucracy, another level of management in the form of the authority, when, if people simply stepped up to the wicket and accepted responsibilities they already had, we could not have achieved the same outcome without the need for an authority, the authority created by this act?

It has been put to me by a number of councils that we could have had a bill before us today which gave purpose to many of the powers that the authority will acquire from this bill, but sheeted them to the minister himself. Perhaps the minister could have taken on the responsibilities that will be given to the authority, perhaps with an advisory group formed not that differently from the authority, but more as an advisory council with representation from local government and from experts in the field. The minister, through this act, could have given himself the clear authority, powers and

direction to act decisively and with purpose in the event of a flood. But that is not the nature of the bill that we have before us.

Others could argue that the bill could have given further authority and resources to local government. It could have taken on renewed responsibilities and greater powers in regard to stormwater. I do not think that would have been appropriate either, but there were other options and the option of creating another entity, that being the stormwater authority, is a curious one. I can see that in many respects it is a clever device, but I can also see that it is a device that brings with it a number of problems for people when it comes time to say: who got it wrong, why were we not better prepared, did we do our homework? I will come back to this point later.

Of course, the powers of the authority, in the view of many stakeholders, go beyond what is necessary. There is some concern within local government that the coercive powers of the authority may be open to misuse. I suppose the answer back from the government will be that one has to have faith that people will use these powers sensibly. A number of members on this side of the house—and I am thinking particularly of the member for Stuart—often point out that, if you give anybody powers through an act of parliament, particularly bureaucrats, one has to be very careful about ensuring that those powers are not abused. Once they are given, and they are not to be given lightly, those coercive powers can come back to bite, and we are giving significant coercive powers and authority to a range of people through this bill and, I point out, through the regulations that will no doubt follow. I have prepared some amendments that I think ameliorate the potential dangers and effects of some of those powers, and I note an amendment on the table from the government as well which goes to the same point in one case. We will deal with those amendments later.

Concern has also been raised that councils will need to take on more debt in order to comply with the requirements of this bill. We note that arrangements are spelt out in the bill about the split of funding that will go into the authority and the way in which money will be borrowed and who will be responsible for what. We need to explore these issues a bit more carefully in committee and get certain undertakings back from the government so that local government is clear on where the buck stops in terms of their financial liability. Essentially, and this points to the other clever aspect of this bill in its creation of the authority, this authority will go out and borrow. It will take the \$4 million from the state and, I gather, a yet to be determined commitment from the commonwealth which is not yet locked in, and also, I gather, commitments (that, again, I do not think are completely locked in but the minister may be able to clarify that later) from local government.

That pool of funds per annum over a period of 30 years or so will be used as a revenue stream for the authority to then borrow substantial amounts of money. I think that about \$160 million worth of flood mitigation work has been one figure that has been used. Back in 2005, we were promised by the government a flood mitigation study, for example, on the Brownhill and Keswick Creeks flood plain. The minister will recall that, at the time, I sought undertakings from him through questions in the house as to when that particular flood mitigation study would be provided. He assured me that it would be provided by the end of 2005 and, in effect, it was a promise. We then heard that the mitigation study—the draft flood management master plan—to be produced by Hydro

Tasmania, a consultant based elsewhere in partnership with others, would be provided in 2006.

I then sought assurances from the minister, through questions, that it would be provided before the March 2006 election. He assured the house that it would be provided before the election and that this was not an attempt by the government to push the matter off beyond the election; that it would stick to its commitments—in effect, another promise. I say that both those promises were broken, because we still do not have the flood mitigation study on the Brownhill and Keswick Creeks that was promised. It was not provided by the end of 2005 as promised, and it was not provided before the March 2006 election as promised. I understand that a draft document is now floating around local government; that is great. I simply ask the minister if he would do the courtesy of sharing that draft with the opposition because we are stakeholders as well and we would like to see it. We may have already seen it but it would be courteous to all members of the house to properly inform them of what is going on instead of failing to deliver as promised and to go on secretly consulting without bringing all parties and stakeholders into the debate on that particular example. Other flood mitigation studies and works in relation to other catchments and waterways also need a great deal of work.

However, getting back to the point, this entity is an entity designed to borrow. There is a question mark about whether or not that borrowing will show on the balance sheet or whether it will be off balance sheet. I think the government needs to be quite frank and open with people about how much money it intends to borrow to carry out these works. In principle, the opposition is not opposed to the concept of borrowing to build infrastructure but we make the point that this government is awash with cash. Never has a government had more revenue coming in. It is raking in the money from land taxes, property taxes, GST and a range of sources. We have had something like a 30 per cent increase in tax revenue in five budgets—billions of extra dollars over the five years beyond that which was ever dreamed of back in 2001. Plenty of money is coming into the government's coffers. The government's problem is that it is spending it as quickly as it gets it and then it says, 'But we would like to borrow to build infrastructure'.

I make the point that, in principle, we are not opposed to the idea of borrowing to build infrastructure. We note that the government has a proud record of achievement when it comes to borrowing, particularly involving the State Bank. I think it was about \$11 billion worth of borrowing: building llama farms in South America and investing in football stadiums in London and all sorts of stupid investments. It finished up bankrupting the state and leaving us with billions of dollars worth of debt.

The minister and the government have a proud record of achievement when it comes to borrowing! Nevertheless, despite their record, we are not opposed in principle to the concept of borrowing to build infrastructure such as stormwater infrastructure. However, we make the point that the government should make sure that it is running a lean, efficient government before it goes out there and places taxpayers in further debt. Linked to the issue—

The Hon. P.F. Conlon: Lean, efficient government—

Mr HAMILTON-SMITH: The minister said 'lean, efficient government'. He has 8 000 extra public servants compared to what was the position five years ago, and he reckons that he is running an efficient government. We will

come to that later. Clarification is needed about what will happen with these borrowings if it all goes terribly wrong. If the minister wants to know what it is like when it all goes terribly wrong, he should go and talk to the Premier, who was a senior minister during the State Bank debacle. He can also talk to the Treasurer, who was a senior adviser. I think John Bannon was the captain of the HMAS State Bank, Mike Rann was the chief engineer and Kevin Foley was a cabin boy, running around the bridge taking notes. The minister may wish to talk to them about what it is like when it goes belly-up.

If the entity is to go out and borrow \$160 million worth of debt to pay for stormwater infrastructure, for example, and something goes wrong with those borrowings—if the investments fail or if the entity borrows beyond its means—we would like to explore what controls, mechanisms and devices will be in place to make sure that the debt burden does not spiral and, in particular, to ascertain who will be responsible if it all goes belly-up. Is the Treasurer underwriting this completely, or are the LGA and the local councils up for a slice of the debt if the control devices that the authority implements (over which, as I understand it, local councils will have little control) go astray? I think that is an area that needs clarification.

It may be necessary for commitments to be given to the house that the funding arrangements in relation to debt, and also the liabilities in relation to local councils, will be clarified. It may be that we need commitments. If we do not receive those commitments, we might need to look between the houses at whether or not the bill needs amendment to enshrine in the legislation the funding arrangements so that local government knows what its liabilities will be. We can explore that issue during the committee stage.

There is a risk that the authority will be set up once the act is passed but that the envisaged funding agreement will not be realised. My understanding (and perhaps the minister can clarify this) is that the state government has not yet struck a guaranteed agreement with the commonwealth, and there is no set amount of money that will go to the authority—

The Hon. P.F. Conlon: I don't know what you fail to understand: it is absolutely clear that that is the case.

Mr HAMILTON-SMITH: Very good. The minister said that it is absolutely clear. Perhaps he can specify exactly how many millions of dollars will be provided for this—

The Hon. P.F. Conlon: It is absolutely clear that there is no funding agreement with the commonwealth.

Mr HAMILTON-SMITH: —on an annual basis over the 30 years, so that the revenue stream—

The Hon. P.F. Conlon interjecting:

Mr HAMILTON-SMITH: Perhaps he could also tell us the detail of the agreement that has been struck and when it was signed and provide a copy of it to us so that—

The Hon. P.F. Conlon: No, you still refuse to listen, don't you? There is no funding agreement with the commonwealth. It is a vehicle for getting funding from the commonwealth. You were told that over and over. You fail to listen, because you are not very bright.

Mr HAMILTON-SMITH: The minister wants to interject and drag on the second reading until he has his own say. He just said that there is no funding agreement with the commonwealth, and he does not have an agreement with the commonwealth. That is precisely the point I am making. He is going to create the authority and then go off with a begging bowl to the commonwealth and suggest that it puts some money into it. That is good. We can have one begging bowl

for the \$250 million needed for the Northern Expressway. We will have the other begging bowl underneath it, so if any coins fall out we will grab them into this new authority's revenue stream for further borrowings.

The Hon. P.F. Conlon: You are a most unrelentingly tedious person.

Mr HAMILTON-SMITH: It must be terribly annoying having an opposition. Just imagine how nice it would be for the minister if he did not have an opposition: he could just go out there and bungle this and bungle that. Just imagine: if the minister had his way, he would still be running the electricity grid; he would still own the power stations and the power-lines. For heaven's sake! We would be building a power station in Port Augusta for \$100 million and it would be blown out to \$500 million. He would be building power lines to the South-East which were due to cost \$75 million but which we would find out were going to cost \$200 million. This bloke's inability to get his sums right beggars belief. Imagine if he still ran the power grid—and he says he is upset that the private sector now runs our power—heaven knows what sort of trouble this state would have before its budget bottom line.

Before we start shooting off about how good we are with our financial management, I just want to hear the magic words: 'I will stand by my record'. Come on, minister: stand by your record. The minister's record is likely to be enshrined in gold, and we will be talking about it for years to come.

An honourable member interjecting:

Mr HAMILTON-SMITH: I am happy to get on with it. If the minister wants to keep interjecting, he is simply inviting responses to his interjections. If he wants to get through this bill we will get through it quickly, but if he wants to prove how silly he is, he should just keep interjecting. Just button your lip, Pat; it is not too difficult. He likes to get up during question time. We get to ask a question and he can shoot his mouth off, be the wise guy—

The Hon. P.F. Conlon: Madam Deputy Speaker, can he come somewhere near the point?

The DEPUTY SPEAKER: Order! The member for Waite, please address the bill.

Mr HAMILTON-SMITH: I am happy to do so, if the minister could just refrain from interjecting. I will be happy to confine my remarks to the substance of the bill if he will just button his lip and be a good boy.

The DEPUTY SPEAKER: The member for Waite, there are no ifs and buts. Address the substance of the bill.

Mr HAMILTON-SMITH: The uncertainty over whether the local government insurance fund will have some liability should there be damage to property in the event of a flood, I think, is another point that needs clarification, because this whole issue of what happens after there is a flood, now that we have the authority, is of concern to local government. It gets back to the issue that at the moment we have two players on the field—in effect, the state government and local government, and I will get to the NRM boards later—and now with the authority we will have three players on the field and possibly four if you count the national resources management boards and the regional development boards, so that warrants clarification. Of course, the other issue the minister will be aware of is whether each council will be left with a liability for infrastructure, and particularly the maintenance of infrastructure such as dams, etc., once the public work is completed. There is a bit of concern—

The Hon. P.F. Conlon: Who do you think has the infrastructure now, Marty?

Mr HAMILTON-SMITH: The minister now wants to have a debate, Madam Deputy Speaker. I ask the minister to just sit and listen, then I will listen to him, and then we will go into committee and we can go through it clause by clause. But, minister, if you could just refrain from giving us the pearls of your wisdom until then we will rattle on through the bill, shall we? Is that all right with you?

The Hon. P.F. Conlon: Be my guest, Marty.

Mr HAMILTON-SMITH: Thank you.

The DEPUTY SPEAKER: Order! Member for Waite, this is a debate for the parliament, not a squabble.

Mr HAMILTON-SMITH: It is. Madam Deputy Speaker, you are an impartial chair, the minister is interjecting, and interjections are out of order, so I suggest you—

The DEPUTY SPEAKER: Member for Waite, please address the matter before the house.

Mr HAMILTON-SMITH: I am happy to go through this if the minister can just contain himself. I point back to the issue of concerns of residents. Residents right through the catchment are generally very supportive of the bill. They do remember the member for West Torrens during debate talking about the plan amendment report when the minister's predecessor (the member for Taylor) was the minister. They do remember the government's plans to introduce fairly dramatic changes to people's property rights by making dramatic changes to their titles by introducing planning measures that would have devalued their properties most significantly. I have to say that one of the reasons the opposition supports this measure is what happened when we opposed the plan amendment report, which the government acknowledged was an act of total stupidity. I still remember the front page of *The Independent Weekly* which said, 'The creek hits the fan'. I think that is what it said. I can just imagine the caucus meeting and the members for West Torrens and Ashford when they exchanged words with the then minister.

The Hon. P.F. CONLON: Madam Deputy Speaker, we have sat here without interjecting. I do not know what the member's excuse is now for not addressing the bill.

The DEPUTY SPEAKER: I accept the point of order. Member for Waite, please address the bill.

Mr HAMILTON-SMITH: It is very relevant to the bill, Madam Speaker, because this is the government's second attempt to address this problem. Its first attempt was in the form of a plan amendment report which it withdrew once it realised it had got it all wrong and the community opposed it. One of the reasons we support this measure is we are desperately concerned that, if we highlight its inadequacies and we get in its way, the government will do exactly what it did last time, which is spit the dummy, pick up its bat and ball and go home and leave us all with nothing whatsoever. So, I give the government some credit, and I have said it on radio, that at least it has something here and we can go forward with it, imperfect though it is.

I will get back to the concerns of residents. They are worried about the absence of provision in the bill for public consultation, safeguards in the use of the authority's coercive powers, processes and safeguards for residents in relation to powers to enter and occupy private land (which I think is Division 6 of the bill) and the cost of maintenance to private landowners should any infrastructure be put through their backyards. I note the minister has listened to some of those concerns and has at least one amendment on the table. There are four amendments from the opposition also on the table, and it looks as if one will not be necessary given that the

minister's amendment more than adequately covers our concern, so I will talk to that later. However, we need to ensure that we do not create an environment where the authority or its officers are unnecessarily empowered to make life difficult for landowners. I think that is an issue, and we will talk about that later.

I mentioned earlier that the LGA supports the bill and has had a role in its development and it will be happy to live with its consequences. I just make that point because we will see after the next flood how all these arrangements work and we will see what certain councils have to say about it if it works and what they have to say about it if it does not work. I should mention at this point that my friend the member for Bragg, who has some slightly different points of view from me about this bill, will speak—forthrightly, I am sure—about some of her concerns on behalf of Burnside council and her constituents should it all go wrong. I guess now, in effect, this bill is a child, to a degree, of both the government and the LGA, so it really does have to work. I think that is an important point.

As I mentioned, overall, stakeholders are supportive of the bill but, as I have also mentioned, there are some concerns, and I would like to go into a little bit more detail of some of those points of concern. In particular, I want to share with the house some concerns raised with me by Mitcham council. Members would be aware that is my local council. I am the member for that area so I have an interest in what Mitcham council has to say, but I think this adds some value to the debate at large. I will therefore share with the house some of Mitcham council's concerns. I must say that Mitcham council has been consistent, because it raised the same issues with me during last year. When it comes to funding the proposed work, Mitcham council is quite sceptical and questions the soundness of embarking on major drainage infrastructure upgrades (which, in its case, includes the Patawalonga catchment area) in the absence of a well-developed financial model, a model incorporated into the legislative framework setting out clearly what each party is to contribute. I think that is a very reasonable concern, and I raised it a moment ago and look forward to the minister's explanation and his debate about whether or not it should be included in the legislation itself.

The government, through its officials, has indicated to some councils, and particularly the Mitcham council and those councils surrounding the Patawalonga catchment, that they can expect a one-third contribution from the state and a one-third contribution from the federal government, with the balance of the money funded by the relevant catchment councils. But there are no formal assurances, from either the state government or the federal government, that this will turn out to be the case, so the councils are being asked to have faith that that funding will turn up. Furthermore, the Patawalonga catchment councils have been led to believe that each council contributing to works in the catchment will do so based on a flows-based formula, being a formula independently calculated as part of the work supervised by the former Patawalonga Catchment Authority, work endorsed by the Brownhill and Keswick Creek Flood Management Group. This group comprises representatives from each council in the form of their chief executive officers, together with senior officials from the state government, and this group has thus far been responsible for the development of long-term strategic drainage plans for ameliorating flooding in the catchment.

I am advised by some councils that the suggested apportionment of costs between councils and the state and federal governments as independently assessed are as follows: the state government 33.3 per cent; the commonwealth government 33.3 per cent; the City of West Torrens, interestingly, 17.8 per cent; the City of Mitcham 2.9 per cent; the City of Unley 6.6 per cent; the City of Adelaide 2.4 per cent; and the City of Burnside 3.6 per cent.

A number of councils would like an assurance from the government of the day that they will guarantee that apportionment of costs or, if that overall guarantee cannot be given, that each council contribution as independently determined will be no more than the percentages I mentioned a moment ago. Given that it is not in the legislation, I think there is a need for the government to give some firm commitment to the councils in respect of that apportionment because, as you would know, there is a concern that the coercive powers of the authority will be used to make some councils pay for flood mitigation works that are not in their council area. There may be a need for that, but I think it is reasonable for councils to go into that open-eyed, and let us make sure that that process is open, accountable and fair. Let us not introduce a measure and then find out after the event that the whole funding arrangement is going to be twisted around and that ratepayers who live in one precinct are going to be required to fork out for significant works in another council's area because—

Mr Koutsantonis interjecting:

Mr HAMILTON-SMITH: Possibly and maybe—because that council has failed to invest in its own infrastructure. Let us not make the errors, mistakes and lack of investment of one council the problem of another council. Let us have people being responsible for making sure they have got their own backyard in order.

I have mentioned before that councils have raised with me concerns about whether the agreement is the best method to implement priority flood mitigation works, about it creating an extra level of bureaucracy, about it not specifying adequately the responsibilities of the state government, and about the lack of clarity in regard to its interface with the Natural Resources Management Act. It is an interesting issue. I suppose an option the state government had here would have been to give these powers to the NRM boards. I know there would have been a range of difficulties with that, but we do have these NRM boards now drawing resources with certain responsibilities in regard to water now overlapping to some extent with the authority created under this act.

The agreement notes that state government is responsible for major arterial drains, and local councils for local drains, but the scope of stormwater management plans under the new system seems to go beyond the flood mitigation works on major arterial networks. They are to be in a form determined by the NRM Council. I think the bill says that they must include 'information of a kind prescribed by the regulations'. That proposed system seems to provide the minister and/or the stormwater management entity with extensive directive powers over council's work programs and the expenditure on those programs as outlined in the stormwater management plan. Councils have concerns that this will bind the decision making in the budget setting of future councils and will discount the competing priorities of other assets and liabilities of council. We are creating a device here that is going to drive the budgets of state councils with the financial arrangements very poorly articulated.

The model used for selecting the board of the stormwater management entity is of interest. Councils are required to design and construct infrastructure and acquire liability for its maintenance and it is therefore important that local council representatives comprise, in the view of some councils, the majority membership of the board. The alternative is that a state government-controlled board may be tempted to prioritise works according to the political exigencies of the day, as has arguably happened on occasion with catchment water management boards. The model in the bill, as members will be aware from having read it intently, is that there is representation from local councils, and then officers appointed by the minister, and they are, essentially, administrative officers, and then a chair selected by a short list of three put forward by the LGA.

I note that the Hon. Nick Bolkus, a former Labor minister, is to be the chair of this entity. I have met with Nick. I am sure he will do a very good job. But there is concern from councils that the government will have control of this thing and will thrust solutions down the throat of local government. The government may well argue that that is what is needed. Well, so be it. It has the LGA's blessing. So when that happens I guess the LGA will be happy with that outcome. I must say it is curious, given that in the stormwater management bill the government has come up with a device to enable the state government to have its way with councils. That the Premier and the minister are out there saying in regard to the River Murray that the commonwealth should not have the same ability to thrust its preferred outcomes down the throat of state governments in regard to the River Murray.

It is very interesting. When it comes to a water management issue on stormwater, over which the state government has control, it wants the power. It does not want any independent experts in there: it wants to be able to thrust its solutions down the throat of local government, have its officers on the board, its bloke in charge. However, when it comes to the River Murray, it is a different story: 'No, we have to have a group of independent experts. We don't want the federal government ramming solutions down our throat.' That is very curious. There seems to be one rule for the goose and another one for the gander. I hope the irony of that is not lost on the media. Certainly, I have told them all about it.

The Hon. P.F. CONLON: On a point of order, Madam Deputy Speaker, no-one is interjecting, he has no excuse. Can the honourable member please come back to the bill?

Mr HAMILTON-SMITH: I am—

The DEPUTY SPEAKER: Member for Waite, when a point of order is taken, you should resume your seat and wait for the ruling.

Mr HAMILTON-SMITH: I am right on the bill, Madam Deputy Speaker.

The DEPUTY SPEAKER: I uphold the point of order and request that you—

The Hon. P.F. CONLON: On a further point of order, it is for you, Madam Deputy Speaker, to tell the honourable member if he is on the bill, and not for him to tell you.

The DEPUTY SPEAKER: Precisely. Member for Waite, please address the bill.

Mr HAMILTON-SMITH: She doesn't need your guidance.

The Hon. P.F. Conlon: She certainly doesn't need your instructions.

Mr HAMILTON-SMITH: If I were you I would not be giving guidance to too many people, except your own department.

The DEPUTY SPEAKER: Order!

Mr HAMILTON-SMITH: I talked already about the funding arrangements.

The Hon. P.F. Conlon: He takes no notice of you: it is most rude.

Mr HAMILTON-SMITH: We can be here till midnight, if you like. Would you like to be here till midnight?

The DEPUTY SPEAKER: The member for Waite.

Mr HAMILTON-SMITH: I just make the point, Madam Deputy Speaker. I mentioned a moment ago that Burnside council has some issues with the bill. It has looked at it very closely and has been involved in the draft bill and assessment of the agreement that the government floated with it. It has recommended a number of changes to the bill which, as I understand it, have been ignored by the government and, in its view, by the LGA. That is a matter for the LGA to resolve with its members. Burnside council has suggested some changes to section 13 (the preparation of stormwater management plans by council) and section 15 (the approval of stormwater management plans).

It has suggested that section 13(4), which deals with the NRM board's informing the authority that it has assessed a council's plan and is satisfied that it contains appropriate provisions, needs examination. The new version of the clause, it says, has added the requirement that the board 'must provide the information to the authority as expeditiously as possible', and it finds that change curious. Section 15(2) requires that the authority may not approve a plan unless it has received advice from the NRM board in accordance with section 13(4). In this bill, instead of 'advice', the word 'notification' was used. Certainly, in the draft bill that was the case. The City of Burnside has rigorously looked at this entire matter and provided feedback that is relevant to achieving a robust and workable partnership between state and local government for the long term.

It feels, unfortunately, that the state government and the LGA have not shared its vision. It feels that the bill appears designed to place stormwater management very much at arm's length from the state government; that local government would not be paranoid in thinking that, when the next major flood occurs, the state government would like to be in a position to assign responsibility for property damage and human suffering to local government or to the authority, or both. Burnside feels that this bill needs to be reworked so that stormwater management becomes a genuinely shared responsibility between state and local government, not the state government shedding responsibility as appears to be the case in this bill, in its view.

Burnside council argues that a good test of the bill's veracity would be to consider whether provision of road transport services could realistically be managed via a similar devolution of responsibility and infrastructure to local government as that provided for by the bill, which in its view it could not. The City of Burnside recognises the importance of addressing stormwater management on a catchment-wide basis. However, it seeks a fair and robust system where costs and responsibility are shared equitably and collaboratively between all levels of government. In its view, this bill does not achieve that goal.

Having said that and having got the City of Burnside's views on the record, we on this side of the house understand that the LGA supports the measure and that the majority of councils support the measure in the interest of getting something done. Of course, in a sense, they do have a gun at their head. They have been held up for 18 months waiting for

something to be done after the tragic floods. Finally, something has been done and they have been told this is it. The stormwater authority, this bill in its current form, is it: this or nothing; and any objection to that has been overruled. Really, it is this bill before us tonight or nothing, with all its imperfections, without a funding plan specified in the bill, without guarantees in regard to the way in which financial arrangements will work, etc. It puts everyone in a most difficult situation.

To conclude, as I noted, we will be supporting the measure. I have four amendments on the *Notice Paper* and indicate to the minister that my amendment no. 2 will not be necessary and I will not be proceeding with it. When his amendment no. 1 is put, we will be supporting that. We think that it is a better amendment than ours and we commend him for listening to stakeholders on that issue. We look forward to going into committee.

The Hon. R.B. SUCH (Fisher): I welcome this measure and think that the government should be congratulated for getting this to a point where we will, hopefully, see some real action in relation to stormwater management. I raise some questions, which I am sure the minister will tell us are contained in the bill. Some might say this that this would be a given, but one would hope that these aspects will be incorporated. The first one relates to a focus on the wise use of water and whether the emphasis will be not only on minimising damage through stormwater flooding, and so on, but whether the water that is channelled will be used in a wise and productive way or simply be redirected. One does not have to think beyond the current drought situation to realise the significance of saving water.

I noticed a reference to stormwater management plans under division 3. New clause 13 provides that plans must be approved by the Natural Resources Management Council. One would hope that that would ensure that there is a proper environmental focus on the water and the way in which the water is harvested and used. For example, it does not specifically mention wetlands, and one would not expect it to be in the bill as a specific statement, but somewhere it needs to be recognised that the focus should be on environmental aspects as well, and that would include the provision of wetlands. Members may say that that is a given; one would hope it is. I want to make sure that we understand that we are not simply creating a pipes and drains authority. I know the engineering profession has moved well beyond the days of straight-line engineering when it comes to things such as footpaths and even road construction, but, I trust that this authority, the guidelines under which it operates and the way in which it works with councils will have scope for some innovation.

As I said, in conjunction with the NRM, and so on, that could include the provision of things such as wetlands in the South Parklands and the aquifer recharge. I have been trying to get the Adelaide City Council focused on that issue for a while. I hear back from some members of the council that they have looked at it, but nothing ever seems to happen. We could be channelling constructively some of the potential or actual floodwater from the City of Unley and other areas such as Burnside—away from the people in West Torrens, Hindmarsh, and so on—into wetlands and aquifer recharge in the South Parklands. I know that the City of West Torrens is very keen for something to happen, and I am sure that it will welcome this measure before us this afternoon when it is implemented, because its people have suffered for a long

time as have some of the people in the Unley council area around Wayville.

What we have before us, I think, is a great step forward. I guess some would argue that, if we had only one or a couple of councils in the metropolitan area, we would not need this authority, but we do not, at least at this time, so we do need some coordinating authority. The member for Waite expressed concern about possible heavy-handed action. If you want things done, you have to give power and authority to a body to do it, otherwise you will not get anything done. If you are going to have a whimpy authority that cannot do anything, you may as well not bother. You need a body that can actually do things, and sometimes make tough decisions to bring about an outcome.

In essence, I think this is a big step forward. Governments over many years have failed to bring about a coordinated approach to stormwater management. Councils, by virtue of their separate patch approach, do not usually coordinate their activities in a way that can happen under this bill. I commend the minister and the government for getting on with it. I look forward to the day when aspects that I mentioned, not just simply the threat of stormwater, but the wise use of water and the environmental focus, can also be part of this approach.

To conclude, I cannot see any specific area where the public can make comment or have input on the plans. That might be implicit in what is spelt out here. I do not know whether the minister will make reference to that, but one would hope that councils, if they are doing their job, would be consulting their residents anyway. I think it is important that the public has an opportunity to comment on what is proposed and can have constructive input.

Ms CHAPMAN (Deputy Leader of the Opposition): I will be opposing the bill. In doing so, I indicate that I respect the views of other members of the house from both sides of the parliament, who have foreshadowed their support thereof. I sympathise with them in being in a situation where they urgently require stormwater repair within their own districts. It is urgent, and there are some districts in South Australia that are under pressure. Recently railways were washed out in the flooding in the North. No doubt a number of councils up there are worried about their districts and a number in the state are worried about whether we will get coal supplies down unless we deal with it.

We had the Virginia floods last year. In my own electorate we had the Waterfall Gully floods. A number of residents have been particularly financially disadvantaged in a number of electorates, such as that of the member for West Torrens, the member for Mitcham and the member for Unley. I think half his electorate was under water. Clearly, there has been major damage and a high cost paid by people who are in urgent need of stormwater work. Therefore, they are keen to get on with these projects. If it means the government wants to push through this statutory body to do it then they will accept that.

Whilst the member for Waite has outlined some of the shortcomings of this legislation, his commitment is not surprising in order to have this hastened along. In no way does this minimise the fact that we need to get on with stormwater repair work in the state. What I say, though, is that, notwithstanding the government's presentation to the parliament that 'it is necessary to improve the financing and governing arrangements for stormwater management throughout South Australia', this statutory body is not necessary. This will provide a cumbersome and costly

apparatus from which to administer what has been done in the state for decades. It could proceed under the terms of an agreement which was signed on 14 March 2006.

I draw the attention of the house to that date, which happens to be a few days before the state election. I am not quite sure how an agreement could be dated four days before the state election, during the caretaker period, but no doubt the minister will explain that when he comes to answering questions on this matter. I would be interested to know, because, as I understand it, it is a pretty clear convention. None of the leaders on our side of parliament was advised that it was necessary to proceed with that document prior to the election. Anyway, there is the date, 14 March 2006. In any event, the LGA, on behalf of its councils, and the state government have entered into an agreement to proceed with certain measures, and they could get on with it if they seriously wanted to do so.

Secondly, not only is the structure superfluous and it could proceed, the funding is simply not secured in any way whatsoever. On the first matter, the agreement itself, as entered into by the LGA and the government, identifies in schedule 1 the list of known state stormwater assets and works. Let me tell the house what they are, as listed in this document, and who owns them, in order to dispel this myth that the delay in carrying out stormwater work is the result of a dispute between two levels of government as to who will pick up the funding cost and be responsible for it.

The first in the list are the Patawalonga assets, which are owned by the Department of Water, Land and Biodiversity Conservation and include the Glenelg gates, the collection pond and the diversion pond, the northern gates and foot-bridge, the Patawalonga outlet duct, the Barcoo outlet and associated pipework. We then move on to the Sturt Creek catchment, which has stormwater assets of a concrete line section of the Sturt River channel to the Patawalonga Basin to just upstream of Sturt Road, and the Sturt River flood control dam, which is owned by SA Water. The third item is the Brownhill-Keswick Creek system, which is the airport drain (part thereof), and the areas of the Torrens and Sturt rivers and Keswick and Brownhill creeks for which the state has maintenance responsibility, as defined in the Metropolitan Drainage Act and the plan referred to in that act. Who owns these assets? SA Water.

In relation to the River Torrens, it is all the main channel of the Torrens from the Gorge Weir in the foothills to the sea. Who owns the assets in relation to that channel, noting that the Torrens Lake, as part of the Torrens upstream to the Albert Bridge is managed by the Adelaide City Council? You guessed it: SA Water. So, it is a nonsense to assume that we need to have a new structure for the purpose of progressing and getting on with urgently needed reparation, and stormwater and flood plain management, equipment and assets in this state. The government might say, 'We don't want to use those entities. We've used them for the last 100 years, or however long these entities or their predecessors have existed. We're going to make a new one.' Well, let me say this: the government has created the natural resource management boards and a state council of NRM. What are they doing? Probably some very good work. They are listening and talking to people and consulting. However, what is stormwater if it is not a natural resource?

I say to the house that the question of having a necessary structure based on a need to determine responsibility is a complete nonsense. It has been a convenient excuse for this government—and probably its predecessors—over the last

20 years or so to avoid doing anything. If the government is not happy with its previous asset owners and the people who have done this work, borrowed money and done all the things that have been created under this act, at least go to the NRM boards. If they do not have the power to borrow money, give it to them, but do not create a whole new structure. For goodness sake, we had this argument about the natural resource management boards. They had to cover the whole of the Adelaide City Council and the whole of the Mount Lofty Ranges council area. Why? Because, even though it was a very broad and diverse area and was going to be very complex for one board to administer, we had to do that because we needed to have whole areas of catchment for water. Well, that is exactly what we are dealing with here, and that is why this authority is completely unnecessary.

I want to make one comment in relation to membership of this board, and the member for Waite has outlined his concerns about this issue. In the meantime, we have a committee. We have had an announcement that former senator Nick Bolkus will be the chair of the committee, and he will go on to be the head honcho of this new statutory body. I have nothing against Nick Bolkus. I know him, and he has some very good skills—he may have some in water management; he may be an expert on stormwater. I do not know whether he is—he may be—and I do not want to make that judgment. I heard the Premier in this house today—and he has bleated about this through the media over the last week—wanting to belt the federal administration for politicising the problem and having scientific advisers when it comes to the issue of managing the River Murray water. However, when it comes to managing stormwater in his own state, he is about as political as you can get. If former senator Bolkus has a scientific background and if he has experience, I would be pleased to hear of it from the minister in his response.

In relation to the plan itself, with respect to the state, federal and local government contribution, there is no question that the federal department (which the minister's office claims to have consulted) has some obligations in relation to some aspects of stormwater management. It has an obligation under the National Disaster Fund provisions that in some circumstances it will provide money. It also has a flood mitigation program, which has been referred to in relation to accessing federal funds, and it is true that South Australia gets an allocation. In fact, the department came to the rescue last year when Virginia was flooded, and it put in something like \$7½ million, because it has an obligation to mitigate flood damage.

The Hon. P.F. Conlon: No, they did it because we did this.

Ms CHAPMAN: You will not get any argument about who asked for what. I am not making a point about whether the state government did not. I am simply saying that it does have an obligation. However, the minister should be aware that the department does not have an obligation to do other than mitigation work; for example, to introduce a program to pump water into aquifers and to build retention dams. That is not mitigation work as far as the department is concerned, on the advice it has given me. So, I remind the minister that he has a snowball's chance in hell of securing a one-third funding contribution from the federal government unless the federal government decides it wants to hand it over to him.

There is currently no obligation on them to do that. I simply say that, without the security of funding, that is a problem. That is what we should be bringing to this parlia-

ment: some agreement between the LGA, state government and federal government in terms of their being prepared to commit to these programs. Otherwise we have this glorious new structure with the former senator, Nick Bolkus, and these other colleagues from the LGA and the minister's nomination, as eminent as they may be, all sitting around with nothing to do because there is no money coming in from one-third of the group—one-third of the money simply not being provided for. Without the security of funding from the one major party which is not even a party to this agreement, it is useless.

As to the \$4 million a year with the CPI for 30 years, quite obviously the idea is that there will be a commitment from local and state government, and if you are lucky something from the federal government, which can be used to maintain the structure and to make the interest payments on the loans that it will be possible to borrow provided the Treasurer signs up. That is all very well, because that is then underwritten entirely by the state Treasurer as to whether he would let them borrow the money in the first place, so there is some control. Apart from local government saying, 'We are not happy about this cost-shifting and responsibility and all this argy-bargy about who is responsible', the fact is that the \$4 million a year is quite inadequate to be able to proceed with the level of programs that have been countenanced.

As you may know, Mr Speaker, the members for West Torrens, Waite and Unley and I all represent districts involved in a program currently under consideration, and it has been for several years, in terms of how we deal with all that water that runs out of the Bragg district every year when there is a storm. Most of that water, which I am told would be sufficient to water the whole of Adelaide, rushes down through those electorates and could drown half the people and their properties in West Torrens and the western suburbs generally. Clearly, we have to deal with this issue, but it is important that in doing so we understand the level of funding that will be necessary. I place on the record my absolute support for getting on with a remedial program to deal with that problem as a priority because of the threat to life, massive property damage and the continued disruption to the whole of the metropolitan community unless we do something in a hurry.

I urge that we get on with doing that, with or without this structure in place. That program would involve something like \$100 million just to fix up that problem within that zone in metropolitan Adelaide. Obviously, reports are out there. We are trying to look at these and we are trying to be proactive in supporting anything that will help us. The member for Waite and the member for Unley, with his RESS group, have been very worried about this whole issue relating to stormwater, PARs and everything else that is involved, and they want to have some remedy. We have been looking at studies, projects and inquiries in relation to this matter. Ridge Park, on the edge of my electorate which has a massive skate park, is also a large retention area that has been earmarked as a potential retention dam.

We have the whole of the south parklands and the Victoria Park redevelopment on show now, although the Britannia roundabout still needs fixing up, which I remind the minister has to be attended to. At the other end of the parklands, where the straight of the track goes under this proposed development, we have the opportunity to get on with it and have a decent pool of retention dams and aquifers. They all cost money. I say that we have done that exercise in my area. Hazelwood Park and Tusmore Park both have retention dams

and, although the Waterfall Gully people were flooded in 2005, the rest of Norwood and those properties in areas down through Tusmore, etc., have not been flooded because the engineering expertise has ensured that the floodwaters are retained by being pooled and slowed down. Damage has been minimised and the floodwaters have slowly drained away after a downpour.

We know that it needs to be done. We know that stormwater and floodwater can be dangerous, destructive and costly if unbridled. The work has to be done but we also know that we are in a drought period and that water is a national issue. It has always been very important for South Australia—it is nothing new for our state—but we need to look at other water areas. The retention, storage and reuse with or without all the cleaning processes must be on our agenda. I endorse the opportunity for governments—local, state and federal—to get on with these projects but I indicate to the house that the structure is unnecessary and costly.

Mr GRIFFITHS (Goyder): I commend the government for introducing this bill. As part of the review that the opposition has undertaken on this matter, we have a requirement for several amendments, which I hope the minister will seriously consider. Stormwater is an emotive issue and some of that has been displayed this afternoon by certain speakers. Having lived in a few areas of the state where very sudden rainfall events have caused immense damage to properties, I understand that people want to see something happen in this respect. We would all have witnessed what occurred in November of 2005 with the flooding that occurred in many areas of metropolitan Adelaide. I was in Canberra at the time and what happened in South Australia was certainly given widespread coverage on television at the time. We have all had the opportunity to see what happened in Murray Bridge where a relatively new subdivision was flooded several times within a few months. For those people who have to live through that it is very distressing, so they want to make sure that something happens.

I strongly support the principle of all levels of government contributing to projects of this kind, and I note that local government supports the intent of this bill. However, we would like to see a much greater contribution from the state government and a greater commitment from the federal government as well. In reading the briefing paper from the minister, I noted some words that concerned me, namely 'coercive powers to issue orders to councils requiring them to undertake necessary works including the construction or maintenance of stormwater infrastructure'.

The use of the words 'coercive powers' really concerns me. After a 27-year career in local government, I believe it has happened all too often that a devolution of responsibility has occurred and all of a sudden a local government authority has been expected to take on responsibilities that would not necessarily be theirs. My questions are: what will be the impact upon the debt levels of councils, and how will it impact upon their ongoing financial viability? Within the last 18 months we have witnessed the release of the COSI report, concerning which local government took charge of its own future, to some degree, and commissioned an independent study on the financial viability of the 68 councils that make up South Australia. That report identified very clearly that many councils are running very close to the line. Financial pressures on them are immense. The fear is that, if the coercive powers component of this legislation come into play and councils are suddenly told to undertake or be involved in

works that they do not necessarily feel are a priority for their constituents and their communities, it will create a financial impost that will be very hard for them to cover.

It is probable that this legislation will have only a very minor effect on that aspect, and I recognise that. However, in all likelihood, it will result in some rate rises. Local government is continually criticised by the community and the media for any rate increase at all. So, again, this is another impost upon local councils that makes it harder for them to provide services to their communities.

I hope that the amendments we are proposing are supported, as we believe that they provide greater surety for the communities that will be affected by these works. It gives them an opportunity to be more involved in the decision, with the surety that the works that are undertaken will have long-term benefits for their regions.

Mr VENNING (Schubert): I want to speak briefly on this matter from first-hand experience. Just two weeks ago we received four inches of rain in two hours. I have been on my property all my life, and I have not seen water move around like that did. It was unbelievable: level paddocks were just moving with the mass of water. It is a welcome problem in a year such as this, but it is a pity that we cannot harness this water and put it away so that we can use it in times of need, as is the case now. As we know, we have to live with nature and, with climate change, it looks as though nature will be a lot more unpredictable in the future. I think the problems that we have had with respect to stormwater for some years will become much more prevalent. I believe that we have to be more vigilant and do what we can to assist.

Without a doubt, with the rain that we had just a couple of weeks ago, the fact that our rainwater tanks were nearly empty certainly took the surge away from the floodwaters that would have been running had the water off the sheds not gone into the tanks first, because it filled all the tanks in about 30 minutes (and we have huge tanks on the property). Whereas I welcome the government's initiative to make it compulsory for all new homes to have a rainwater tank, after looking at this measure, I think that the size of the tank ought to be at least three times the size that is recommended. I believe that it ought to be a decision for the house owner. If they have the space to install a bigger tank, I think that the government incentive ought to at least encourage a bigger tank. Not only will it provide water for the householder but it will also alleviate for the government the problem with stormwater.

When I was travelling to the city yesterday, I saw some huge sheds just north of Gawler with a massive roof area and also massive cement aprons around them. The amount of water that comes off them is huge. I attended a public meeting the other night with respect to the Barossa water catchment allocation plans. It was said that consideration was being given to providing people with these sheds water licences for the water that they catch off their roofs. That is certainly an interesting concept, because it is something that we have never considered previously—charging people for the rain that will fall on their roofs. I said to my wife (we had a good discussion about this, as is often the case) that the amount of water that is falling onto the roof of the shed would normally have fallen on the ground and then gone into the aquifer and become part of the recharge of the underground water system. However, because we put the shed there, we are depriving the aquifer of that rain.

Worse—and more importantly—we are creating a stormwater problem, with massive amounts of water coming off these properties, because there were no rainwater tanks there that I could see—of any consequence, anyway. The water runs onto the side of the road and then we have a torrent racing down the road, causing a lot of damage. Certainly, this is a very big issue. During the time that I spent on the Public Works Committee this was a big issue (and the member for West Torrens was a member of the committee). We discussed the problems of the hills face zone here in Adelaide. When it rains there, the problem is immediately transferred to the western suburbs. One question whether the land in those areas should even have been built on in the first place, because they are low and flood-prone areas. It is well known that a lot of the people there understand that they live in such an area and that they ought to have some plans afoot in case we have an event, so that it does not take very much to quickly do things to save their properties.

The big problem, of course (as we have discussed in the Public Works Committee and since), is that a lot of the contributory rivers that brought the floodwaters from the hills face zone down to the plains have either been built over entirely, in suburbs such as Unley, or restricted in size or, worse, are in amongst houses. These are the problems that we have to face. To rectify this, we are talking about billions of dollars over many years. I certainly acknowledge how important a matter this is, and I welcome an apolitical approach. I give credit to our shadow minister for the work that he has put in. He has done a lot of work and made a lot of public comment about this. I am very pleased with our shadow minister. He gets out there and has given us a good profile with respect to subjects such as this.

I also note that we have amendments before the house, which I hope, in true bipartisanship, it will accept. It is a problem, and I think it needs to be taken seriously by this house. Any spare funds should be allocated towards this problem. I certainly support the amendments and my colleagues the member for Goyder and the shadow minister, the member for Waite.

Mr GOLDSWORTHY (Kavel): I also will be relatively brief in my comments in relation to this piece of legislation. I think it is important that, as the shadow minister for state/local government relations, I make a contribution about what we all regard as an important piece of legislation. It has been a long time coming. I recall the last parliament when I think the member for Taylor was the minister responsible for infrastructure. It was basically all a bit too hard for her at the time and she threw her hands in the air and gave up on the issue. Also, I remember quite clearly the last time (a couple of years ago) when the big flood came down from the Mount Lofty Ranges and the foothills through Waterfall Gully and the eastern suburbs. I clearly remember the Premier being interviewed on television. He was walking up a driveway after he had been speaking to a very irate resident in the eastern suburbs and he basically laid the blame on the local council. I remember his saying on the television footage that this lady was very cross with the local council.

Mr Hamilton-Smith: She was cross with him, actually.

Mr GOLDSWORTHY: Indeed she was. The member for Waite is quite correct. She was very cross with the Premier and the lack of action his government had taken in respect of that important issue. It is some consolation, I guess, that we have this legislation before the house. My colleagues the members for Waite, Schubert and Goyder certainly made

some very valid points in relation to the bill, but there are a couple of areas of concern that I want to raise because they are important in relation to the local government sector.

The first is regarding the funding issue, and this was raised at the outset when I understand the councils had some concerns about coming on board and signing the agreement that had been presented. At this stage the government has committed only \$4 million to the project. To get the whole thing completed will cost considerably more than \$4 million. There has been talk that the government should have doubled that figure and put \$8 million on the table from the outset. Quite a number of councils were particularly concerned with the inadequate level of funding initially provided by the government. I want to flag that because I can see down the track that if the project is underfunded by the state government—and there has been no real commitment, as I understand it, from the federal sphere at this stage—the responsibility falls back on the unfortunate local government sector, and the old problem of cost shifting comes in.

We know that the only way councils have to raise funds is through either imposing a fixed charge, or something similar, which is totally unpopular, or raising their rates, which again is extremely unpopular. At the moment, every year when the councils roll out their budget, if there is an increase in the rates everyone jumps onto it and it spreads out into the media and there is a lot of comment about it. So the poor old councils, at times, cannot win. I raise the fact in this place, while we are debating this issue, that it is the responsibility of—indeed, it is incumbent upon—the state government to satisfactorily fund this series of projects right along the corridor where the infrastructure requirements are needed because, if the funding is not satisfactory, cost shifting will occur. As I have said previously, we have seen many examples over the decades where that has occurred, and I definitely do not want to see the local government sector having to pick up the bill because of being short-changed by this state government.

I am certainly aware that one of the councils in my own electorate, the Adelaide Hills Council, has raised some concerns about this issue, particularly in relation to liability because, as members know, rainfall in the Adelaide Hills is much higher than on the plain, and a fair percentage of the stormwater and run-off comes out of the hills. It runs through a series of creeks—Fourth, Fifth and Sixth creeks—into the metropolitan area. The vast majority of the land for which one of the councils in my area is responsible lies in the Mount Lofty Ranges watershed area and I know it has a concern about that. I particularly hope and trust that the government takes that on board.

I want to talk specifically about my electorate in a broader sense in relation to flooding issues. There is a quite serious flooding problem in the small township of Verdun in the Adelaide Hills, a small community which neighbours on Hahndorf. The government has procrastinated over this issue for years. In the relatively short time I have been a member—five years—that area has flooded twice. Just prior to the election last year the Hon. Paul Holloway in the other place, the Minister for Urban Development and Planning, supposedly committed \$1.5 million to flood mitigation work, but now the government has advertised for a working party to sit around a table and waste more time procrastinating over the issue in order to come to a resolution.

There is no need for that to take place. All the work has been done. The old water catchment management board (prior to its being dismantled and merged into the monolithic

bureaucratic nightmare that is the current NRM structure) worked with TSA and WALABI and other government agencies as well as the local councils and the EPA—all the stakeholder agencies—to come to an understanding on how to fix that problem in Verdun, but now we see the government putting in another obstacle to delay rectifying that problem.

This also goes to the broader issue of managing our stormwater right across the metropolitan area. I understand that the structure proposed under this current legislation has the capacity to address not just the current issue of flooding in the eastern suburbs (down through West Torrens and farther) but also other stormwater requirements in the metropolitan area. As I said, this goes to the issue of managing our stormwater properly. We are in the middle of a pretty serious drought, and if the government had been active previously they could have done some more work on capturing and processing that stormwater which, at the moment, just runs out to sea and causes environmental damage off the coast.

With those brief comments, I am pleased to support the legislation—obviously, with our amendments—and I trust that it has a speedy passage through this place and the upper house as well.

Ms CICCARELLO (Norwood): I want to be very brief, but I am just a little tired of the posturing that has been going on with regard to this bill. I think this bill actually shows that the government is willing to help with a problem which has been there for a long, long time. I would like to remind members on the opposite side that it was actually minister Brindal who cut funding for stormwater management to local government. Local government should have taken the responsibility many years ago. I am speaking now, having had many years of experience—

An honourable member interjecting:

Ms CICCARELLO: It is not council bashing; it is something which I have said in this house previously and which minister Brindal acknowledged: some councils have actually been responsible and spent money at the time when they needed to. I have often referred to the Norwood council having spent millions of dollars to ensure that stormwater management was done appropriately. At that time when Norwood was doing this, other councils were not: Burnside was not spending money on it; Unley was not spending money; West Torrens was not spending money. They were approving developments, they were allowing people to build on the floodplain and doing absolutely nothing about it, and now they are bleating, saying, 'Oh, not fair, not fair. We can't afford to do it.'

Well, if you had done the work when you should have done it, it would not be a problem now. So I am glad to hear that there is going to be support for the bill, but I do not think that we should say that the government is treating local government unfairly because this problem has been present for a long, long time and at least we are doing something about it now.

The Hon. P.F. CONLON (Minister for Infrastructure): The debate that we have heard from the opposition—I would not put the member for Goyder in this category, but the rest of it—proves two things: first, that the old saying that no good turn in politics ever goes unpunished is certainly alive and well in here; and, secondly, that the absolutely lamentable quality of this debate on what is a very important issue

demonstrates why they are so successful at being in opposition—and they are becoming a smaller opposition every time we turn around.

The only thing I can say for the member for Bragg is that she does not so profoundly misunderstand the bill or the issues involved as does the shadow spokesperson. His contribution, quite frankly, was astonishing. Something that is an historic agreement has been simply more grist for the mill for the member for Waite in his pursuit of the job of leading this sorry opposition: grandstanding, posturing, pontificating on an issue about which, when they were in government, they did less than nothing.

An honourable member interjecting:

The Hon. P.F. CONLON: That's right. What they did ensured that councils did not have any certainty about state government funding and were not equipped to do the stormwater works they are required to do. It is very important that people understand what is going on here. The member for Bragg says this is not necessary because the powers to do projects exist now. The member for Bragg may well believe that, but the problem is that projects were not being undertaken, and under the previous government, with no certainty of state government funding, they would never be undertaken.

The fact is that the state government does have some stormwater responsibilities, and it has the capacity to deal with those. The big problem has been local government's capacity to deal with some very pressing issues, as has been touched upon by the member for Norwood. What we are talking about here is not something—if you listen to the member for Waite—that suddenly started occurring from about March 2002. What we have is decades and decades—over one hundred years—of draining wetlands, building on floodplains and reaping the consequences.

The most important point I make is that the government has some responsibilities for stormwater and local government has its responsibilities. What we are doing here is going beyond addressing our responsibilities. We are attempting to devise a mechanism to enable local government to be better able to address its responsibilities. This is an historic agreement.

I want to stress some of the really dumb points that have been made, one of which is that we were slow to do this. First, without getting angry, can I say that when we came to power funding by the state government to assist councils had been cut. What we have done is put in place a mechanism to secure an indexed funding commitment to local government for 30 years, to give them the certainty to undertake those projects. I point out that members of the opposition did less than nothing: they actually were damaging to this. The delay that they have talked about was the delay necessary to get councils to agree. We pressed and pressed to get councils to agree, and that was a difficult thing. Some people on the other side seem to think that this all came about after floods. That is simply not the case. We have been talking to councils for a very long time about this structure and, at the time, I used those floods as a goad to action for the councils, saying, 'Look: we can't go on for ever and ever on this. We have to reach an agreement and we have to press ahead.'

I have made myself unpopular with some of those councils, but we got the agreement. I am not council bashing here, because I think it was a courageous and difficult thing for the LGA to get all those people together, especially when you have people like the member for Bragg and one particular council in her area that simply will not embrace any reasonable solution. The fundamental proposition from the opposi-

tion has been that the state government should discharge not just its responsibilities but councils' as well; that we should fund council responsibilities. I have a great deal of sympathy for councils facing up to these issues because they, like so many others here, and like state governments, are in a position where previous councils and previous governments have under-invested in infrastructure.

What we are seeing are enormous obligations on this government to spend on infrastructure money that has not been spent for years, and we are doing it. We have a bigger infrastructure program than has been seen in this state for decades. What we are trying to do is devise a mechanism to assist councils with their under-investment for what is a pressing problem. If you listen to the opposition, you would understand the old maxim that no good turn ever goes unpunished. I have to say to the opposition: 'Go ahead, knock this over, because it will be you vandalising once again the capacity for councils to perform stormwater works. Go right ahead. Go out there and explain to the LGA why you vandalised an historic agreement. Go right ahead.'

I can tell members that we will press ahead with this and I am sure that the opposition will see reason and vote for it because, as I said, basically what the opposition is complaining about—

Mr Hamilton-Smith: We are supporting it.

The Hon. P.F. CONLON: I heard the way that the opposition and the member for Waite support things, with misrepresentation, fabrication, posturing and pontificating. I have to say that the honourable member's treatment of the Deputy Speaker was a disgrace. Obviously, you military blokes don't like any direction from women, but I think that you want to lift your game in that regard.

Mr HAMILTON-SMITH: On a point of order, I take offence at that remark. I take offence at any remark that is derogatory toward people who serve their nation in military forces or that suggests some form of discrimination on the basis of employment, and I ask the minister to withdraw it.

The SPEAKER: The minister is not obliged to withdraw. If the honourable member wishes to make a personal explanation, he can at the appropriate time.

The Hon. P.F. CONLON: If it assists, I will withdraw the suggestion that it is to do with the honourable member's military background. I am corrected on that. What I will say is that he, as an individual, finds it impossible to take direction from a woman. I thought it was a disgraceful display.

Mr HAMILTON-SMITH: I take objection to and offence at that remark. The minister is accusing me of—you heard it. It is inappropriate, and I ask you, Mr Speaker, to direct him to withdraw it. It is unsubstantiated, and I ask you to direct him to withdraw it.

The SPEAKER: Order! The minister is best advised to stick to remarks on the bill. The comments that he made were not unparliamentary, nor were they suggesting improper motives, so the minister is not obliged to withdraw them. If the member for Waite wishes to make a personal explanation, he can do so at the appropriate time.

The Hon. P.F. CONLON: All I can say is that *Hansard* will speak for the member for Waite and that he should go and review it. I come back to the point of the furphies that were thrown up in attacking something that has been the result of so much work, so much discussion. One furphy is that the commonwealth does not have a funding commitment to it. No, it has not, and it will not give an ongoing funding commitment. It has not done that in the past, but the approach

of the honourable member would be that, if we do not have an ongoing funding commitment from the commonwealth, we should do nothing. I can understand why the opposition would say that, because that is what members opposite did for eight years—nothing, except, as I said before, cut the funding.

What we are doing here, and what the opposition is criticising, is taking the state government beyond the responsibilities that it has and standing closer to the responsibilities of local government. I am not being critical of local government: it is a very difficult problem; but we are doing that because it is demonstrated that local government is struggling with more stormwater investment. I know that councils would like us to pay in more. I have to say that, if I were a council, I would like the state government to pay more. At least I can say this for the members of the opposition: with this vehicle, if ever they get the Treasury benches back, they can give them more if they want, but that would run contrary to their track record on the funding of stormwater for councils. I think that everyone in this place knows that.

The notion that we should not do anything because there is not an ongoing commonwealth contribution is just plain dumb. The fact is that, after the floods, it was that agreement and this vehicle that allowed us to get a commonwealth agreement to fund the works at Little Para, I think the river is called. Members have to understand that we have guaranteed funding from the state government, something they never had from the opposition. We have guaranteed state government funding over 30 years and indexed. They can borrow against that money with the permission of the Treasurer, and I think that is a good safeguard. But, on a project by project basis, we will seek funding from the commonwealth. I think that the project at Little Para is a demonstration of how that can work.

Mr Piccolo interjecting:

The Hon. P.F. CONLON: A quarter of it. What will happen is that local government will be able to use this structure on an ongoing basis to make their contributions against our guaranteed level of funding. It may well be that a future government will want to increase that level of funding, but at least now there is a vehicle for it, and there is a certainty that was never there before.

I will address a couple of points that were made, firstly by the members for Waite and Fisher, that is, the need for consultation. The bill requires the authority to issue guidelines for the preparation of stormwater management plans by councils. The guidelines have been drafted and approved by the NRM Council, and once formally endorsed by the authority will be gazetted in accordance with 13.2C. They are multi objective guidelines which, in the case of the member for Fisher, includes not only an acceptable level of protection for the community from flooding but, of course, also the extent of the beneficial use of stormwater runoff. Specifically in regard to consultation, section 2.10 of the guidelines provides for communication, and consultation with local community, and the processes of outcomes of consultation carried out during the preparation of the plan must be documented. I think that addresses the issue of the use of stormwater runoff.

In general, for those councils that have been able to address stormwater management, wetlands are a very common method of managing stormwater. It is how modern thinking goes. Essentially, we are putting back those places that we drained off years ago. So, there is no doubt that not

only is the authority capable of doing that but that it is, in fact, an established guideline. There was another point made that I should answer. We have an amendment agreed to by local government in regard to entry onto land at reasonable notice. That has been distributed, and I think it addresses some of the concerns that have been raised. I will just make sure that I have covered what has been asked of me.

Firstly, can I say something in defence of poor old Nick Bolkus, who apparently is a 'political appointment'. I do not know whether the opposition has actually read the bill, but the three names have to come from the LGA, and we pick the one that we think is the best. But, let me tell you this: if you think for a moment that the LGA supplies the names we ask for, then you have a profound misunderstanding of the current relationship with the LGA and the relationship between governments on both sides of politics and the LGA over many years. The notion that has been promulgated is that this, of course, is in support of what we are doing, the notion that it might impose impossible burdens on councils. There is this fear campaign, where you ostensibly support it because you know you have to but you run around the back door trying to frighten all of the councils. The truth is, if you read the bill, four of the members are nominees of the LGA and three are state government.

The people who are standing closer to a responsibility that they have never had, the people who are more exposed by this approach, are the people who make up the state government. We are accepting a responsibility and giving over control of an authority to local government, which is why it is entirely inappropriate that one of the other amendments from the member for Waite is to drag these works before the Public Works Committee. We know how he behaves there; we have seen him. We have seen how he behaves in there. He would love to get all those local governments in there. He really should improve his behaviour, and perhaps model it on mine when I was in opposition.

It has taken so much work to get to this agreement. The people who worked on this—and some of them are in the gallery tonight—did an enormous amount. It is absolutely stupid for the opposition to now second-guess the LGA in this agreement, but it is prepared to do that. I am happy to move the amendment that we have agreed with the LGA, but, whether here, or between chambers, or anywhere else, I am not going to start re-opening a debate on this by putting other amendments into it. If you knew how long it took us to get here you certainly would not be doing that, and I certainly will not support that.

I will close by saying that this is an absolutely historic agreement. This is a state government moving closer to a responsibility that it has never had before—assisting local government. I am sure that there are many out there who want more. If you talk about cost shifting, they would really like to shift the responsibility to us, and I can understand that; it is a completely natural thing. But having got this close, and despite the fact that it cut funding, the opposition's approach is that we should take over their responsibilities and do it for them. Well, it is certainly not something the opposition was prepared to do in government and it is certainly not something we should do. I just make the point that it is not very fair on those councils that have been able to make the investment themselves in the past for us to do that. This does not change one iota the areas of responsibility except to take the state government closer to those responsibilities traditionally with local government. I think that this is an absolutely marvellous outcome. I am not sure that it would have been

achievable any time in the past. Can I thank John Rich, who was the president of the LGA at the relevant time. He did a marvellous job getting people here. Not everyone will be happy, but if you reckon you can live in a world where the state government can make an agreement with the Local Government Association and make every council in South Australia happy, well, I do not think you are living in the same world as me. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1 passed.

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

Clauses 2 and 3 passed.

Clause 4.

Mr HAMILTON-SMITH: I make the point that, as the bill we are dealing with frequently refers to 'stormwater' perhaps there should be a definition of the word 'stormwater' so that there is no doubt as to its meaning. I note the parent bill uses other terms.

The Hon. P.F. CONLON: No-one here thinks that we need a definition. I am reliably advised that there would not be any point in defining 'stormwater' in this context. I cannot imagine how there could be any confusion about the meaning of 'stormwater'.

Mr HAMILTON-SMITH: This is an extremely long clause. I commence with what is referred to division 1, new section 2, 'Approval of stormwater management agreement and statement of objects', on page 4. Can the minister explain to the committee why the government chose not to use either the NRM board or the government directly (that is, the minister) as the authority and why the government chose to create a new entity rather than use either the NRM board or his own office as minister as the agency or the authority for this act?

The Hon. P.F. CONLON: The thing I have tried to make very clear is that this is an authority controlled by local government; it is an authority where we are assisting. Our primary role is to assist local government by making certain of its revenue stream into the future—that is why it is guaranteed for 30 years, indexed at \$4 million—but this is a local government authority. In extensive consultation with lawyers, the view was that the Local Government Act did not provide a sufficient vehicle to allow the creation of what I think are called subsidiaries of some sort of corporate body. However, it is a local government authority, essentially. That is why there are three local government reps and three from the state government.

Mr HAMILTON-SMITH: I seek your guidance, Madam Chair, because clause 4 is, essentially, the entire bill. I will need more than three questions.

The CHAIR: However, that is not in accordance with standing orders. You could move your amendments, and that would give you an opportunity to debate them. How many questions do you wish to ask, and how widely are they distributed?

Mr HAMILTON-SMITH: There are six or seven.

The Hon. P.F. CONLON: If it is not abused, I will not object.

The CHAIR: In that case, we will deal with clause 4 by taking each division as a separate question.

Division 1.

Mr HAMILTON-SMITH: Following on from the minister's earlier answer, I note that the government has

chosen to take the view that this is a local government responsibility and, therefore, the authority was needed. I seek his guidance on the alternative option, which is that the minister take that responsibility from local government and have local government as the advisory body; in other words, form a similar committee or entity, as constructed here, with three from local government and three from the department advising the minister but the minister giving himself the powers to require local government to fund the authority.

On behalf of stakeholders, I am curious to understand the government's thinking, namely, that it wanted to keep the responsibility with local government rather than have local government advise and perhaps fund state government to take responsibility.

The Hon. P.F. CONLON: Very clearly, I have set out and made no secret of the fact that, while we are prepared to find a vehicle to assist local government, we will not change fundamentally the areas of responsibility. We have identified stormwater responsibilities with state government, and there are longstanding stormwater responsibilities with local government. We will not create a vehicle that changes those. What we have done—and, as I said earlier, we have done this at some risk to ourselves—is take more responsibility than state government has taken in the past. However, we are not going to alter the fundamental responsibilities. The reason that we have this and not me doing it is that we are committed to this remaining responsibility of local government, albeit that we are assisting it in the best way we can.

Division agreed to.

Division 2.

Mr HAMILTON-SMITH: On behalf of members on this side of the committee, I raise the general principle that, the way things seem to be going, federal government is taking more and more responsibilities from the state. We have had the example of industrial relations, we are now debating the River Murray, and there are other responsibilities that seem to be flowing from the state to the commonwealth.

By virtue of this act, we are arguably pushing things down to local government. I take the minister's view that it has always been a local government responsibility and that all we are doing is enshrining the existing practice. I just wonder whether the government's view is that through this act we should push stormwater responsibility more fully down to local government and enshrine it that way, whilst losing responsibilities to the federal authority and, if that is the principle that is going to apply, not only to this bill but other bills, whether we are, in effect, legislating state government out of a role in the governance of the state.

The Hon. P.F. CONLON: I will not venture into federal-state relations, except to say that this is a particularly centralising federal government, and I can tell you that is the case in electricity as well, where it does not know a lot but wants to run it. The truth is that what this bill does is actually give local government greater authority and control over state government funding for stormwater, that is, greater decision-making power over how the subsidy from the state government is spent.

Mr HAMILTON-SMITH: Division 2 is a very long division of four pages. I will go to the schedule referred to in clause 5 of division 2 on page 5. Paragraph (g) provides: 'to undertake stormwater management works in the circumstances provided for by this schedule'. Will the minister explain to the house what he has in mind for the schedule and what the schedule of works comprises?

The Hon. P.F. CONLON: The schedule refers to the whole of clause 4, which means that it is doing things essentially according to that. What you have identified is really the essence of the bill.

The CHAIR: I can help the member for Waite: he should refer to lines 11 and 12 on page 3.

The Hon. P.F. CONLON: I assume it is drafted because the parent act is going to be the Local Government Act, so it is schedule 1A of the Local Government Act, because it is really pretty much everything in this bill.

Mr HAMILTON-SMITH: All right. I will move on to section 6, the constitution of the board of the authority. Three members are to be appointed on the nomination of the minister. It is in paragraph (d). Who does the minister intend to appoint under those three—not necessarily by name? Does the minister have in mind that they will be officers of the department, will they be independent experts, or will they be a combination of both?

The Hon. P.F. CONLON: I have not turned my mind to it, but I have no doubt my very able officers are going to make recommendations to me. The people currently on the interim authority, which really has no legislative basis, are Rod Hook from the Office of Infrastructure, who is largely the guiding mind here obviously; the head of Planning SA, which I think is entirely appropriate; and the person who I think is referred to as the Chief Executive, or the executive officer of the Office of Local Government. So, they are entirely appropriate officers.

Mr HAMILTON-SMITH: Just on clause 8—
An honourable member interjecting:

Mr HAMILTON-SMITH: Yes, I am just getting to that point because clause 8 of the schedule deals with remuneration. If three of the members are to be Local Government Association appointees and three state government appointees who are public servants, will there be any remuneration, and what is the remuneration rate for members of the authority?

The Hon. P.F. CONLON: We certainly will not be paying public servants or employed councillors. The chair has a rate, which is fairly standard, it is probably a bit low, a bit like most of our chairs of boards and committees in government. We can find those details for you but they are very stock, standard chairs and members of committees in government; signed off, I think, by the Commissioner of Public Employment, or something like that.

Mr HAMILTON-SMITH: Clause 11 of division 2 on page 8 deals with delegation. It provides that the authority may delegate a function or power to a specified person, etc. Will the minister elaborate on what regulations he foresees flowing from this bill and what powers he envisages being delegated, to whom and for what purpose?

The Hon. P.F. CONLON: I am advised that the only delegation that is being considered at present is a delegation to two members of the committee (the secretary and one other member) for simple administrative matters: to sign cheques and bank money, something like that, but nothing other than that.

Division agreed to.

Division 3.

Mr HAMILTON-SMITH: On the general issue of stormwater management plans, in a practical sense, regarding this joint development of plans with the Natural Resources Management Board, noting that the NRM Board must consider any stormwater management plan, how much power will the NRM Board have in regard to the approval or non-

approval of plans and how will this process of communication between the stormwater authority and the NRM unfold?

The Hon. P.F. CONLON: As I understand the question, ultimately the authority decides, but it must seek the opinion of the NRM and consider it. That opinion has to be given within a reasonable time frame, but ultimately it falls to the authority itself to make the decision.

Mr HAMILTON-SMITH: So, in effect, the stormwater authority has the power to overrule any NRM objection which it must consider. At the end of the day, the authority can go ahead with whatever it wishes, after having consulted with the NRM. Is that correct?

The Hon. P.F. CONLON: Yes, that is right. It must receive advice but that advice must be given in somewhat of a timely fashion. Yes, it has to receive it and consider it, and I assume that if it wants to ignore it, it would do that but I imagine that would be unusual. Everyone is working towards the same end, and I imagine that would be unusual.

Mr HAMILTON-SMITH: I move:

Page 8, after line 31—

Insert:

- (ab) must set out appropriate public consultation processes to be followed by councils in the preparation of stormwater management plans; and

The bill sets out in subclause (1) that the authority must issue guidelines for the preparation of stormwater management plans by councils. In subclause (2) it issues guidelines that must set out objectives to be reflected in stormwater management plans, etc., which must be approved by the Natural Resources Management Council and which, once approved, must be published in the *Gazette*. However, it does not seem to specify that appropriate public consultation processes must be set out, and that is why I think that my amendment provides something new to the bill, which is simply to require that some sort of public consultation process be set out for councils to follow. I note that the minister has an amendment which reflects generally the desire of the government to consult with people. It just seems that my amendment is a reasonable proposition that fits with the minister's overall feeling about the need for consultation. I seek the minister's support for it.

The Hon. P.F. CONLON: The trouble with enumerating things in the bill is that what is not in there may seem later to have been not important. The structure of the bill requires the authority to issue guidelines. In the first instance, those guidelines have already been prepared by the NRM council. The stormwater authority has the capacity not to adopt them—and I will be honest about that—but we cannot imagine why that would be the case. I am quite happy to make a copy of those guidelines available. They deal with consultation and a number of other things including some of the matters that have been raised earlier by the member for Fisher. I think it is unwise to attempt to set out those matters without setting out all the matters, and I think there has to be a capacity for those extensive guidelines to be reviewed and changed from time to time as things progress, so we believe this is a much better structure for dealing with it. Those guidelines will be gazetted so that everybody understands them.

Mr HAMILTON-SMITH: If the minister would be good enough to provide those to us, we will have a look at them between the houses before considering reintroducing them in the other place.

Amendment negatived; division agreed to.

Division 4 agreed to.

Division 5.

Mr HAMILTON-SMITH: This relates to the stormwater management fund. I seek guidance from the minister on the issue of the split in funding from the state, the commonwealth and councils. Councils have been advised that it will be a one-third split state government and one-third split commonwealth government and that councils will be responsible for a percentage of shared costs, as follows: West Torrens, 17.8 per cent; Mitcham, 2.9 per cent; Unley, 6.6 per cent; Adelaide, 2.4 per cent; and Burnside, 3.6 per cent. Councils seek an assurance from the government that it will guarantee the apportionment of costs as set out above or, if that overall guarantee cannot be given, that each council's contribution, as independently determined, will be no more than those percentages.

For the record, can the minister explain what those percentages mean and what the obligations flowing from them mean for councils? Can he give a commitment that they will, if you like, be locked in for councils?

The Hon. P.F. CONLON: I am not sure why you believe that councils have been advised it will be one-third/one-third/one-third because that has never been our advice to councils. As I said, the commonwealth will fund things on a case by case basis and choose to do that or not. At present, it probably chooses not to do very much at all in this area. It did for the Gawler River, and we believe that is an indication of the success of this approach.

However, I think the percentages that the honourable member referred to were council by council on the Patawalonga catchment. That has no relationship to whether it is one-third/one-third/one-third. In some cases the commonwealth may well contribute (and our indication is that it sees this as a good vehicle for making contributions), but if it does not make a contribution then it is 50 per cent from us and 50 per cent from councils. That will be the proportion of those contributions, if you follow me.

Mr HAMILTON-SMITH: The minister is right; that does relate to the Patawalonga catchment board, and I think that that advice has been given to councils as part of a draft mitigation study that the department or the government provided to them. However, it does concern the councils I mentioned in regard to their funding. What is that percentage? Is the percentage given to them in the draft mitigation study a percentage of some sort of contribution they may need to make to the authority, or is it a contribution they may need to make to the cost of building specific infrastructure?

The Hon. P.F. CONLON: In the first instance we would prefer that the councils themselves worked out their contribution to a particular project across a catchment. What will we do if they do not work it out? Like most of those things, such as when state governments go to a ministerial council, they can generally work things out; however, that is where the powers of the authority come in. If councils cannot reach agreement about their contributions in respect of particular work across a catchment, there is the ability for the authority—which, I stress, is local government, as it is a local government authority we are creating—to make a decision about what that should be.

Mr HAMILTON-SMITH: Division 5, which deals with the fund, sets out payments out of the fund detail. However, as I read it, there does not seem to be any barrier in the bill to the authority's borrowing to spend money on infrastructure for recycling of water as distinct from retention. I may be misreading it, and I am happy to have clarification. My understanding is that the main object of the bill is to retain

water to prevent damage from flooding and to mitigate the impacts of flooding. However, we are all very aware of the need, ultimately, for recycling and reuse of stormwater. Is there anything in this bill that prevents the authority from using its borrowings for purposes other than strictly retention and stormwater mitigation? In other words, could the authority choose of its own accord to go about spending millions of dollars on water infrastructure work designed to pump that stormwater back into the system rather than to retain it?

The Hon. P.F. CONLON: There is no doubt (as I think I said in closing the second reading) that one of the multi-objective guidelines is the consideration of the extent of the beneficial use of stormwater run-off. There is a capacity to reuse stormwater, and I think that is a sensible thing. Our advice is that, where a mitigation project incorporates some reuse or some beneficial use of stormwater, it makes it easier to attract that case-by-case commonwealth funding. So, it certainly considers doing that. However, I do not think it is the case that councils would seek to use this primarily for the recycling of water. Because of the demands on current stormwater infrastructure, I cannot imagine a council not wanting to make its primary objective the management of stormwater.

Mr HAMILTON-SMITH: I note from new clause 17 that the Treasurer must approve any issue to do with moneys paid into the fund and, presumably, any borrowings that the fund may need to make; that is, the Treasurer will need to approve any debt structure that the authority undertakes. My reading of the new section seems to suggest that payments out of the fund can be made by the authority without reference to the Treasurer. With respect to the risk side of it, new clause 17 seems to state that, before the authority borrows and gets payment in, it has to be approved by the Treasurer, but new clause 18 (payments out of the fund) does not seem to require the Treasurer's input. From a quick reading, it seems as though the authority can spend, but the Treasurer's approval is required to borrow. I seek confirmation from the minister that that is the fact, and also his advice on the extent to which the Auditor-General will have overview, or an ability to audit and report to the parliament on the activities of the authority, if at all.

The Hon. P.F. CONLON: I have said before that one of the central objectives is to make sure that this remains an authority for local government to undertake really what are local government responsibilities. The Treasurer must sign off on borrowings (and I think that is a prudent safeguard) and on investments. I do not mean investments in infrastructure projects: I mean that the Treasurer has a capacity, if people want to invest in something that does not seem to be appropriate with respect to an organisation of this nature, to approve authority. However, in terms of spending the money, that is for the authority, which is why I said earlier that this is giving more control with respect to the expenditure of state government funds to local government than they have at present. New clause 19 of division 5 refers to the Auditor-General.

Division agreed to.

Division 6.

Mr HAMILTON-SMITH: I was interested in the requirement under new clause 21(1)(a) to enter and occupy land. The word 'occupy' seemed to imply a power to dominate people's private property, which may be of concern to some. This is picked up by the amendment of both the minister and myself, and I am happy to withdraw my

amendment No. 2 as I believe the minister's amendment is better than mine because it goes further and provides better protection. I am happy to withdraw my amendment and consider the minister's amendment. I therefore move amendment No. 3:

Page 13, line 34—

After 'land' insert 'by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws'.

The subclause provides that the council or authority, as the case may be, has first acquired an easement or other appropriate interest over the relevant land. My amendment would add on to that the words 'by agreement with the owner in accordance with the Land Acquisition Act 1969 and any other applicable laws'. I make that point because, if the authority is going to acquire anybody's land by easement, it ought to be done in accordance with the sentiment and provisions of the Land Acquisition Act, with all the provisions that that act contains. That is a decent thing for people to be entitled to receive.

The Hon. P.F. CONLON: The amendment proposed—and I can understand why the honourable member wants to propose it—merely restates the law that applies. There are only two ways we can acquire land under this bill or any other, namely, by agreement or by the provisions of the Land Acquisition Act. I ask the honourable member to accept that it is completely unnecessary.

Mr HAMILTON-SMITH: I take the minister's advice that the intent of the bill is for things to be executed strictly in accordance with the law, which includes the provisions of the Land Acquisition Act. Would the minister consider whether it is necessary to include those words? If that is his intent, I cannot see any harm in adding the amendment just to provide added protection and reassurance to people.

The Hon. P.F. CONLON: I assure the honourable member that the bill and schedule contain no power of compulsory acquisition and therefore we have to find a power elsewhere. I do not think it has been argued that there is an inherent power in the executive to do that. In the absence of a power being contained, without the application of the Land Acquisition Act we would not be able to do it, so it does apply. I give the member an assurance that that is our legal advice, and he can check it between chambers. My very clear advice is that we cannot do it any other way.

Amendment negatived.

The Hon. P.F. CONLON: I move:

Page 13, after line 40—

Insert:

21A—Entry and occupation of land other than council land

- (1) This clause does not apply to or in relation to land the use, or the care, control and management, of which is vested in a council.
- (2) The Authority or a council must give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with clause 21 to the occupier of the land.
- (3) The period of the notice must be at least 2 business days except—
 - (a) where the occupier has given his or her consent; or
 - (b) in an emergency, in which case the Authority or council must give such notice (if any) as it considers is reasonable in the circumstances.
- (4) If the Authority or a council enters or occupies land to which this clause applies, the Authority or council (as the case may be)—
 - (a) must cause as little harm and inconvenience as practicable; and
 - (b) must not occupy the land for any longer than is reasonably necessary; and

(c) must leave the land as nearly as possible in the condition in which it found the land; and

(d) must co-operate as far as practicable with any owner or occupier of the land.

This amendment deals with protections regarding how the authority may exercise its powers under the act to enter land.

Mr HAMILTON-SMITH: I thank the minister for his amendment and note he has listened to people and come up with a very good amendment that reflects their concerns about this aspect of the bill. We support it.

Amendment carried.

Mr HAMILTON-SMITH: I move:

Page 15, lines 29 to 38—

Delete proposed clause 26

We do not like clause 26. We note that clause 26, in effect, gives the authority power to go ahead with significant infrastructure developments involving, in some cases, tens of millions of dollars of taxpayers' money without reference to parliament through the Public Works Committee. We think that is poor government. We acknowledge that the Economic Development Board, under Robert de Crespigny, made the point that it would be awfully nice if the Public Works Committee was not there to require scrutiny of the executive by demanding that all projects above \$4 million go through the scrutiny of parliament's Public Works Committee. This has been the subject of debate in parliament on another matter when an amendment was put to change the law to the effect that that limit be lifted to \$10 million, and parliament chose not to take that course. I think parliament has signalled its desire to stand with the existing arrangements. I think it is the will of parliament that any public works in excess of \$4 million go through that additional scrutiny of parliament's own Public Works Committee.

We will divide on this amendment, because we think it is fundamental. We think parliament has already signalled its wish on this and we feel, whilst we do not want parliament or its Public Works Committee to get in the way of getting things done, that this entire clause should go. Therefore, my amendment suggests that the entire clause 26 be deleted, and I ask the minister to agree with it so that we can avoid having to go over it again in the other place.

The Hon. P.F. CONLON: I said earlier that this was the subject of exhaustive negotiation and agreement with local government. The whole point—and I keep coming back to this—of establishing the authority (and there was a line of questioning earlier as to why we did not do it in another way) is that this is a local government authority, and the nature of state government funds is a subsidy to these works—as it has been, I will say, in the past. It cannot be said that we are changing the existing law in regard to these works, because these have not existed before; the bill has not existed before. Our advice has been that they may or may not be subject to (and may well be subject to) the Public Works Committee and may be public works, but that is not something that is settled. The issue has never been there before. We want to make it absolutely clear that these are, in fact, local government works that we are subsidising, and that is why the majority of the authority members are, in fact, local government nominees. I understand the opposition wants to divide on it, and be that as it may. Could I say that if you do, you will not achieve it here. If you do achieve it in the other place, I make it clear that the only thing you will achieve is to add the cost of going to Public Works Committee to the infrastructure projects. You may consider that to be a great

achievement: I do not. It will mean you will get less money for your works.

The committee divided on the amendment:

AYES (14)

Chapman, V. A.	Goldsworthy, M. R.
Griffiths, S. P.	Gunn, G. M.
Hamilton-Smith, M. L. J. (teller)	Kerin, R. G.
McFetridge, D.	Pederick, A. S.
Penfold, E. M.	Pengilly, M.
Pisoni, D. G.	Redmond, I. M.
Venning, I. H.	Williams, M. R.

NOES (27)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Caica, P.
Ciccarello, V.	Conlon, P. F. (teller)
Foley, K. O.	Fox, C. C.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Kenyon, T. R.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Piccolo, T.	Portolesi, G.
Rankine, J. M.	Rau, J. R.
Simmons, L. A.	Snelling, J. J.
Stevens, L.	Weatherill, J. W.
Wright, M. J.	

PAIR

Evans, I. F.	Breuer, L. R.
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Majority of 13 for the noes.

Amendment thus negatived; division as amended agreed to.

Clause as amended passed.

Schedule 1 passed.

Title passed.

Bill reported with an amendment.

The Hon. P.F. CONLON (Minister for Infrastructure):

I move:

That this bill be now read a third time.

Mr HAMILTON-SMITH (Waite): As the bill has come out of committee and on behalf of the opposition, I indicate that we commend the government for at least stepping forward on this issue. I think that this bill will deliver a result. However, looking at the matter now as it has come out of committee, we do say that there were other options we wished the government had pursued; and, in particular, whether it might not have been more appropriate for the government to recognise that it had a responsibility to step in and take a greater role.

I realise that the government has a different view, but I think that if the government had taken the leadership role and said, 'Look, we will be responsible; we will empower ourselves to do these things and require that local government contribute financially and assist' we might have had a better outcome. Nevertheless, the house has made its decisions, and we will now need to live with them. We do signal to the government that to us the issue of public accountability through the Public Works Committee is a fundamental point, and we will take that up in the other place. However, we ask the government to consider the bill as it has come out of committee in light of our amendments and consider whether or not it can give way on any of them before it is dealt with in the other place.

Bill read a third time and passed.

CRIMINAL LAW (FORENSIC PROCEDURES) PROCEDURES BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 1592.)

Mrs REDMOND (Heysen): I indicate that I am the lead speaker and, indeed, potentially the only speaker for the opposition on this bill. Also, I indicate that the opposition will be supporting this bill and not moving any amendments to it. I am therefore hoping not to keep the house too long. However, I should say that that does not mean that I do not want to make some comments on it, because it is an important piece of legislation. Certainly, a debate is to be had about the issue of the balance to be struck between the interests of the community and the interests and civil liberties of the individual.

Indeed, it is from that balance that the bill arises. The Criminal Law (Forensic Procedures) Act 1998 is what currently governs forensic procedures in this state. In talking about this bill—although it is headed 'forensic procedures'—for the most part we are talking about the taking of DNA evidence. In 2002, shortly after it came into office, the current government amended the act to make it necessary for prisoners in South Australia to be tested, and also to expand the testing for certain serious but summary offences.

Certainly, at that time there was debate about this issue of the interests of the broader community versus the rights of the individual and the infringement of their civil liberties. The balance that was then struck effectively said, 'Well, if you have been a prisoner you have been convicted of an offence and therefore you can have your DNA taken and it can be kept permanently. However, if you are merely charged with an offence and you are subsequently acquitted, or for some other reason the offence does not proceed, that DNA must be destroyed.' Essentially, that is the situation that has applied in this state since that time.

In the lead-up to the election, the government ran a law and order campaign partly based on the expansion of DNA testing. In fact, in its pledges at the last election the government said that it would expand it so that DNA testing would be conducted on offenders who assault another person, stalk another person or damage other persons' property, as well as people over the age of 18 who vandalise and graffiti property and people in possession of illicit drugs. I am not sure that this legislation entirely covers all those promises, but it really seeks to address at least some of those promises and also some recommendations that were made by the Police Commissioner and the commissioner who looked into the Kapunda Road events, as they were known. The bill largely seeks to address the problems that have faced the police since the amendment of the earlier legislation in 2002.

I thank the minister for making available a briefing on the topic, and in particular I would like to record my appreciation of the assistant commissioner and other staff of the police department who took considerable time to brief a significant group of Liberal Party members who are very interested in this issue so that we could understand the difficulties that the police were facing and understand the background to why they want to see amendments made to this bill. Basically, the police have done their best to comply with the existing law, but they have found it too complex. The Kapunda Road Royal Commissioner found the same thing. He actually said

that there had been problems in the way the evidence was gathered and dealt with in relation to the events of what I will simply refer to as the Kapunda Road Royal Commission because of the complexity of the legislation.

Effectively, it states that, if someone has their DNA taken, it will be destroyed basically if they are not convicted, in broad terms. There can be lots of circumstances; for example, DNA could be taken when someone is charged with an offence, and, although the charges for that offence do not proceed, charges for an alternative offence might proceed. There was the issue of the complexity of the current legislation, but there was also the fact that we know that there has been a change to the legislation in the United Kingdom, which allows the permanent retention of forensic material which has been obtained from suspects. Indeed, I will quote the figures, which I think were referred to in the second reading speech, apart from anywhere else.

Since they changed the law in the UK, it is estimated that almost 200 000 profiles that previously would have been destroyed and taken off the database have been retained on the database permanently. It is assessed that that has assisted in solving 88 murders, 45 attempted murders, 116 rapes, 62 sexual offences, 91 aggravated burglaries, and 94 offences of the supply of controlled drugs. So, a significant number of complaints have been dealt with, and perpetrators of crimes have been ascertained by this mechanism of managing to retain someone's DNA.

As is usually the case, it is always a question of where you put the line. Do you put the line so that you only retain the DNA when someone has actually been convicted? Or is it reasonable to say, 'Well, let's retain the DNA even when someone isn't convicted'? I can well understand that there is a level of discomfort among some members of the community when, if you are an innocent person, you are nevertheless brought in, arrested, charged with an offence and, therefore, face having your DNA taken. If you are subsequently released without the matter being further prosecuted, or if a *nolle prosequi* is entered, or an acquittal is eventually entered after the matter goes to trial so you turn out to be innocent of what you have been charged with, why should the powers that be have an entitlement to retain your DNA?

The figures from the United Kingdom do speak for themselves in terms of the likely outcome—and we cannot guarantee that it will be the same in South Australia but it is very likely that we will find similar rates, if not actual similar numbers—of solving various crimes, which at this stage remain unsolved. By way of a transition provision, the act does provide that any data which has been obtained and which would have been subject to destruction under the existing law may be retained indefinitely if it is suitable for retention once the new legislation commences. To the extent that that is retrospective, I do not think that it is objectionable. It would make little sense to pass legislation which says that you can retain DNA and then proceed to destroy DNA samples, although I hope that the police do not decide that, in the meantime, they will hang on to everything.

I note that the Attorney is leaving again, although we are all in the chamber all the time. The question then becomes, if we decide that it is all right to have a DNA sample taken and kept indefinitely, in what circumstances is it all right to take that sample in the first place? The government has drawn a line, which I think is reasonably appropriate; that is, certain criteria have to be met. Firstly, it has to be authorised by an appropriate person who is not part of the investigation. In the

case of people who are charged with certain offences, it will be at the level of a senior police officer of or above the rank of sergeant. Then, with certain others—that is, some offences where the suspect is not even in custody—the senior police officer must be of or above the rank of inspector. In each case, the senior police officer has to be satisfied that there are reasonable grounds to suspect that the person has committed a serious offence (which is defined in the legislation) and that the forensic material could be of value to the investigation.

There is no automatic right. Whoever wants to take this DNA material has to satisfy this authorised person that: firstly, there are reasonable grounds to suppose that this person did it; and, secondly, that the forensic material is in some way relevant to solving the crime; that is, there is at least the potential that forensic material taken from the person can actually assist in solving the crime.

Mr Hanna: Do you think there will be many knock-backs?

Mrs REDMOND: The officer is required to weigh up the public interest in obtaining that evidence against the public interest in ensuring that private individuals are not subjected to unwarranted interference. I note that the member for Mitchell called out, 'Do you think there will be many knock-backs?' I have to confess that that is probably where most of my concern would lie in terms of the administration of this legislation, but the current procedure whereby it basically has to go to a magistrate, the Magistrates Court, or Youth Court is probably a little cumbersome for the practical reality of people being brought in at all hours of the day and night and so on and wanting to get forensic samples which really, although they are classified as intrusive, are not what most of us would consider to be intrusive. Putting a swab in someone's mouth for 20 seconds or thereabouts—

The Hon. M.J. Atkinson: And asking them to swish it around.

Mrs REDMOND: —to take the relevant DNA sample and, as the Attorney says, asking them to swish it around themselves, not even doing it to them (although it is classified under this legislation as an intrusive procedure which requires this special permission) is not something that most of us would consider to be intrusive. It is no more intrusive than brushing one's own teeth really. So, as the member for Mitchell suggests, there is the possibility that they will be granted as a matter of course.

I would hope that, given that there is this attempt to separate the people who are doing the investigation from the people who are making the decision, those making the decision would be aware that, potentially, they could be called to give evidence about how that decision came about. They would have to be ready to answer the questions: 'How did you reach this balance?', 'How did you decide that there was a reasonable ground to suspect?', 'How did you decide that this forensic material could be of value to the investigation?' and 'How did you weigh the difference between the public interest in obtaining that evidence and the interests of the individual in not having any procedure done to them against their will?' So, although it will be a simpler and far more straightforward procedure than we currently have, I guess it is a matter of waiting and seeing whether they are given as a matter of course or whether they are authorised by police officers either of or above the rank of sergeant or, in appropriate cases, of or above the rank of inspector where it is an intrusive procedure and the person is not in custody.

Certainly, police inspectors I know are very serious about the way in which they go about their business. Of course, this

legislation has already been the cause of considerable embarrassment to the police and, indeed, the subject of an adverse finding in the District Court and, as I recall, an Auditor-General's Report because they got it wrong. So, I anticipate that our police will be doing everything they can to make sure that this system works properly.

There are a couple of other categories of samples that may occur at the moment and I note that the bill is seeking to make more straightforward what happens in those categories. At the moment, we have a consent category; they are the sorts of things that are taken, for instance, from a victim of sexual assault. That person consents to giving that material, because that enables the prosecutors to gather the evidence that, hopefully, will help convict the perpetrator who committed a crime against them. Those are not stored on a database. Clearly, the person has to be competent to give consent. However, under the existing legislation there is some confusion, because people aged 16 years are considered competent to consent in this category (it is also the age of consent for the consent to medical treatment and palliative care legislation) but, under another category, the volunteers, who I will come to in a moment, are not considered competent, because they are under 18. Volunteers are people who freely consent to give their DNA. In the news this week, we have had the murder on Norfolk Island—the only murder on Norfolk Island—

The Hon. M.J. Atkinson: No; they've had a second one. Remember the—

Mrs REDMOND: Oh, yes; but it is finally going to trial. Members may recall that when that occurred quite a lot of the people on Norfolk Island voluntarily gave their DNA to enable the police to exclude them, because it is quite a closed community. So, if they could give that DNA, that excluded them. This category of volunteers, as opposed to the consent people, go onto the database so that they can be eliminated from the inquiries. There was a problem between the two categories—the volunteers and the consent people—in terms of who could consent and who could not. That was another complication which was really unnecessary and which made it more complex for the police to administer. The bill removes that distinction between the two categories, and a volunteers procedure will be able to be carried out where the person consents to it being done, or a senior police officer authorises the carrying out of the procedure.

With respect to a protected person—that is, a person under the age of 18 years or someone who lacks the capacity to consent—someone can arrange that consent and it can go through a police officer. A senior police officer will be able to authorise the carrying out of a forensic procedure on a protected person only if satisfied that it is impractical or inappropriate to obtain an ordinary consent to the procedure because of the difficulty of locating a parent, or someone like that, or because the person who would normally give the consent is the very person who is under suspicion for the offence. In those circumstances, a senior police officer will give the consent, and he (I use 'he' in its grammatical sense) must also be satisfied that the carrying out of the procedure is justified in the circumstances of the case. I imagine that it would once again involve the same sorts of considerations about public interest and the likelihood that the forensic procedure would be of evidentiary usefulness in the case.

As I said at the outset, there has been considerable thought and some contact about the infringement of civil liberties. As always, at the end of the day it is a matter of weighing up the interests of the individual and their civil liberties as opposed

to the interests of the community at large. Given the statistics from the UK on the outcomes from maintaining the database, the Liberal Party has decided to come down in favour of the proposed legislation. I think it is always difficult to decide to take someone's rights and infringe them in any way. It is certainly not something I would do lightly. I do not accept that we should all just say that if you are innocent you have nothing to fear.

By nature, I am subversive enough not to want to cooperate with government authorities unless compelled. However, at the end of the day one has to balance the wider interests of the community. It seems to the Liberal opposition that the wider interests of the community are best served by having a more straightforward procedure so that the police are not tripped up by it unnecessarily. I believe that the community at large want the crooks caught and dealt with appropriately.

DNA is just another forensic tool in a long line. In the course of the briefing on the bill, I was interested to confirm my suspicion that DNA, which is always held up as some sort of absolute in terms of identification, is really no more than a statistical probability or improbability. I could not comprehend how, with 6 billion or so people in the world, there were 6 billion different DNAs, that they would keep going on forever and that no-one would ever have the same DNA as anyone else. That did not make any sense to me, so I was pleased to confirm that my understanding was correct that it was a probability rather than an absolute, just as fingerprints, handwriting and so on are really just indicators rather than absolutes in terms of evidentiary value.

With those few comments, I indicate that the Liberal Party will support the bill and assist in its speedy passage through the house.

Mr HANNA (Mitchell): This bill revisits the issue of DNA evidence, how it is collected and how it is stored. In a sense, the genesis of the bill is the judgment of Crown v Dean, a decision of Her Honour Judge Shaw in the District Court on 25 May 2006.

I pause to commend the Attorney-General on the appointment of Judge Shaw, not only because she has an extremely sharp mind, but because she also exemplifies a long-standing common law tradition among lawyers: namely, a commitment to respecting the rights and liberties of individuals in our society, and a determination to hold to account the authorities (particularly the police) in the exercise of their duties.

In the case of Dean, the accused had allegedly robbed a supermarket. His DNA was found on the scene. His DNA had been stored from a previous totally unrelated event. The DNA had been stored too long in respect of the legislation at the time and Her Honour ruled the evidence inadmissible. Obviously, the police were disturbed by that and they have lobbied the government successfully to alter the balance in the legislation. The balance has been altered quite substantially.

I remind the Attorney-General that, when the DNA legislation was brought before parliament in 1998, it was stated to be a balance between the traditional rights of citizens and, on the other hand, the requirements of our police to obtain good evidence to ensure conviction of criminals, or at least people engaging in criminal behaviour. The balance at that time was debatable but, obviously, parliament believed that an appropriate balance was struck. Part of the balance was that people who were, by definition, innocent—because the obtaining of DNA resulted in no conviction—were to have that DNA destroyed after a period of time. The member

for Heysen has already referred to the feeling of discomfort that one may have as an innocent citizen going about their business, knowing that the police have a sample of their DNA on record and may refer to it at any time.

There are safeguards in the act in respect of storage of the DNA, and that is commendable. However, no system of storage of DNA, no prosecution system, no policing system is perfect because there will be, from time to time, the temptation to break the rules in order to secure a conviction. Many would say that does not matter as long as the guilty are convicted. This is a theme carried on by the Rann government, in particular, and by the newspapers in this town. But there is a catch; there is a logical fallacy: it always relies on the assumption that the person who is the subject of the prosecution is, in fact, guilty.

The problem with that is that one day the person who is facing DNA evidence, or the person who has a confession coerced out of them, or the person who is emotionally blackmailed into confessing to a crime, is actually innocent. It is because of that possibility that the common law has traditionally held out against abuse of powers by police. It is kind of strange in this matter in that I am very much a conservative. I refer to a paper on capital punishment by the Hon. Ian Callinan, a justice of the High Court of Australia.

The Hon. M.J. Atkinson: The best High Court judge.

Mr HANNA: I do not know about that, but he is certainly a conservative High Court judge, I would say, with respect. I simply quote this sentence from his paper:

Advancements in DNA technology and crime detection will never overcome the possible risks of contamination and human error that so often are the cause of wrongful convictions.

I also refer to an example in New South Wales. Members of this parliament may not be familiar with Operation Whistler. Operation Whistler was an investigation by the New South Wales Police Integrity Commission into the abuse and prosecution of a man in Wagga Wagga, New South Wales. The man had been chased because he had allegedly been driving an unregistered car. Police chased him into a house, where he tried to hide underneath a bed.

He was severely beaten and it seems that the police then thought they had better have a good reason for having laid into the man. They then 'found' a knife at the scene of a crime with the chased person's DNA on it and proceeded to lay additional charges, including breaking and entering and assaulting police. Operation Whistler found—that is, the Police Integrity Commission in New South Wales found—that the knife found at the scene of the crime was almost certainly planted there by a New South Wales police officer.

Now, that is New South Wales; it is not South Australia. However, history shows that from time to time law enforcement agencies will overstep the mark in order to secure a conviction, and sometimes that will involve an innocent person. That is why we have to be so careful about these things. I am expecting to be roundly abused by the Attorney-General for pointing out these uncomfortable facts, but I know that the Attorney-General will persist in putting this legislation through the parliament. As I said, it substantially tips the balance in respect of DNA collection, storage and use in favour of the prosecutor; in other words, the police. Probably the most objectionable aspect of it is the transfer of the authorisation from judicial officers to police officers.

In my view, it is an extremely valuable safeguard to have some on the spot oversight by judicial officers—in other words, a magistrate—to see that police are not overstepping the mark when a decision is made to obtain DNA. I under-

stand that the government's view is that a police officer of or above the rank of inspector should have sufficient probity and restraint to judiciously administer this power to authorise DNA collection. I say that we have the separation of powers in our system so that innocent citizens' rights can be safeguarded and I think we need the involvement in the judiciary of something as serious as the collection of a person's DNA which, in some cases, can be quite invasive. I will return to that point during the discussion in detail of the bill.

Mr VENNING (Schubert): I want to make a brief contribution tonight. When this legislation first came to the house about five or six years ago I was a very strong advocate. I certainly support the legislation and I have no problem with my DNA being on public record because the old adage is still true that, if you have nothing to hide, you have nothing to fear. I was interested to read the statistics in relation to the United Kingdom.

The Hon. M.J. Atkinson: What makes you so sure your sample isn't already there? It just hasn't been identified.

The SPEAKER: Order!

Mr VENNING: I can assure you there is nothing in my past that would give me that record; in fact, some would say it has been excruciatingly boring.

The Hon. M.J. Atkinson: That's what they all say. That's what the mass murderers say.

Mr VENNING: I will throw the challenge out to anybody. If you want to go out there and find the name and report it back to me, I can assure you they will be all ears, and it might make my day. I was very keen to read that in the United Kingdom they have already legislated to allow the permanent retention of forensic material from suspects. I have no problem with this at all. Since the change in the United Kingdom's laws, it has been estimated that about 198 000 profiles that previously would have been removed have remained on the database helping to solve a whole range of crimes including 88 murders, 45 attempted murders, 116 rapes, 62 sexual offences, 91 aggravated burglaries and 94 supply of controlled drugs. I have no problem at all if somebody who has had their DNA taken and who is acquitted of a charge has their DNA information remain on the database. If you are innocent, why would you worry about it? As far as I am concerned, anything that enables the police to do their job should be supported. I believe that the interest of the public is greater than the interest of the individual in instances like this. It always is.

The Hon. M.J. Atkinson: That's why you're a Liberal, are you?

Mr VENNING: Absolutely right. I have lived a life that I think—

Mrs Redmond: Blameless.

Mr VENNING: Not my words, Mr Speaker, but the words of my honourable colleague the member for Heysen. She said, 'Blameless.' When you live the life, as most people do, of a law-abiding citizen and you do the right thing, why should you worry about who has a copy of your DNA? If you have something to hide, you worry about it. In my instance, I have no problem at all in their collecting my DNA—they can do what they like with it. I know that the attorney at the time spoke out strongly in favour of the original legislation and, at the time, we were in favour of it but we messed with it somewhat. I have no problem with how wide the DNA database is if it assists the police—the wider, the better. I have no problem with whole communities being encouraged to give their DNA details to the police.

Mrs Geraghty: You need to think about the protections you put in before you start going down that path.

Mr VENNING: The member for Torrens talks about the protections but, if you are innocent, I do not believe there is anything to fear.

Mrs Geraghty: I am saying what happens when stuff gets into the hands of medical benefits schemes and they review—

Mr VENNING: Anyway, I will leave that detail to the committee stage when we will hear what the member for Torrens has to say. Briefly, I have never had a problem at all with the introduction of this legislation regarding DNA and I have never had a problem with people who have broken the law, who are suspects, being asked to give their DNA.

I have no problem in this instance—whether you are acquitted or whatever in relation to the alleged offence—in leaving the DNA on the public record. I have no problem with that at all, and I am pleased the government and the opposition are at one on this. We are all here tonight to assist the police in tracking down criminals and in the maintenance of law and order.

We have come a long way with this legislation. I can remember the comments made by the then shadow attorney-general (now Attorney-General) when this was introduced (our attorney-general at the time was the Hon. Trevor Griffin)—

The Hon. M.J. Atkinson: Of blessed memory.

Mr VENNING: Of blessed memory. It was generally bipartisan then and I think it still is today. I am happy that this legislation is before the house, and I am pleased we are giving it more teeth. There will always be some civil libertarians who will be concerned about issues like this but it is difficult enough, in this modern age, for police to maintain law and order; this will be of great assistance to them.

I cannot see what the opposition is on a matter such as this. I know there are some voices out there but I think that, generally, 90 per cent of people across the state would be supportive of this legislation. I commend the minister, and I particularly commend my shadow minister on the work she has done. The member for Heysen has briefed us very strongly on the matter, and is a fearless and tireless worker. I support the bill—

Mrs Redmond interjecting:

Mr VENNING: Never let that be said without some retaliation. I support this legislation.

The Hon. M.J. ATKINSON (Attorney-General): I thank honourable members for progressing the debate this evening, and take this opportunity to advise that some matters have been raised with me by the Commissioner for Victims' Rights and victims' groups that will be looked at with a view to amendment in another place.

One of the matters raised is the change in the age at which a victim can give consent to a forensic procedure as a result of the amalgamation of the category 1 consent procedure and category 2 volunteer procedures into the one category of volunteers. The change has been made by the government in response to comments made by the Commissioner of Police and the Kapunda Road Royal Commissioner about the need to simplify the current act. The bill currently defines a protected person as a child—that is, a person under 18 years—or a person physically or mentally incapable of understanding the nature and consequences of a forensic procedure. A 'relevant person', for the purposes of consenting to a volunteer forensic procedure, depends on whether or

not a person is a protected person. The result is that a person under 18 years would not be able to consent to a volunteer forensic procedure.

The Commissioner for Victims' Rights and victims' groups argue that the age should be set at 16 years, which is the age that applies to consent to a category 1 procedure under the current act. The argument for maintaining the age is based on the age at which a person can consent to medical treatment. They argue that 16 and 17 year old rape victims who seek help in confidence and agree to a forensic medical examination should have their privacy respected, as would happen if they were only consenting to a medical examination. So, to explain to the member for Schubert, what could happen under the current version of the bill is that the parents of a 16 or 17 year old rape victim would have to be contacted to give consent to a DNA sample being taken. Some alleged victims of that age will not want the parents informed, and that is why we are considering change.

I have received representations that the law for victims should be the same as now, and not place medical practitioners in the precarious situation of having to give advice to victims that could be conflicting, especially as these victims are likely to be distraught. The government has reconsidered this matter and is preparing an amendment to reduce the age of consent to a volunteer procedure to 16 years. In this way, the bill can maintain the correlation between the age of consent to a volunteer forensic procedure and the age of consent to medical treatment, but retain the age of 18 years for matters that relate to criminal investigation purposes, such as storage of a profile on the database.

Another matter raised by those groups is the risk that police may forum shop for a doctor who will be prepared to perform a forensic procedure on a victim. The fact is that either consent of the victim, the closest next of kin or, in limited circumstances, the authorisation of a senior police officer is required before a volunteer procedure is conducted. At times a medical practitioner may reject doing a volunteer forensic procedure consented to, authorised on the basis of her medical assessment of the victim. Should that occur, then it is clear that clause 22 would prohibit the treating doctor's assessment being overridden. Clause 22 provides that appropriate medical and other professional standards must be complied with.

I also take this opportunity to advise that an amendment is proposed to the note under clause 2 of the bill. As the note is not a formal part of the bill, it can be amended administratively by parliamentary counsel rather than as an in-house amendment. The note is intended to clarify the definition of 'closest next of kin'. Some medical and social work staff are worried that the note would allow police to work through the levels of next of kin until they find a next of kin who consents to a forensic procedure. That is not intended. The note is drawn in the same terms as the note 3 to section 3 of the current act. The matter has been discussed with parliamentary counsel, and it has been decided to add to the note, after the words 'any one of the closest available next of kin' the words 'being persons who are equal in the order of priority specified in the definition of that term'. So, if the next of kin are siblings, and let us say a brother refuses, the only option for the police would be to approach sisters, for instance, but not to then go to aunts and uncles in a search for someone who will consent. This should remove any ambiguity that may currently exist.

The Commissioner of Victims' Rights has also expressed concern about the need for transparency in the process,

particularly where the authorisation of a senior police officer is required, as in clause 9. The South Australia Police has worked with the Commissioner of Victims' Rights to produce an information brochure to ensure that victims and other volunteers are clear about the processes that will apply. The current act and the bill as introduced refer only to the term 'spouse' of the person in paragraph (b)(i) of the definition. The government will also look to an amendment to extend the definition of 'closest next of kin' to include domestic partners, consistent with the legislation passed late last year. We will be doing that for a while in the transition period.

Further amendments are also likely to clarify the relationship with the commonwealth legislation, in particular, the National Crime Investigation DNA Database. The commonwealth drafted a bill to amend its legislation last year to clarify the operation of the database. The provision in this bill was based on that earlier provision. However, the amendment that was passed by the commonwealth is in a different form. The government is examining an amendment to pick up the approach adopted by the commonwealth legislation. The amendment will make it clear that the minister can enter into an arrangement with the commonwealth minister or CrimTrac for the transmission of information to form part of the National Crime Investigation DNA Database. Mr Speaker, I am not going to abuse the member for Mitchell roundly, because I am fatigued and wish to enjoy my repose.

Bill read a second time and taken through its remaining stages.

Mr HANNA: Did I miss something? Was that the third reading?

The SPEAKER: Yes, it was.

Mr HANNA: Can I make a personal explanation?

The SPEAKER: I do not think you can. If the honourable member wants to make remarks, he would have to do it as part of the adjournment debate or as a grievance.

Mr HANNA: Thank you, Mr Speaker: there isn't much chance of that.

RESIDENTIAL PARKS BILL

Returned from the Legislative Council with the following amendments:

No. 1. Clause 3, page 8, after line 7—

After the definition of *dwelling* insert:
exclusion period—see section 96;

No. 2. Clause 3, page 8, after line 27—

Insert:

permanently fixed dwelling means a structure that—

- (a) has the character of a dwelling; and
- (b) is designed to be permanently fixed to land; and
- (c) could not, under any reasonable arrangement, be removed in a state that would allow the structure to be reused as a dwelling at another place;

No. 3. Clause 6, page 12, line 22—

Delete paragraph (l) and substitute:

- (l) guests or visitors of residents;
- (m) other things prescribed under a regulation.

No. 4. Clause 7, page 12, line 35—

After 'park' insert:

(on the basis that only a resident may be a member of the committee and that any resident who is employed or engaged by the park owner to assist in the management of the residential park may not be a member of the committee)

No. 5. Clause 7, page 13, line 4—

Delete 'this section' and substitute:
subsections (1) and (3)

No. 6. Clause 7, page 13, after line 5—

Insert:

(5) A park owner must, insofar as is reasonable after taking into account the facilities located at the residential park and any other relevant factor, allow the use of a place within the residential park for the purposes of a meeting of residents called by a residents committee which must, insofar as is reasonable, be an enclosed area.
Maximum penalty: \$750.
Expiation fee: \$105.

No. 7. Clause 10, page 14, after line 13—

Insert:

and

(e) comply with any other requirements prescribed by the regulations (including as to the content or form of the agreement).

No. 8. Clause 14, page 15, lines 1 and 2—

Delete paragraph (b) and substitute:

(b) a written notice stating—

- (i) any kind of charge payable by the resident in accordance with requirements imposed under Part 4 Division 10; and
- (ii) any services provided to residents by the park owner on a fee-for-service basis; and

No. 9. Clause 14, page 15, after line 10—

Insert:

and

(d) a written notice stating—

- (i) whether the resident is entitled to the payment of any amount (other than a bond) at the time the resident ceases to occupy the rented property and, if such an entitlement exists, the amount that will be payable or the method that will be used to determine the amount that will be payable; and
 - (ii) in the case of a residential park site agreement—the resident's rights to sell or relocate a dwelling on the site and any arrangements that may apply in event that the resident, after the expiration of a period determined under the regulations, has been unable to sell the dwelling on the open market; and
 - (iii) any other information required by the regulations; and
- (e) a copy of an information notice in a form approved by the Commissioner.

No. 10. Clause 49, page 31, line 9—

Before 'specify' insert:

subject to subsection (4a),

No. 11. Clause 49, page 31, after line 13—

Insert:

(4a) In the case of a residential park site agreement under which a permanently fixed dwelling is located on the site, a notice of termination under this section must not specify a day on which the agreement is terminated that is earlier than the end of the term of the agreement as fixed by the agreement.

No. 12. Clauses 96, 97 and 98—

Delete the clauses and substitute:

96—Exclusion from park for certain period

(1) A resident who is given a notice to leave under this Part must not enter or remain in the residential park for the exclusion period.

Maximum penalty: \$1 250.

(2) In this section—

exclusion period means—

- (a) until the end of 2 business days after the notice is given; or
- (b) if an application is made under section 99—
 - (i) until the end of 4 business days after the notice is given; or
 - (ii) if within that period the Tribunal on the application of the park owner so orders, until the Tribunal has heard and determined the application.

No. 13. Clause 99, page 50, lines 33 and 34—

Delete 'A park owner who gives a resident a notice to leave the residential park under this Part,' and substitute:

If a resident is given a notice to leave under this Part, the park owner

No. 14. Clause 99, page 50, lines 36 and 37—

Delete 'before the end of 2 business days after the suspension of the agreement' and substitute:
within the exclusion period

No. 15. Clause 99, page 51, lines 1 and 2—
Delete paragraph (b) and substitute:

- (b) make an order vesting the residential park agreement in a person who resides or resided on the rented property with the resident; or
- (c) order that the resident be allowed to resume occupation of the rented property under the residential park agreement.

No. 16. Clause 99, page 51, lines 5 to 14—

Delete subclause (5) and substitute:

(5) If the Tribunal orders that the resident be allowed to resume occupation of the rented property under the residential park agreement and is satisfied that there was no reasonable basis for the giving of the notice under this Part, the Tribunal may make 1 or more of the following orders:

- (a) an order excusing the resident from paying rent in respect of the exclusion period;
- (b) an order for compensation to be paid to the resident by the park owner for rent paid in respect of the exclusion period;
- (c) an order for compensation to be paid to the resident by the park owner for reasonable expenses incurred by the resident relating to the exclusion period.

No. 17. Clause 100, page 51, lines 16 and 17—

Delete 'period of suspension of a residential park agreement' and substitute:

exclusion period

No. 18. Clause 100, page 51, lines 20 to 22—

Delete 'would reside on the rented property with the resident if notice to leave the residential park had not been given to the resident and the residential park agreement were not suspended' and substitute:

resided on the rented property with the resident immediately before the notice to leave the residential park was given to the resident

CRIMINAL LAW (FORENSIC PROCEDURES) PROCEDURES BILL

Mr HANNA (Mitchell): I seek leave to make a personal explanation.

Leave granted.

Mr HANNA: Members would have expected me to have contributed to the committee debate in respect of the bill last dealt with by the house after I foreshadowed comments in my second reading speech. The reason I did not is that, when the question was being put as to whether or not the house wished to go into committee, I was conferring with parliamentary counsel in the chamber and did not hear the question.

ADJOURNMENT DEBATE

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I move:

That the house do now adjourn.

TOUR DOWN UNDER

Mr VENNING (Schubert): This is the first day back and we have had a good break. I thank all members who have rung me and sought information on my welfare after my having had a road accident. I was lucky to have got out of it as well as I did. I pay tribute to the modern motor car, particularly with air bags and seat belts. Considering the sort of accident we had, it is unbelievable. I thank the police, the CFS (because one of the vehicles caught fire) and the ambulance, who attended very quickly. Most of these accidents happen within five minutes of home and it was

within five minutes of my home, we being on our way to Australia Day procedures. I am very thankful that my wife is making a reasonable recovery and I am here, albeit suffering, but getting on with it.

I was concerned during the break when attending the Tour Down Under. Some of the comments made to me were that the Tour Down Under had lost its bite, its sting. In fact, some of our people were saying that we were treating it a bit blasé. I attended two events: in Tanunda and Mannum. In Mannum both the member for Hammond and I participated in the celebrity bike race, which Graham Cornes won convincingly. I was a very gracious last—there is a skill in coming last, member for Mawson—and the member for Hammond rode very well.

Anyway, in relation to these two visits to both Mannum and Tanunda, I could not help but notice, having attended all those before, that this one did lack something. There was something missing. All the powers that came to me said, 'Do you know what the problem is? It is the lack of a naming rights sponsor.' Standing right alongside me was an official from Orlando Wyndham, and I will not name him. I said to him, and I mentioned his Christian name because I know him very well, 'I notice in the crowd there are quite a few Jacob's Creek hats moving around because they are hats left over from last year.' I said, 'Without the Jacob's Creek name in front of the Tour Down Under, in our region it has lost something.' It certainly had, and there is no doubt about that. I just said to him, 'What happened? Why did you walk away from the Tour Down Under?', because it really did have a very strong flavour of the Barossa through Orlando Wyndham and Jacob's Creek. As members will know, Orlando Wyndham is owned by the French company Pernod Ricard, and it used all its international contacts to promote this race worldwide. It is automatic. So, how can it be, Mr Speaker, in this instance that we saw a breakdown in the relationship between a private company that had the naming rights of this event and our prize race?

Well, the company was very cagey with me but people said, 'Look, the government was increasing its demands on us and it put restrictions on us in relation to advertising and it just got too hard for us, so we decided to walk.' That is a commercial decision and I understand that. All I can say—and I am not holding Bill Spurr responsible for this—is that if I had been a member of the government and they decided to walk, I would have pursued them very quickly because it is going to be very difficult to get another naming rights sponsor for the Tour Down Under. I was told that the government said, and I am sure this is right, 'No trouble, we will get any of a dozen naming rights sponsors', and, of course, we know what happened—we did not get one.

It was Events SA that had to come to the fore to back the Tour Down Under. I am sorry, but the Events SA Tour Down Under does not have the same ring to it as the Jacob's Creek Tour Down Under. We lost all that international exposure through Pernod Ricard throughout Europe, particularly France. We lost all that. I was particularly upset that the government did not pursue Orlando and say, 'Hang on, we cannot let you go, we have at least another two years of the tour in South Australia under contract and we want you to stay for the whole journey.' They should have been pursued. I do not want to put in Bill Spurr, because he has not spoken to me about this matter. I know how diligent he is and I know he is retiring, but I am annoyed that this government did not have the nous or the business acumen to say, 'Hang on, we

cannot allow this premier race of ours to go without a well-known naming rights sponsor such as this.' It let them go.

Also, the government finds it cannot get a naming rights sponsor. It could not get one because no-one could do the job that Orlando Wyndham did. So what did it cost us? Events SA comes in and takes over this sponsorship. What did it cost the taxpayer of South Australia? I am guessing it would have cost Orlando a cool million, and probably another million in allied advertising across the world, which it would have absorbed into its ordinary international advertising exposure. But I am guessing it cost Events SA probably \$3 million or \$4 million. I pay credit to it. It was a great event which went well, but when I saw Events SA as the naming rights sponsor it did not ring with me—nor a lot of other people. In the Barossa it was a bit of a squib, so much so that Mike Turtur in the local media—in the member for Gawler's local paper—said that the Barossa was blasé about it.

Mr Piccolo: Rosé or blasé?

Mr VENNING: He said blasé. I understand that this is a great event for South Australia. It is a great event in which the whole population is involved, but we should never forget that this is another event that was sourced by the former Liberal government. Again, it was a child of minister Joan Hall. We all thought at the time that it sounded like a good idea. It was an 'out there' idea, but look at its success. It was a great initiative of the former Liberal government, backed by the whole cabinet and the former premier.

I say to members of this government: when will you have some ideas of your own? Unless the government pulls out its finger on this one, we will not have this race in three years—because Victoria and New South Wales would have it quick smart. Their capacity to put in money to cover the loss of a naming rights sponsor puts us in the dark. It is a foolish move, indeed. With two years to go on the current contract, it is foolish to change it. I think Orlando should have been pursued. Surely someone in government has the acumen or capacity to say, 'We will back off and allow you to advertise, but for the same price we want you there.' Apparently, Bill Spurr was told that he was not allowed to do that. I wonder who had the power.

I warn the government—because things are bleak out there—if we lose this race, after losing the grand prix to Melbourne, it would be a tragedy indeed. It is a great South Australian success story. It is a great idea. South Australia has done it for Australia and we should not be losing it at this final hour. I say to members of the government: get off your backsides and put in place people with acumen and expertise to make decisions to pursue and secure companies such as Orlando Wyndham as naming rights sponsors.

It used to be the Jacobs Creek Tour Down Under, but Events SA did not have the same ring to it. I hope it is not too late—but it may be. The people who know reckon we lost the grand prix two years before we heard about it. Mike Rann, who was a minister in the Bannon government at the time, told us that we would not be losing the grand prix—but of course we did. It was lost under the Bannon government. I congratulate all those who organised the race. It was a great day, and we should fight to secure it.

CONSUMER AFFAIRS

Mr PICCOLO: I rise to speak about what I believe is an act of injustice in the community. As a local member of parliament, like other members, I often see acts of injustice towards people who are least able to protect themselves.

Ms Chapman: By your government!

Mr PICCOLO: Please Vickie, get it right. Often the people I see are those who can least protect themselves. During the break I heard about three cases involving a particular national retailer in this state and the return of faulty products. I have discussed this matter with the appropriate people. In one case a pensioner came to my office and said that he had bought a small product just before Christmas from a retailer. The product was faulty and he tried to return it. This pensioner kept his receipt.

However, the law does not actually require you to keep a receipt to return a product, but we will get to that in a second. This pensioner returned the product, but the retailer refused to accept the product on the grounds that the person did not have a receipt, even though there were like products in the store and it was clearly sold from that store. I do not blame the local management, because the company policy is applied strictly. Essentially, it is a very aggressive policy about returns, in order to put off a customer from bringing back returns. My constituent came and saw me when this item could not be returned, I made some inquiries, and the local manager made the same representations to me, that a person could not return the item if they did not have the receipt.

The reasons they gave were, first, that the person could not prove the item was purchased there, even though the store had the like item in the store, and he could have bought it somewhere else. Secondly, during the Christmas break they had had a lot of theft, so this person could actually have stolen the product and brought it back. I am not sure why you would return a product for replacement if you had stolen it in the first place, but that is another story.

Ms Chapman: It didn't work.

Mr PICCOLO: It didn't work, that's right. I was told that that was company policy and that this person would not get the item replaced. He was not looking for a refund: he wanted a replacement. I then rang their national office in Sydney and got their national person to speak to me, and the story got better. This person agreed that it was company policy not to return products without a receipt and again the person said 'This store had a lot of thefts and this person probably stole it.' Thirdly, he said that they were under the manufacturer's instruction not to accept any returns unless there was a receipt accompanying the item. The other thing he said to me was that it is against the law to accept a return without a receipt. This is what they actually tell consumers: it is against the law, so if you do not have a receipt they cannot accept the item back.

I then had a bit of discussion about the law with them. I decided to check whether this policy regarding manufacturer's warranty was true or not, so I rang the manufacturer's representative in Australia. They said, 'Which retailer is it?' The retailer is Homeart.

Mr Venning: Shame!

Mr PICCOLO: Yes, Homeart: shame! As soon as I spoke to the manufacturer of the item, they said, 'Homeart, is it? We get a lot of complaints about their aggressive practice regarding returns.' You have to think: why would a retailer have an aggressive practice about returns? They send it back to the manufacturer and the manufacturer replaces it, etc. However, what Homeart does so that it can undercut its competitors is actually purchase the liability of these products from the manufacturer. In other words, they assume the liability, so that they actually buy the product from the manufacturer at a lower price. To make sure they keep up the

profits, they have to be very aggressive in a no returns policy, because that is where their profit is.

On the one hand, they compete better in the marketplace selling their product and, secondly, they have a very aggressive policy. What they are doing is very close to the law but, clearly, unethical. That is one example. The second example is of a person who went in to buy a product, and they did not have the product in store so the person paid for it, to order it.

Ms Chapman interjecting:

Mr PICCOLO: No, a different person but the same retailer. When the product came in, the shop assistant actually sold it to a third party. This person says, 'We can't get the product.' What would the normal person say? 'I would like my money back.' But no, the retailer said, 'You can't have your money back: you have to have a credit note. You have to buy another item in this store.'

Ms Chapman: Which you don't need.

Mr PICCOLO: Which you don't need. I thought this was an interesting policy. I come back to the third case, where you have to prove that you actually purchased the item. If you look at the Consumer Affairs web page, one of the things they say is that if you can prove that you purchased it, for example, if the shop assistant recalls selling it to you, you can actually prove purchase at that store. Not at Homeart. The third case I came across was where a person said 'Yes, the shop assistant actually remembers selling this item to me, but company policy is not to return.' This was another faulty product and, again, the person did not have a receipt. I am not sure whether this company can get away with this sort of unethical behaviour.

Ms Chapman interjecting:

Mr PICCOLO: I have reported the case, and it is being looked into, thank you very much. I have reported the case to Consumer Affairs and it is being looked into.

Ms Chapman interjecting:

Mr PICCOLO: I have read the relevant act. As far as I am concerned this company is acting in a way that is contrary to the principles of good consumer and customer relations.

The Hon. J.M. Rankine interjecting:

Mr PICCOLO: That is correct. I raise this matter because—and the pensioner is quite happy for me to name him today—Mr Alf Williams was very indignant about the way in which he was treated, and it is not an isolated case. I am hoping that, by raising this matter today, this company will reform its practices.

TOUR DOWN UNDER

Mr BIGNELL (Mawson): I rise briefly to hit back at the member for Schubert and his whingeing, whining and carping performance in this place seven or eight minutes ago talking down the Tour Down Under. What a fantastic event that has been for South Australia over the past nine years, and this year was no different. It was an outstanding event again. I

met up with many visiting journalists and tour promoters from Europe and they were just blown away by the professionalism of this wonderful event.

Certainly, they were not talking down the event like the member for Schubert was doing. I might remind the member for Schubert that it was on the Liberal government's watch that South Australia lost the Grand Prix to Victoria. That was because of a lot of negative contributions from the Liberal people and from the people in the eastern suburbs complaining about the disruption to their lifestyle. Bernie Ecclestone was looking back at this in London and saying, 'Well, the people of South Australia are whingeing, whining and carping about this. We'll take it off them.'

As a journalist, I was present when Graham Ingerson held the press conference to announce that South Australia had lost the Grand Prix. The only way we will lose this bike race is if people such as the member for Schubert continue to talk it down. The loss of Jacob's Creek as a major sponsor had no bearing on the turnout of the people of the Barossa Valley. I was there that day and, sure, the numbers were down, but I thought it was a very good day. I saw the member for Schubert there and he was enjoying himself. Why he would want to come into this place and tell lies, I am not sure. The honourable member had a good time up there. He saw the crowds there. It is a great event. We have other sponsors such as Mutual Community, *The Advertiser* and Delfin—

Mr VENNING: I rise on a point of order, Mr Speaker. The honourable member accused me of telling lies. I do not believe that I told lies at all. I ask him to withdraw that comment.

Mr BIGNELL: I apologise to the member for Schubert and I withdraw. This is a great event, but it really does frustrate me when members in this place bag a great event. This is the biggest cycling race outside Europe. We will make this race even bigger. It is a fantastic race, but it will be done a major disservice by people such as the member for Schubert talking it down. We are very close to having a major sponsor. We were very close before this year's race. We will continue to work on gaining a major sponsor for this fantastic race next year, which will be celebrating its tenth anniversary.

We hope to see this race continue for many years to come, and it will not be helped by people such as the member for Schubert making things up about the withdrawal of Jacob's Creek affecting the future of the race. It had no effect on the numbers that turned out. The people who came out in my electorate of Mawson were in record numbers on Willunga Hill. It was fantastic to see so many people in driving rain at the end of the day. It was a fantastic race this year, and it will continue to be for many years.

Motion carried.

At 9.38 p.m. the house adjourned until Wednesday 7 February at 2 p.m.