HOUSE OF ASSEMBLY

Wednesday 6 June 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 11 a.m. and read prayers.

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) BILL

The Hon. K.O. FOLEY (Treasurer) obtained leave and introduced a bill for an act to amend the Southern State Superannuation Act 1994 and the Superannuation Act 1988. Read a first time.

The Hon. K.O. FOLEY: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the *Southern State Superannuation Act 1994*, and the *Superannuation Act 1988*, which establish and maintain the superannuation schemes covering government employees working in the public service, in the education sector, and the health sector. These schemes are the State Pension Scheme, the State Lump Sum Scheme, and the Southern State Superannuation Scheme known as Triple S.

The principal aim of this Bill is to introduce an arrangement into these superannuation schemes that will enable members who have reached the age at which they could voluntarily retire and take their accrued entitlement, to have access to some of their superannuation if they reduce their level of employment as part of a recognised phasing into retirement or transition to retirement employment arrangement.

These proposed arrangements will only be available to those persons who have reached what is referred to as their 'preservation age' in terms of Commonwealth superannuation law. Whilst the 'preservation age' is gradually moving to age 60, and will be age 60 for all those persons in the community born after 30 June 1964, for those persons born before 1 July 1960, the 'preservation age' is age 55. This means that under the proposal contained in this Bill, all employees aged 46 and older will, if they take up a transition to retirement employment arrangement on attaining the age of 55 or later, be able to access superannuation on transitioning to retirement.

The proposed superannuation arrangement has been made possible as a result of the Commonwealth Government introducing new standards for the superannuation industry in July 2005. Commonwealth laws now allow schemes to release, subject to the rules of the scheme, a member's accrued superannuation benefits even though the person may not have terminated their current employment and permanently retired from the workforce.

In terms of the Commonwealth standards governing the release of benefits as a result of a person's transition to retirement, the released benefits cannot be taken as a lump sum benefit, but must be taken as an income stream. This means that for persons in a scheme that only pays benefits as a lump sum, the lump sum must be immediately invested in a financial product that will provide an income stream.

The Commonwealth introduced this new standard allowing superannuation to be accessed before a person fully retires from the workforce to encourage workers to retain a connection with the workforce at older ages. The Commonwealth was concerned the previous rules which required people below the age of 65 to retire or leave their job before they could access their superannuation benefits was leading to people deciding to retire prematurely. They wanted superannuation rules that would cater for more flexible workplace arrangements where people may choose to reduce their hours of work as they approach retirement.

The general principle to apply in respect of a person who is transitioning to retirement and a member of either the State Pension Scheme, the State Lump Sum Scheme, or Triple S, is that an employee will be able to access a proportion of their accrued superannuation equal to the proportion of their existing level of salary given up on moving into a transition to retirement employment arrangement. Superannuation will be able to be accessed as a result of the employee receiving a reduction in salary as a consequence of reducing their hours of employment, reducing their salary as a consequence of moving to a position with a lower level of responsibility, or a combination of both. The overall reduction in a person's salary will be the basic determinate of the amount of accrued superannuation that can be released for taking as an income stream. The legislation does provide some flexibility in this basic determinate, such that if a person's reduction in employment did not provide sufficient lump sum so the member could purchase an allocated pension, the Board will be permitted to increase the draw down entitlement, as it is referred to in the legislation, so that the member will have sufficient lump sum to purchase an allocated pension. Currently the South Australian Superannuation Board requires a member to have a minimum amount of $30 000 to purchase an allocated pension, and $10 000 to purchase an additional allocated pension.

Where the employee is a member of the State Pension Scheme the released benefit will be an indexed life pension. Where the employee is a member of either of the State Lump Sum Scheme or Triple S, the benefit accessed will be a lump sum. However in order to comply with Commonwealth law, the lump sum will have to be immediately invested to purchase an income stream. An income stream in the form of an allocated pension is available for purchase from Super SA, or many other financial services entities.

The proposed superannuation arrangement is probably best explained by providing an example.

If an employee working 100% full time moved to a transition to retirement employment arrangement resulting in employment at 60% full time, 40% of the member's accrued superannuation benefit will be able to be accessed and taken as an income stream. For the employee who is a member of the State Pension Scheme and entitled to a superannuation pension benefit of 52% of "salary" at age 55, the employee will receive an aggregate income of 80.8% of his or her previous full time salary. This income stream is made up of 60% of full time salary from active employment, and 20.8% of full time salary as a superannuation pension benefit. The non accessed portion of the accrued benefit, that is a pension benefit of 31.2% of "salary" would remain in the scheme and become available when the member fully retires. Superannuation benefits would continue to accrue to the employee commensurate with the new reduced level of employment, and enhance the non accessed benefit at age 55.

Using the same transition to retirement employment example, and applying it to a person in either the State Lump Sum Scheme or in Triple S, and in a situation where the employee's accrued superannuation entitlement was $200 000, the following option would be available to the employee. On reducing the level of employment by 40%, the employee would be able to access $80 000 of their accrued superannuation benefit. After the deduction of tax, the member would have about $70 000 for investment in an income stream. A person aged 55 investing $70 000 in an allocated pension could receive an income stream of $6 090 per annum as a Super SA allocated pension. If it is assumed that this person was on a full time salary of $45 000 per annum before they commenced on the transition to retirement arrangement, the aggregate annual income payable to this person under the transitioning arrangement would be 73.5% of the previous full time salary. Under the proposed arrangement, the non accessed superannuation benefit of $120 000 would remain in the member's scheme and continue to accrue in accordance with the existing arrangements for part time employment in the superannuation schemes.

The proposed arrangements provide for an employee who subsequently further reduces their level of employment, or moves to a less responsible position, to access additional superannuation in line with the applicable further reduction in salary.

In both the examples given, it can be seen that by enabling employees to have access to part of their accrued superannuation as part of a phasing into retirement arrangement will make it more attractive for many employees to consider staying in the workforce for longer rather than fully retiring. The benefit for the State Government is that this proposed superannuation arrangement, when combined with a proposed transition to retirement employment arrangement which the Government is developing, will enable the Government to encourage many workers to stay in the workforce for longer than the ages at which they are currently fully retiring. The combined superannuation and employment strategy being pursued for those workers over age 55, the majority of whom tend to terminate their government employment before age 58, will address

the potential significant loss of skills and corporate knowledge over the next few years. Retaining older workers with valuable skills and corporate knowledge is particularly important for the South Australian public sector which is significantly older than the general workforce, and which also has the oldest profile of state public sectors.

The proposed superannuation arrangement has been developed on the basis that there will no increase in the overall costs to the Government in providing superannuation benefits. The limit on the proportion of the accrued entitlement that can be accessed will not only ensure that the scheme does not cost the Government more, but will also ensure that public servants do not have incomes from the Government during the transition period, that exceed the amount that would have been their full time salary.

The Bill also includes amendments dealing with some non-transition to retirement matters, making amendments to the existing legislation under the *Southern State Superannuation Act,* and the *Superannuation Act*.

Several of the amendments contained in the Bill seek to address some technical deficiencies in existing provisions.

The first of the technical deficiencies seeks to insert a provision into the *Southern State Superannuation Act,* to address a problem where some members are falling out of death and invalidity insurance cover even though essentially they have ongoing non casual government employment, but in some instances there can be a short period of non employment between the successive employment contracts. The amendment will ensure that where a member of the Triple S scheme is employed under successive contracts, but there is a gap between the two contracts, death and invalidity insurance cover will be maintained for up to 3 months after the conclusion of the first contract. This will benefit those people in the education sector who have been at risk because of the short period of non employment between each contract, which generally occurs at the end of each academic year.

The technical amendments will also address a problem with the existing provisions in the *Superannuation Act* dealing with the benefit options available to persons who terminate their employment on accepting a voluntary separation package. The current deficiency in the legislation relates to the fact that there is no requirement for a person to indicate within a prescribed period which of the various options the member wishes to accept. As there are several members who have not indicated which of the options they wish to accept, a transitional provision is included that will require these persons to make an election indicating their chosen option within 3 months of the commencement of the new provisions.

In addition there is an amendment that seeks to introduce a provision in the *Superannuation Act*, that will prevent a person in receipt of salary as a judge or a judicial pension, from also receiving a pension under the State Pension Scheme. Under the proposal dealing with a pension entitlement for a person who is either a judge and in receipt of judicial salary, or is a former judge entitled to a judicial pension, any State Pension benefit will be suspended. A suspended pension will be able to be commuted to a lump sum, and then paid to the person.

The Superannuation Federation, the Public Service Association, the Australian Education Union and the SA Nursing Federation have all been consulted in relation to this Bill.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure will commence on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Southern State Superannuation Act 1994*

4—Amendment of section 3—Interpretation

A definition of ***preservation age*** is inserted into section 3 of the *Southern State Superannuation Act 1994* ("the Act"). The term is given the same meaning as it has in Part 6 of the Commonwealth *Superannuation Industry (Supervision) Regulations 1994*.

Another amendment will allow for the continuation of invalidity/death insurance between certain employment contracts if the period between contracts does not exceed 3 months. The amendment will also assist in the operation of section 33A.

5—Amendment of section 26—Payments by employers

As a consequence of this amendment, section 26 of the Act will not apply in relation to persons who are members of the scheme by virtue of section 14(10a).

6—Amendment of section 26D—Spouse members and spouse accounts

This amendment reflects the fact that a contribution under section 26D may be made by a spouse member or a member.

7—Insertion of section 30A

This clause inserts a new section.

30A—Transition to retirement

Under proposed section 30A, the ***basic threshold*** is an amount prescribed by the regulations for the purposes of subsection (1).

A member of the scheme who has reached the age of 55 and his or her preservation age is entitled to apply for the benefit of section 30A. The member must also have entered into an arrangement with his or her employer to reduce his or her hours of work or alter his or duties (or both) so that there is a reduction in the member's salary. The purpose of establishing this arrangement must relate to the member's proposed retirement in due course.

If the South Australian Superannuation Board is satisfied that a member has made a valid application for the benefit of section 30A, the Board will determine a ***draw down benefit*** for the member in accordance with the formula set out in subsection (4)(a). The Board must then invest the draw down benefit with (according to the member's election) the Superannuation Funds Management Corporation of South Australia or with another entity that will provide a non-commutable income stream for the member while the member continues to be employed in the workforce. The result must be that the member receives a ***draw down payment***, that is, a payment in the form of a pension or an annuity on account of the benefit.

The draw down benefit will be constituted of the components that would be payable to the member under section 31 (Retirement) if he or she had retired from employment immediately before the date of the Board's determination. Those components are:

(a) the employee component;
(b) the employer component;
(c) the rollover component (if any);
(d) the co-contribution component (if any).

The investment of a draw down benefit with the with the Superannuation Funds Management Corporation of South Australia will be on terms and conditions determined by the Board.

Although an entitlement to a draw down benefit is not commutable, a member may, after commencing to receive a draw down payment and before retiring from employment, take steps to bring the investment to an end and pay the balance of the investment into a rollover account under the Act as if the balance were being carried over from another superannuation scheme to the Triple S scheme. Also, the value of an investment with the Superannuation Funds Management Corporation of South Australia may be redeemed when the member retires, has his or her employment terminated on account of invalidity or dies (whichever occurs first).

When the Board has determined a draw down benefit, the member's employer contribution, employee contribution, rollover and co-contribution accounts will be adjusted to take into account the payment of the benefit. Employee contributions payable by the member will be fixed on the basis of the member's salary under the arrangement established with his or her employer. The relevant employer contribution account will be immediately adjusted to take into account the payment of the draw down benefit.

If the member's salary is reduced, he or she may apply to the Board for a further benefit. If the member's salary is increased, the draw down payment will continue as if the increase had not occurred. The contributions payable by the member will be adjusted to take into account the increase.

On retirement, the member's entitlements under section 31 (Retirement) will be adjusted to take into account

the draw down benefit. Similarly, if the member's employment is terminated on account of invalidity or by the member's death, any consequential entitlements will be adjusted to take into account the draw down benefit.

8—Amendment of section 35E—Effect on member's entitlements

Section 35E provides that if a payment split under the *Family Law Act 1975* of the Commonwealth is payable with respect to the superannuation interest of a member, there is a corresponding reduction in the entitlements of the member under the Act. This clause inserts a new subsection. Under the new provision, if a member has received a draw down benefit under section 30A, the superannuation interest of the member will be taken to include the balance of any draw down benefit that is being invested with the Superannuation Funds Management Corporation of South Australia. Any entitlement under section 30A will be adjusted to take into account the effect of a payment split under the Family Law Act provisions of the Act.

Part 3—Amendment of *Superannuation Act 1988*

9—Amendment of section 4—Interpretation

Section 4 of the *Superannuation Act 1988* is amended by the insertion of a definition of ***non-monetary salary***, which means remuneration in any form resulting from the sacrifice by a contributor of part of his or her salary. The definition applies in relation to contributors who are not employed pursuant to TEC contracts. (A TEC contract is a contract of employment between a contributor and his or her employer under which the value of the total remuneration package specified in the contract reflects the total employment cost to the employer of employing the contributor.)

The second definition of ***salary***, which applies in relation to contributors who are not employed pursuant to TEC contracts, is amended so that the term refers to all forms of remuneration, including non-monetary salary. Various subsections that relate to the second definition of ***salary*** are deleted and replaced with a single subsection that provides that for the purposes of determining the amount of salary received by a contributor who is in receipt of non-monetary salary, the value of the non-monetary salary will be taken to be the amount of salary sacrificed by the contributor in order to receive the non-monetary salary. These amendments relating to salary are consistent with amendments recently made to the *Southern State Superannuation Act 1994*.

A definition of ***preservation age*** is inserted. The term is given the same meaning as it has in Part 6 of the Commonwealth *Superannuation Industry (Supervision) Regulations 1994*.

10—Insertion of section 26A

This clause inserts a new section into Part 4 of the Act, which applies only to new scheme contributors.

26A—Transition to retirement

A contributor who has reached the age of 55 and his or her preservation age is entitled to apply for the benefit of section 26A. The contributor must also have entered into an arrangement with his or her employer to reduce his or her hours of work or alter his or duties (or both) so that there is a reduction in the contributor's salary. The purpose of establishing this arrangement must relate to the contributor's proposed retirement in due course.

If the Board is satisfied that a contributor has made a valid application for the benefit of section 26A, the Board will determine a ***draw down benefit*** for the contributor in accordance with subsection (3)(a). The Board must then invest the draw down benefit with (according to the contributor's election) the Superannuation Funds Management Corporation of South Australia or with another entity that will provide a non-commutable income stream for the contributor while he or she continues to be employed in the workforce. The result must be that the contributor receives a ***draw down payment***, that is, a payment in the form of a pension or an annuity on account of the benefit.

The investment of a draw down benefit with the with the Superannuation Funds Management Corporation of South Australia will be on terms and conditions determined by the Board.

Although an entitlement to a draw down benefit is not commutable, a contributor may, after commencing to receive a draw down payment and before retiring from employment, take steps to bring the investment to an end and pay the balance of the investment into a rollover account, as if the balance were being carried over from another superannuation scheme. Also, the value of an investment with the Superannuation Funds Management Corporation of South Australia may be redeemed when the contributor retires or dies (whichever occurs first).

When the Board has determined a draw down benefit, the contributor's contributor account will be adjusted to take into account the payment of the draw down benefit by a percentage equal to the percentage that the draw down benefit bears to the total benefit that would have been payable had the contributor retired from employment. Contributions payable by the contributor will be fixed on the basis of the contributor's salary under the arrangement established with his or her employer to reduce his or her hours of work or alter his or duties (or both). The contributor's contribution points will accrue, from the date of the determination until the cessation of the relevant arrangement, at a rate calculated under section 26A(7)(c).

If the contributor's salary is reduced, he or she may apply to the Board for a further benefit. If the contributor's salary is increased, the draw down payment will continue as if the increase had not occurred. The contributions payable by the contributor will be adjusted to take into account the increase.

On retirement, the contributor's entitlements under section 27 (Retirement) will be adjusted in the prescribed manner to take into account the draw down benefit. Similarly, if a contributor's employment is terminated by his or her death, any entitlement under section 32 (Death of contributor) will be adjusted in the prescribed manner to take into account the draw down benefit.

11—Amendment of section 28A—Resignation pursuant to a voluntary separation package

Section 28A, which prescribes entitlements for certain contributors following resignation, applies to a contributor who resigns from employment before reaching the age of 55 pursuant to a voluntary separation package that includes a term that the section is to apply to the contributor and that has been approved by the Treasurer. As a consequence of the amendment made by this clause, the section will only apply to a contributor who has made an election within three months after his or her resignation. Section 28 (Resignation and preservation of benefits) does not apply to a contributor to whom section 28A applies. However, if an election is not made within three months as required by new subsection (1a), section 28 will be taken to apply to the contributor.

12—Insertion of section 33A

This clause inserts a new section into Part 5 of the Act, which applies only to old scheme contributors.

33A—Transition to retirement

An old scheme contributor who has reached the age of 55 and his or her preservation age is entitled to apply for the benefit of section 33A. The contributor must also have entered into an arrangement with his or her employer to reduce his or her hours of work or alter his or duties (or both) so that there is a reduction in the contributor's salary. The purpose of establishing this arrangement must relate to the contributor's proposed retirement in due course.

If the Board is satisfied that a contributor has made a valid application for the benefit of section 33A, the contributor will be entitled to a pension (a ***draw down benefit***) on the basis of a maximum benefit determined by the Board under section 33A(3).

A draw down benefit may not be commuted until the contributor retires from employment. If a contributor who has retired from employment applies for the commutation of a draw down benefit within 6 months after payment of the benefit commences, the benefit may be commuted in accordance with the regulations as if it were a pension. If a contributor who has retired from employment applies for the commutation of a draw down benefit after the expiration of that 6 month period, the terms and conditions of the commutation of the benefit will be determined by regulation.

When the Board has determined a draw down benefit, the contributions payable by the contributor under section 23 of the Act will be fixed on the basis of the contributor's salary under the arrangement with his or her employer to reduce his or her hours of work or alter his or

duties (or both) and will be at the contributor's standard contribution rate under section 23. During the period of the arrangement, the contributor's contribution points will accrue at a rate for each contribution month calculated under section 33A(8)(b).

If the contributor's salary is reduced, he or she may apply to the Board for a further benefit. If the contributor's salary is increased, the draw down payment will continue as if the increase had not occurred. The contributions payable by the contributor will be adjusted to take into account the increase.

On retirement, the contributor's entitlements under section 34 (Retirement) will be adjusted in the prescribed manner to take into account the draw down benefit. If a contributor's employment terminates because of invalidity in circumstances that give rise to an entitlement under section 37 (Invalidity), the contributor's entitlement will be adjusted in the prescribed manner to take account of the fact that the contributor had elected to receive a draw down benefit. Similarly, if a contributor's employment is terminated by his or her death, any entitlement under section 38 (Death of contributor) will be adjusted in the prescribed manner to take into account the draw down benefit.

If a contributor who has been receiving a draw down benefit returns to a level of employment that is at least equal to the level that applied immediately before the contributor commenced the arrangement with his or her employer to reduce his or her hours of work or alter his or duties (or both), the payment of the draw down benefit will be suspended for so long as his or her level of employment is at least equal to the original level of employment.

13—Amendment of section 39A—Resignation or retirement pursuant to a voluntary separation package

The amendment made to section 39A by this clause has the effect of requiring a contributor to whom the section applies who wishes to elect to take benefits under subsection (3g) to make the election within three months after the date of his or her resignation. Under new subsection (3i), a pension under subsection (3g) will be indexed.

14—Insertion of section 40B

This clause inserts a new section into Part 5 of the Act, which applies only to old scheme contributors.

40B—Interaction with judicial remuneration or pension entitlements

New section 40B provides that if a person would be entitled to both the payment of a pension under the *Superannuation Act 1988* and the payment of a salary as a Judge or a pension under the *Judges' Pensions Act 1971*, the right of the payment to a pension under the *Superannuation Act 1988* is suspended.

The Board will, on the application of a person whose pension is suspended under the section, commute the entitlement to the pension to a lump sum payment. In making the commutation, commutation factors promulgated by regulation will be applied.

15—Repeal of section 43A

This clause repeals section 43A, which provides that a proportion of a pension or lump sum paid to, or in relation to, a contributor will be charged against his or her contribution account or the relevant division of the Fund. The section is re-enacted by clause 17 as section 47C and located more appropriately in Part 6 (Miscellaneous).

16—Amendment of section 43AF—Effect on contributor's entitlements

Section 43AF provides that if a payment split under the *Family Law Act 1975* of the Commonwealth is payable with respect to the superannuation interest of a contributor, there is a corresponding reduction in the entitlements of the contributor under the Act. This clause inserts a new subsection. Under the new provision, if a contributor has received a draw down benefit under section 26A or 33A, the superannuation interest of the contributor will be taken to include the balance of any draw down benefit that is being invested with the Superannuation Funds Management Corporation of South Australia under section 26A or any entitlement under section 33A. Any entitlement under section 26A or 33A will be adjusted to take into account the effect of a payment split under the Family Law Act provisions of the Act.

17—Insertion of sections 47C and 47D

This clause inserts two new sections.

47C—Portion of pension etc to be charged against contribution account etc

This section is in substantially the same terms as the repealed section 43A. Part 6, which contains miscellaneous provisions, is a more appropriate location for the section.

47D—Charge against Fund if draw down benefit paid

If a contributor becomes entitled to a draw down benefit under section 26A, there will be a charge on the relevant division of the Fund equal to the amount charged to the contributor's contribution account and, if relevant, any roll over account, on account of the payment of the draw down benefit.

If a contributor becomes entitled to a draw down benefit under section 33A,there will be a charge on the relevant division of the Fund determined by applying the relevant proportion that applies under section 47C with respect to the payment of a pension.

Schedule 1—Transitional provisions

1—Interpretation

In the transitional provisions, a reference to the ***principal Act*** is a reference to the *Superannuation Act 1988*.

2—Transitional provisions

The first transitional provision relates to the amendment made to section 28A of the principal Act and provides that a person who has, before the commencement of the transitional provision, resigned from employment in circumstances that fall within the ambit of section 28A(1) and has not received any benefit under section 28A before that commencement will have three months from the commencement to make an election under the transitional provision. If such an election is not made by the expiration of that period, section 28 of the *Superannuation Act 1988* will apply to the person to the exclusion of section 28A.

The second transitional provision relates to the amendment made to section 39A of the *Superannuation Act 1988*. This provision is in similar terms to the first transitional provision.

The third transitional provision relates to the insertion of section 40B of the *Superannuation Act 1988* by this measure. Section 40B only applies to a person whose right to the payment of a pension under the *Superannuation Act 1988* arises after the commencement of the transitional provision.

Mr GRIFFITHS secured the adjournment of the debate.

MURRAY-DARLING BASIN (AMENDING AGREEMENT) AMENDMENT BILL

The Hon. K.A. MAYWALD (Minister for the River Murray) obtained leave and introduced a bill for an act to amend the Murray-Darling Basin Act 1993. Read a first time.

The Hon. K.A. MAYWALD: I move:

That this bill be now read a second time.

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

Leave granted.

The main purpose of this Bill is to amend the *Murray-Darling Basin Agreement 1992* to enable improved business practices for River Murray Water, which is the water business unit of the Murray-Darling Basin Commission. The amendments also clarify that Queensland cannot be held liable for works and measures in which it is not directly involved and set out details of authorised joint works and measures in relation to salinity management.

The *Murray-Darling Basin Agreement 1992* is an agreement between the Australian Government and the Governments of New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory. The purpose of the Murray-Darling Basin Agreement is to provide and co-ordinate effective planning and management for the equitable, efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin.

The *Murray-Darling Basin Agreement 1992*, and its predecessor the *River Murray Agreement* and any subsequent amendments, have been subject to the approval of the Parliament of each Government. This gives a unique strength to the Agreement which establishes the

legal framework for natural resource management, water distribution, asset management and financial disbursements between the jurisdictions of the Murray-Darling Basin Initiative.

The Murray-Darling Basin Agreement Amending Agreement 2006 as signed at the COAG meeting of 14 July 2006 will amend the *Murray-Darling Basin Agreement 1992* in three ways:

- it will facilitate improved business practices for the Commission's water business (River Murray Water);
- it will clarify the original Agreement in the matter of limiting Queensland's liability; and
- it will attach supplementary details and to make a minor typographical correction to the Basin Salinity Management Schedule (Schedule C) of the Agreement.

Improved Business Practices

The first of these matters represents the response of the Murray-Darling Basin Commission and the Murray-Darling Basin Ministerial Council to the COAG Water Reform Principles adopted in February 1994. Specifically these required the Murray-Darling Basin Ministerial Council to put in place "*arrangements so that out of charges for water funds for the future maintenance, refurbishment and/or upgrading of the headworks and other structures under the Commission's control be provided*.

Since 1998, the Murray-Darling Basin Ministerial Council has, each year endorsed a cost sharing arrangement based on levels of service provided by its River Murray Water business to the relevant States (New South Wales, Victoria and South Australia). Further business reforms, inherent in the application of the COAG principles, were limited by the terms of the Murray-Darling Basin Agreement. Recognising these limits, the National Competition Council endorsed the initial responses of the Ministerial Council including its commitment to seek the agreement of the relevant four partner governments (the Australian Government, and the Governments of New South Wales, Victoria and South Australia) to amend the Agreement to enable the full extent of the COAG principles to be achieved.

Specifically this involved enabling powers:

- to establish and manage a long term renewals annuity fund to provide for capital renewals and major cyclic maintenance;
- for the Commission with the Ministerial Council's approval to undertake borrowings for the above purpose;
- for Ministerial Council to re-assign the management of critical infrastructure between the relevant State Governments; and
- for Ministerial Council to vary cost sharing arrangements for periods of up to five years and to establish new thresholds, from time to time, for financial levels of works and measures requiring approval of the Commission or the Ministerial Council

In addition the arrangements for annual and forward estimates were to be clarified.

Negotiations between Governments on these matters have extended over several years leading to a final endorsement by the Ministerial Council in 2005.

The amending agreement allows governments to make annual 'annuity' contributions towards the future capital and maintenance costs of the Commission's water business, with the power to borrow where accumulated funds are insufficient to meet costs in any year. These annuity contributions will reduce fluctuations which might otherwise occur in governments' annual contributions and also give a better reflection of the long-run costs of providing water business services.

The amending agreement enables the Ministerial Council to recover water business costs from state governments in shares comparable to those which would apply if fee-for-service pricing were introduced. The amendment enshrines COAG principles relating to the costs of water services and eliminates cross-subsidies between the states for water business costs.

In 2006, the Australian Government provided a $500 million cash injection to the Murray-Darling Basin Commission. The funds will accelerate water recovery measures, ensure that best use is made of water recovered for the environment and fully implement agreed programs. The amending agreement allows this and other Commission monies to be invested more flexibly than the current agreement allows. Instead of being restricted to investing in fixed bank deposits, the Commission will be able to invest in accordance with guidelines set by the Ministerial Council.

The amending agreement also makes a number of minor amendments including clarifying definitions, clarifying the annual estimates approval process, providing flexibility to appoint auditors and adding a detailed description of works and measures to the basin salinity management schedule.

Following a meeting between the Prime Minister and Premiers of South Australia, Queensland, New South Wales, Victoria and the Chief Minister of the Australian Capital Territory on 23 February 2007 the future of the Murray-Darling Basin is the subject of an agreement between First Ministers of the Australian Government and four of the five Murray-Darling Basin jurisdictions. The remaining jurisdiction has shown support for such a policy position but is seeking further clarification on several issues. The agreement addresses the very essence of the governance arrangements between all Basin jurisdictions with the intent of ensuring a sustainable future for the Murray-Darling Basin and the communities that it supports. The details of the new agreement will not be implemented for some time. However, this Bill ensures that best business practices within the existing agreed arrangements are followed in the immediate future and during the transition period.

Limiting Queensland's Liability

The second matter aims to put beyond doubt the liability of Queensland which became a party to the agreement on the basis that it would only contribute towards works and measures in which it is directly involved. The terms of the present Agreement do not specifically ensure that Queensland cannot be held liable, in damages, for matters in which it takes no part and the amending agreement removes ambiguities in the agreement that could be interpreted as widening Queensland's liabilities. Whilst the Ministerial Council has, by resolution, recognised this principle, the agreed view is that an indemnity should be enshrined in the Murray-Darling Basin Agreement.

Tiding up Schedule C

The third matter is to add to the Basin Salinity Management Strategy, Schedule C of the Agreement, a detailed description of the authorised joint works and measures approved and implemented by the Ministerial Council. The opportunity has also been taken to adopt a typographical correction.

Process from here

The amendments were endorsed by the Murray-Darling Basin Ministerial Council on 31 July 2003 and a further amendment correcting a typographical error was endorsed by the Murray-Darling Basin Ministerial Council on 30 September 2005. The respective First Ministers signed the *Murray-Darling Basin Agreement Amending Agreement 2006* at COAG on 14 July 2006.

Each Government of the Murray-Darling Basin Initiative is now in the process of taking a Bill to their respective Parliaments for the adoption of the Amending Agreement before it formally comes into force. Relevant Bills have been recently introduced into the Federal and Victorian Parliaments.

The Bill will not affect the level of funding that governments are allocating for the Murray-Darling Basin Commission under existing arrangements. However, it will enable the Commission to improve business practices for its water business unit, River Murray Water, an essential improvement required now in light of the $500 million injection of funds by the Australian Government in 2006 and the transition period to new Basin-wide governance arrangements.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Murray-Darling Basin Act 1993*

4—Amendment of section 4—Interpretation

This clause amends section 4(1) of the Act to include a new paragraph (c) to the definition of ***Agreement*** and to insert a definition of ***Amending Agreement 2006***.

5—Insertion of section 5B

This clause inserts new section 5B into the Act to provide that the Amending Agreement 2006 is approved.

6—Insertion of Schedule 3

This clause inserts Schedule 3 into the Act. Schedule 3 contains the Murray-Darling Basin Agreement Amending Agreement 2006 as signed by the Prime Minister of the Commonwealth of Australia, the Premiers of Victoria, New South Wales, Queensland and South Australia and the Chief Minister of the Australian Capital Territory on 14 July 2006

and as revised by the Ministerial Council on 29 September 2006.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council's amendments be agreed to.

It is the government's intention to accept all the amendments made by the other place. Perhaps we could move through each of them.

Ms CHAPMAN: It is with pleasure that the opposition receives the bill as amended in another place. I am pleased that the government has accepted the reforms, which have been hard-fought and appropriately compromised. I think that ought to be acknowledged. The opposition remains concerned about the general thrust of the bill and how effective it will be in producing affordable housing in South Australia. As I have spoken previously for 6½ hours on this bill, I will not delay the house further in outlining the reasons why. At least some semblance of possible favourable consideration of governance has been restored.

Motion carried.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

RESIDENTIAL PARKS BILL

Consideration in committee of the Legislative Council's amendments.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

The Residential Parks Bill is designed to protect those people who live in residential parks as their principal place of residence. The bill sets out the rights and responsibilities of residents and operators of residential parks. The bill was introduced in the House of Assembly in August last year and passed in September last year and sent to the other place. The bill was passed in the other place in February this year and has now been returned to the House of Assembly with a number of amendments. The government supports this amendment to the definitions. It provides a reference to clause 96 of the bill, which sets out the provisions in relation to excluding a resident from the park for a certain period because of a serious act of violence.

Mr PISONI: The Liberal Party supports the amendment.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be agreed to.

This amendment provides a distinction for categories of dwellings to which special provisions relating to security of tenure will apply. It defines a permanently fixed dwelling as a structure that is designed to be permanently fixed to land and 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. The government supports the amendment.

Mr PISONI: We support the amendment.

Motion carried.

Amendment No. 3:

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

That the Legislative Council's amendment No. 3 be agreed to.

Mr PISONI: The Liberal Party agrees.

Motion carried.

Amendment Nos 4, 5 and 6:

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

That the Legislative Council's amendments Nos. 4, 5 and 6 be agreed to.

Mr PISONI: The opposition supports the amendments.

Motion carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be agreed to.

Essentially, the government considers that amendment No. 7 is superfluous, but we are prepared to support it.

Mr PISONI: The opposition supports the amendment.

Motion carried.

Amendment No. 8:

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

That the Legislative Council's amendment No. 8 be agreed to.

We consider this as being another superfluous amendment because clause 33(3) of the bill enables regulations to be made providing that a resident need not pay statutory and other charges unless, on request by the resident, the park owner provides specified information evidencing the details of those charges. The preferred option of the government was to make such a regulation; nevertheless, we support this amendment.

Mr PISONI: The opposition supports the amendment.

Motion carried.

Amendment No. 9:

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

That the Legislative Council's amendment No. 9 be agreed to.

This amendment provides that a resident must receive a written notice stating whether they are entitled to the payment of any amount, other than the bond, at the end of the tenancy and also written notice regarding the resident's rights to sell or relocate a dwelling on the site. The amendment is considered superfluous as, under the terms of the bill, it is an offence for a park owner to ask for or receive anything other than rent or a bond from a resident in respect of a residential park agreement. The exception is that a park owner may ask for a statutory or other charge, as set out in division 10.

Mr GOLDSWORTHY: I am pleased that the government has agreed to this amendment, as it was an issue that has certainly come to light in my electorate, where a caravan park had changed ownership and the new proprietor was looking to institute some quite significant increases in rental amounts, lease arrangements, and the like, which, arguably, threatened the tenure of some of the longer-term residents in that park. As we all know, quite a number of South Australians regard their occupancy in a caravan park facility as being permanent. They have expended considerable funds on developing their home site, and it is regarded as a non-transportable dwelling. We see examples of that in parks with cabin arrangements: even though they may have been brought in and located at a specific site through road transport, they are placed there as permanent fixtures, with annexes and outbuildings attached

to those dwellings. To all intents, it is the permanent residence of the owner.

I am pleased that the government has agreed to accept this amendment, because it is a real issue in the community that these folk, who for whatever reasons—economic circumstances and the like—choose to make these places their permanent residence, have some protection from any entrepreneur (a word I use reservedly) who purchases a caravan park or a residential park and perhaps has other intentions for the medium to longer-term future of the land.

Motion carried.

Amendments Nos 10 and 11:

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

That the Legislative Council's amendments Nos 10 and 11 be agreed to.

Amendments Nos 10 and 11 relate to the security of tenure to which the member for Kavel was referring, I think. That is, security of tenure for residents with permanently fixed dwellings who have entered into a fixed term site agreement. The amendments provide that, when a park is sold, if the purchaser wants vacant possession of the property, they must not give a resident a termination notice specifying a date that is earlier than the end of the current fixed term agreement that the resident has entered into.

Consultation has been carried out with stakeholders who offer residents fixed term site agreements and also with members of the executive committee of the Caravan Parks Association of South Australia. There appears to be no significant adverse impacts from the amendments and for this reason the government is prepared to support them. In relation to consultation, as I said, there has been significant consultation in relation to this—and members would realise that this bill has been sitting in abeyance for some time while that consultation was underway. In effect, this provides some protection to people who are living in facilities which are designed specifically for that. We have residents who have leased or gone into a site agreement for a small allotment of land and they have put $200 000 and $300 000 properties on them. This gives them some surety in relation to their site should that larger property be sold.

It was certainly the intention of the government to address that issue at a later date. It was not a situation about which we have had an appropriate amount of time to consult, but we are fully aware that a number of these particular facilities are popping up around South Australia. I do not think this amendment covers all the situations that we need to cover, and it is my intention that we will revisit this legislation at some stage in the future (if need be) and after more comprehensive consultation has been undertaken.

I have had a number of discussions with the member for Unley in relation to this. We were certainly concerned (and I know the honourable member held my concerns) that we would not be picking up caravan parks per se which are not designed for long-term occupancy by caravan dwellers. It was our concern that there were not unintended consequences. I understand the member for Unley has received the same feedback as I from the Caravan Parks Association; that is, they do not have a problem with this particular amendment. Rather than knock that out and then consult, the government is more than happy to agree to this amendment, given the assurances that it will not have adverse impacts on a range of property owners throughout South Australia and that this will be the basis on which we can form some additional regulation and legislation to deal adequately with what has become quite a new phenomenon in South Australia.

Mr PISONI: The opposition supports the amendments. Just concurring with the comments made by the minister, although this amendment is not perfect, it does give protection to those permanent residents who are living in these lifestyle villages. We believe that, on balance, this amendment is an important one and should be supported. I certainly agree with the minister that we need to address the lifestyle village situation. Having such a fast-moving economy these days, we have new industries, new businesses and freethinkers coming up with new ideas, and sometimes it is difficult for the government to pre-empt what some entrepreneurial spirit might come out with next.

I think that the lifestyle villages are an example of that. It is a reflection of the changing market and the fact that we are seeing people looking at alternative ways of moving to attractive seaside or country areas without having to purchase land, yet living in a village atmosphere. The lifestyle village situation does need to be addressed. The opposition will be open to discussion on this at a later stage and we will be supporting some specific legislation to deal with lifestyle villages which gives people tenure but, at the same time, does not confuse the issue of residents living in traditional caravan parks. On that basis, we are very happy that the amendments are being supported by the minister.

Motion carried.

Amendments Nos 12, 13 and 14:

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

That the Legislative Council's amendments Nos 12, 13 and 14 be agreed to.

The amendments seek the introduction of exclusion periods for a violent resident. These amendments are seen as improvements to the bill in that they focus on excluding the violent resident. The alternative of suspending the agreement can result in some uncertainty about the status of others residing in the park with a violent resident. The extension of time provided by amendment No. 12 is supported. It provides the protection for park owners who would be able to seek a termination of the agreement as soon as practicable. It also provides protection for both the excluded resident, as well as any persons who occupied the park with the resident, to ensure that there is a determination as to whether the exclusion is reasonable and to provide certainty for parties as to their ongoing position.

Amendment No. 13 is basically a drafting amendment that makes the intent of clause 99(1) more easily understood. Amendment No. 14 provides that an application to terminate the agreement must be made by the park operator within the exclusion period. It is a consequential amendment following on from amendment of clause 99(1). It is for those reasons the government supports these amendments.

Mr PISONI: The opposition supports the amendments. They are good, commonsense amendments and they improve the original legislation. We congratulate the upper house for presenting the amendments to us.

Motion carried.

Amendments Nos 15 and 16:

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

That the Legislative Council's amendments Nos 15 and 16 be agreed to.

Amendment No. 15 specifies some additional orders that may be made by the tribunal when it considers an application for termination of the agreement: first, vesting the agreement in

a person who resides or resided with the excluded resident or, secondly, to order that the excluded resident be allowed to resume occupation of the property under the agreement. The amendment is considered complementary to the exclusion amendment and, therefore, it is supported. Amendment No. 16 specifies some of the orders that the tribunal may make where the excluded resident is allowed to return to the park. While these orders are already incorporated into the government's bill, the drafting in the amendment makes the intent of the clause clearer and, for that reason, the amendment is supported.

Mr PISONI: The opposition also supports the amendments.

Motion carried.

Amendments Nos 17 and 18:

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

That the Legislative Council's amendments Nos 17 and 18 be agreed to.

Amendment No. 17 replaces the term 'suspended agreement' with the new term 'exclusion period'. It is consistent with other amendments regarding the exclusion of residents due to serious acts of violence and is supported. Amendment No. 18 relates to the definition of 'third person' in clause 100(2). It provides that a person who resides or resided in the park with the excluded resident is not to be considered a third person, thereby precluding the park owner from allowing them to occupy the rented property. It is considered a necessary consequential amendment to the intent of the exclusion period amendment and, therefore, it is supported.

Mr PISONI: The opposition supports the amendments.

Motion carried.

CRIMINAL ASSETS CONFISCATION (SERIOUS OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 206.)

Mrs REDMOND (Heysen): I indicate that I will be leading the debate on behalf of the opposition in relation to this bill. I do not intend to keep the house long, because I understand that the member for Mitchell and the Leader of the Opposition also intend to address the house. I am interested in how this matter came to be before us so quickly, because last Tuesday the government gave notice of its intention to introduce the bill on the following day—Wednesday 30 May—and, indeed, the bill was introduced on that day and it reached the second reading stage. I was then notified that there would be a briefing on Thursday 31 May, which was extremely quick.

At that time, it was indicated that the government wanted to debate the bill this week, notwithstanding that we have a regular regime under which bills are supposed to lay on the table for a clear week so we can have at least a moment to catch our breath and consider what the bill might be about and its implications. In spite of asking a question about why there was a particular rush with this bill, I have received no explanation from anyone as to why—

The Hon. M.J. Atkinson: Your leader called for it.

The SPEAKER: Order!

Mrs REDMOND: —there was any urgency with respect to finalising this bill. It is as though there is some great urgency. We support the bill. As the Attorney-General pointed out, our leader called for it and, in fact, I think he had given notice of his intention to move a private member's bill—

The Hon. M.J. Atkinson: What was his urgency?

Mrs REDMOND: —aimed at achieving the same end. The Attorney asked, 'What was his urgency?' All he had done was give notice; he had not introduced the bill. Indeed, my view is that the government is probably simply seeking to get a bit of publicity, because it has been noticeable, in the case of this bill, that it is in a great rush.

What is surprising to me is that this bill is essentially directed at David Hicks, in particular. We all know that David Hicks has spent five years in Guantanamo Bay. He has pleaded guilty (whatever that plea might be worth) to a terrorism offence, and he has returned to South Australia. Until he was released from Guantanamo Bay, the government had been trying to make a lot of noise about the fact that he needed to be released and brought back to South Australia. However, as soon as that was organised, the government reversed its position and decided that he was now the most dangerous person in the world and that, indeed, there was a great urgency to deal with any potential assets that he might acquire by virtue of telling his story.

That is what this bill is directed towards. It is to ensure that David Hicks, in particular—but also any person convicted of a terrorism offence—cannot tell their story, whether by writing a book about it, selling their story to a magazine or telling it to *This Day Tonight*, *A Current Affair* or *60 Minutes*.

The Hon. M.J. Atkinson: *Today Tonight*.

Mrs REDMOND: *Today Tonight*, sorry. I am going back in time. It is *Today Tonight* these days, not *This Day Tonight*. It is intended to prevent his profiting from that exercise. The Liberal Party is on side, as far as that ambition is concerned, although I would have to say that I have some doubts about the efficacy of the legislation for that purpose given that, of course, this legislature can deal only with things within South Australia. It appears that, whilst we can—by this legislation—effectively prevent David Hicks from earning profits from publishing his story in this state, were he minded to do so, and subject to any difficulty that might arise under any federal attempt to do the same thing—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! I warn the Attorney-General.

Mrs REDMOND: Thank you for your protection, Mr Speaker. If he were minded he could simply move to Sydney—if there is no corresponding law in that state—and overcome the problem of the legislation which we will be passing here. There is that level of problem in terms of David Hicks. As I understand it, the federal government is contemplating introducing the same sort of legislation, so I suppose that David Hicks therefore would have to go somewhere else—again outside the jurisdiction of even the federal parliament—if he were minded to make a profit from telling his story.

The government was at pains to point out—and I thank it for pointing it out and for drafting its legislation—that the legislation does not in any way operate as a gag order. There is nothing to stop David Hicks from telling his story. What he is prevented from doing under this legislation is simply making a profit from it. He can certainly go on *60 Minutes*, *Today Tonight*, *A Current Affair*, or any of the others, or write about it for a magazine, or whatever it is, as long as he does not make a profit from doing so. Basically, the mechanism the government has chosen to introduce is really

probably more straightforward than the bill that the Leader of the Opposition proposed.

What the government has done is simply to say, 'Well, we will broaden the definition that we already have in the criminal assets confiscation legislation'—which, of course, already exists in this state—'so that we clearly cover the commission of a terrorism offence elsewhere.' I have no difficulty with the way it has gone about the intention of the legislation. The legislation is fairly broad in its concept. 'Literary proceeds' is broadly defined. In effect, what must be shown is simply that a person has, on the balance of probabilities, been guilty of an offence. So, they do not have to have been found guilty by a court of law.

Even if, presumably, there had not been a guilty plea by David Hicks and he had been let out of Guantanamo Bay and sent back here without any plea, it would still be open to the government to present a case to the court that, on the balance of probabilities (that is, on the civil onus), he nevertheless should be found to have committed the offence and therefore would be liable to the provisions imposed by this legislation. At the briefing we discussed the concept of O.J. Simpson who, of course, was found not guilty of the criminal offence of having murdered his wife, whose name, I think, was Anna Nicole Smith.

Members interjecting:

Mrs REDMOND: No? What was her name? Anyway, O.J. Simpson's wife. He was guilty of not—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: Just more recently?

The Hon. R.B. Such: Mrs Simpson.

Mrs REDMOND: No, I do not think she went under the name 'Mrs Simpson'. Anyway, so that we do not muddle up Hansard too much, whatever her name was. Mrs Simpson, as the member for Fisher points out. He was found not guilty in a criminal court of having murdered her, but that is not to say that there could not be a civil action based on the civil onus on the balance of probabilities to say that he did it notwithstanding he was not found guilty of a criminal offence and a civil action could ensue.

In the same way, someone could be found not guilty in a criminal case of a terrorism offence but could still have their assets confiscated under this legislation were the prosecution able to prove, on the balance of probabilities, that the person had nevertheless committed the terrorism offence.

The Hon. M.J. Atkinson: And you supported that principle. You supported it.

Mrs REDMOND: I am sorry; I will not be put off by the Attorney-General again interjecting. As I said, the bill does have some problems in respect of the jurisdiction of this state simply because, as I said, the person who wants to profit could go elsewhere. It is also important to note that it does not extend, for instance, to Mr Hicks senior (Mr Terry Hicks) and prevent him from telling his story. He has not committed any offence. I guess that the difficulty for the government will come, if at all, in the event that Terry Hicks were to profit from telling a story on behalf of David Hicks.

There is certainly nothing wrong with Terry Hicks telling his story of his work as a father in trying to get his son freed, in going to Guantanamo Bay, what he saw there and what he observed there. None of that is objectionable because, as I said, he has not been convicted of any terrorism offence. However, were Mr Hicks senior to become a mouthpiece for David Hicks, there could potentially be a problem. In the converse, if David Hicks were to tell his story ostensibly for no financial reward but then find that the family were receiving a financial reward in lieu of him in person, again, I think the government could probably bring its action. However, to what extent it would be successful would remain to be seen when the matters were considered by the court. As I indicated earlier, my view is that the government is seeking to get more media, and the Leader of the Opposition had already announced his intention to introduce a bill.

The Hon. M.J. Atkinson: Was he not seeking media?

Mrs REDMOND: The Attorney asks, 'Was he not seeking media?' Even before we had the debate in the chamber about the need to return David Hicks from Guantanamo Bay to South Australia, the now Leader of the Opposition had spoken to me about his intention with regard to such legislation, so it was a long considered and held view of the leader. The government has been a bit two faced in its approach on this matter; on the one hand urgently calling for David Hicks to be returned here from Guantanamo Bay, but then making him out to be the most dangerous criminal in the state once he was to be returned here. It then came up with its Criminal Assets Confiscation (Serious Offences) Amendment Bill, to which I do not object, but we have been given no reason for its urgent passage through this house. There is no reason for us to have broken with the long-held arrangement in this parliament for a bill, when introduced, to lay on the table. It is not as though Mr Hicks is getting out of prison next week. I do not consider David Hicks to be the most dangerous criminal this state has ever seen: I consider him to be a stupid young man who made a grievous error of judgment.

The Hon. M.J. Atkinson: Who said that?

Mrs REDMOND: The Premier said that. The Premier made out that he was an extremely dangerous criminal when he was coming back.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mrs REDMOND: The Liberal opposition supports the intent of the bill. We can see that potentially there are some flaws, but they will be tested in due course, if at all, in a court. My suspicion is that David Hicks has learnt a very sorry lesson and it will take him many years, if he ever gets over the experiences to which he has been subjected, and his desire will be to lead a quiet life. My suspicion also is that the media will chase him for a fair while and will urge him to come out and tell his story. I indicate the opposition's support for the bill. I do not need to wish it speedy passage through the house as it is obviously going to have such in this chamber.

Mr HAMILTON-SMITH (Leader of the Opposition): I thank the members for Mitchell and Fisher for giving way to allow me to speak briefly. I thank the member for Heysen for her contribution.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: I will support the bill because I announced months ago my position on Mr Hicks, in particular my position with respect to his right to sell his story. Not only did I announce my position, but I foreshadowed publicly that I would introduce a private member's bill to do just that: it lays on the table as we speak. The government, realising that it had been gazumped, realising that it should have acted sooner and realising that the opposition was quicker off the mark than was the government, it ran away and hurriedly came up with a bill to match the issue I

had raised. I prefer my bill, but I will not dwell on that until the appropriate time comes and I get to speak to it, but I will make reference to the government's bill, which I do not think goes far enough.

I suggest to the government that it will be very hard to stop Mr Hicks from selling his story one way or the other once he is released. This bill deals with the South Australian jurisdiction, but there are ways he can get around that once he leaves the jurisdiction of this state. If the bill provided for the proceeds of the sale of the story to be put into the Victims of Crime Fund, it might enable Mr Hicks to tell his story and for the proceeds to go to the treatment of and provide help for victims of terrorism in some subsequent incident. It may be better for that outcome than for Mr Hicks to run off to another jurisdiction, escape the provisions of this measure and, one way or the other, finish up putting the money in his own pocket. It may be that he could have been encouraged to tell his story in South Australia, but for the proceeds not to go to him but to go the Victims of Crime Fund. The reality is that media outlets will probably compete for the story and will be prepared to pay for it, and it would have provided an incentive for the processes of openness to occur in a way that benefited the victims and not Mr Hicks. The government might want to reflect on that.

The Hon. M.J. Atkinson: How might the government do that?

Mr HAMILTON-SMITH: I suggest the Attorney look at my draft bill, which has provisions on that very matter—he might find it instructive. There is a need to close any potential loopholes in the federal legislation. It has not been fully tested. We have had the Schapelle Corby incident. It is yet to be fully tested in cases such as that of Mr Hicks. It is necessary to close any potential loopholes in state jurisdictions. I urge other jurisdictions to take my bill, rather than the government's bill, as a model to amend their own laws. Either way, other jurisdictions need to take some action so there is no way these people can benefit from the crimes they have committed. This bill applies not only to Mr Hicks but to others who may offend in future.

We will support the bill. It is a copycat bill; it simply follows initiatives that I and members on the opposition benches took a long time before the government realised the need for it. There are signs it has been hurriedly prepared and introduced so as to pre-empt my bill, which is listed for debate at another time. Be that as it may, we are big enough to accept whatever measure fixes the problem. We are not an opposition that is going to run away with our bat and ball and get upset because our bill may not ultimately be the one that becomes statute. We are happy to accept that the government has acknowledged our wisdom and the need for something we identified long before it did and it is doing something about it. So, in a bipartisan way, I simply say that we will support the measure, and I thank the house for its agreement with the proposition the opposition has put.

The Hon. R.B. SUCH (Fisher): Let us not kid ourselves: this is a PR exercise. I was very disappointed when I saw all the police escorts and so on provided for the return of David Hicks. Presumably he is very dangerous until Christmas and after Christmas, once he has been to the Magic Cave and seen Santa, he will be not so dangerous. The logic of this episode is bizarre and weird. We saw many police cars and police motorbikes escorting someone who presumably had handcuffs on and was in the paddy wagon or similar, and at the same time we have car chases around Adelaide and bikie shootings, and it shows a little bit about the priority of how we go about policing in this state. But that is a separate issue.

Here we have the 'Get David Hicks Bill'. I do not have a problem taking assets from criminals. I would extend it to people who dodge and minimise tax illegally and engage in other crimes such as that, but here we have a bill which is directed at David Hicks. I think he was a fool. I think his behaviour and his decision to associate with people whose motive could have resulted in the death of innocent people was unacceptable, short-sighted and foolish. So, I am not an advocate for David Hicks. I am an advocate for a system of justice where people should be brought to trial and not allowed to be kept in a hideous prison without trial for five years, which is what happened to Hicks. How the government of this country, the United States and the United Kingdom can justify that system as a weapon against terrorism defies logic, because it is the very sort of behaviour that helps to create terrorism in the first place.

Looking at some of the underlying issues—Iraq, for example, is a state artificially created by Churchill back in the 1920s. It has three disparate groups—the Kurds, the Sunnis and the Shiites. It is an artificial nation with a rent-a-ruler brought in to try to create a nation, and it falls apart. The United States, the United Kingdom and, by implication, Australia were happy to support Saddam Hussein while he was there and it suited them, but they made sure they got rid of him quickly so he could not talk too much and tell the world who his backers were many years ago.

Likewise in Afghanistan, which is more germane to the David Hicks case, the Americans (with our tacit support and, no doubt, that of the United Kingdom) were supporting the Mujahidin against the Russians. That is fine, because we supported getting rid of the Russians. Arms were going in via Pakistan to get rid of the Russians in Afghanistan. Then we kicked out the Russians and the Taliban took over again, and now we are fighting the Taliban.

There have been more changes in this so-called war on terror than many of us have had change of underwear. It has been a constant change back and forth, backing one side, with Rumsfeld and his mob in the early days in Iraq, and then Iraq becoming a bad place with weapons of mass destruction that were never found. Then we had to get rid of a tyrant, but we do not want to get rid of Mugabe—we do not want to take any vigorous action against him; and we do not want to do anything about China because it is our trading partner. We have all the double standards and hypocrisy in, supposedly, the war on terror, when in actual fact the behaviour collectively of the western nations has helped create the terrorism in the first place. For example, in the Middle East we have treated the Palestinians in a shocking way. We have had an unequal approach to the people of the Muslim faith, not only in the Middle East but also elsewhere, demeaning Islam and sacred sites in Saudi Arabia and elsewhere. It is no wonder these people get a bit angry and feel an injustice has been done not only to their culture, nation and state but also their religion.

We are now dealing with a situation where, exacerbated by the short-sighted and, I think, evil behaviour of Blair, Howard and Bush, we have made the situation worse. We have not got rid of terrorism: we have cultivated it, and we are going to endure the threat of terrorism for a long time to come because of short-sighted, stupid policies that are based on an unfairness and a demeaning of the people who follow Islam. So, when we catch someone who is handed over in exchange for money (someone such as Hicks), he gets locked

up and is subject, in my view, to what can only be called a form of torture. We have seen evidence recently of the various techniques used by the CIA, who are experts in torturing people. They do it offshore in Cuba—they are good at outsourcing these things. They will not do it in the United States because they do not want to be subject to laws which the vast majority of the decent people of America (and they are decent) would not accept, so it is outsourced to Guantanamo Bay and also carried out via a more insidious program, the rendition program, where you fly people around the world and torture them and therefore try to escape any provisions of the Geneva Convention or any other standards of decent civilised behaviour.

Hicks gets mixed up in all this and serves five years. Should he benefit from what he did? We do not really know what he did. He pleaded guilty to associating with people who are involved in terrorism. I point out that someone's terrorist is someone else's freedom fighter. He pleads guilty, I suspect, to get out of the hell hole of Guantanamo Bay. Only he can tell his side of the story, and I would like to read it one day and see what he has to say.

He is not the first person to go from South Australia to engage in a cause. I was at university with Mario Despoja (related to one of our prominent senators), who I understand went as a so-called freedom fighter to fight in Croatia. There have probably been many of them, some of whom are still overseas in various arenas fighting for various causes. I do not pass judgment on the merits or otherwise of their doing so, but I can understand people who have particularly strong feelings about an issue. I guess the government will say that we have to act quickly because David Hicks is back here now. I am not sure that the government acted all that quickly to try to ensure that he got a trial, but maybe the Attorney can tell me what the government did behind the scenes to ensure that Hicks was brought to trial quickly. The federal government says they were trying hard, but I saw little evidence of that.

Should he profit from his story? Well, not from anything that would be based on harming others in a strictly illegal act. What he pleaded guilty to was not an offence up until it was recently created, so here we have a classic retrospective guilt imposed on someone for an offence that did not exist in Australia or the United States and they had to come up with something artificial. They came up with these military commissions. As we know, this week two of the cases have been thrown out as not complying with the proper legal standards, even of a military commission. So, I am not sure why the government wants to get into this business other than, as I suspect, probably to be on the wave of a sort of anti-terror, anti-Hicks campaign.

The feeling in the community for David Hicks changed quickly once he pleaded that he was associated with or was providing material support to terrorists. The community feeling changed, and then people could go around suggesting that maybe he was not a terrorist but a terrorist supporter or a supporter of terrorism—a somewhat subtle choice of words. The government, I guess, has rushed this measure in. As I said earlier, they would be saying, 'Well, Hicks is here and he will be out in a few months, and maybe he is writing his story in prison.' However, I rarely see such haste in relation to other matters. I acknowledge that the figures for certain crimes have gone down in South Australia, but we still have far too many serious crimes in Adelaide—particularly at night time—for a population which is ageing, and for a population which should be a bit more civilised.

I do not see any prompt action in relation to some of those other things; not even in relation to graffiti vandalism. The government seems to be dragging its heels on doing something there, yet it can knock up this bill very quickly as part of the 'Get David Hicks' campaign. There is no indication that Hicks is seeking to profit from his experience, but you have to ask yourself: what is he going to do when he comes out? He says he is interested in zoology. I guess that is appropriate when you think of the way people have been incarcerated by the United States and treated worse than zoo animals. How will he support himself? It will not be easy to get employment. I would have thought that being able to get some recompense—not for supporting terrorist activities but for what he had to endure in prison—is not necessarily unreasonable or unfair. I am not suggesting money for associating with al-Qaeda or the Taliban, but for enduring five years in a small cell without access to daylight for much of the day, and ongoing mental cruelty by the United States. I think he is probably entitled to some form of compensation. If he can get that through a book which does not seek to glorify terrorism and does not seek to glorify killing people, then I would be more relaxed about that. But I certainly would not want him or anyone else to be profiting from having harmed anyone, or even being associated with those who would wish to harm people.

All in all, I believe this is probably an unfortunate escapade by the government. At the end of the day, what he has to say will no doubt end up on the Internet and elsewhere. I doubt whether it can actually be enforced world wide, so maybe this whole exercise is what it appears to be from the start: simply a PR exercise by the government to get a headline at a time of intense interest in an issue which has bedevilled this country like the war in Iraq and Afghanistan which—particularly in relation to Iraq—will remain as a dark stain on this country, the United States and the United Kingdom because of the evil activities of the three leaders who profess to be Christian but whose behaviour is anything but Christian.

Mr HANNA (Mitchell): This bill is directed at just one person, and that person is David Hicks. The bill seeks to outlaw any profit accruing to David Hicks from his exploits. The bill is part of the Rann government's phoney war on crime. It is populist in the sense that it plays upon people's fear of terrorism, and tramples on the rights of the individual—rights that have been held dear by the common law for centuries.

A lot of people in Australia do not think about how important it is to maintain the rights of the individual—rights to freedom and freedom of expression—perhaps because we have it so good. Most people are well off and fairly prosperous and perhaps not enough of us think about the person next door. There are those of us who are conscious of those centuries of common law tradition that protects individuals against the harshness of the executive and our police and security forces. I am not just talking about Australia in this time but, rather, in past times as well, and also in England, the US, India and other places which have inherited the British legal system.

The legislation is all the more odious because the Attorney-General is aware of the value of these rights yet, for the sake of grabbing a headline, he is happy to do the work of Mike Rann and bring this legislation into parliament. He knows that it contravenes some basic rights of citizens. He claims in his second reading explanation that it could relate

to any number of people who commit offences overseas, but the Attorney-General's explanation makes it very clear that it is aimed particularly at Mr David Hicks. The other aspect of this which is odious is that it seeks to preclude David Hicks from profiting—through publishing some literary work or appearing on television, for example—from a charge which has been made up specifically for the purpose of catching him. The US military commission (which Mr Hicks faced) and the US administration struggled to find a law which Mr Hicks had broken after he was handed over to US military forces in Afghanistan. So a law or an offence was created, and it was said to apply to Mr Hicks' circumstances; and Mr Hicks pleaded guilty to that. No doubt he pleaded guilty to that charge, in large part, to get out of the horrible circumstances in which he was detained. I believe he was tortured in detention and, according to most definitions of torture and the accounts of many who have been detained in Guantanamo, that is what happened.

The literary proceeds confiscation legislation we already have in South Australia, according to section 110 of the Criminal Assets Confiscation Act, applies to the profits from the exploitation of the person's notoriety resulting from the person committing a serious offence. It also applies to a person's accomplice. The interesting thing is that it applies to the notoriety resulting from the person committing the offence. In the case of David Hicks, it is probably fair to say that most of his notoriety results from the fact he was detained in such horrible conditions in Guantanamo Bay and that he was the only Australian, apart from Mahmoud Habib, to be detained in Guantanamo Bay. If he had been captured by the US and tried within a matter of weeks and then sent back to Australia, he might have had a one-page story in the *Sunday Mail* one day but, apart from that, he probably would have very rapidly vanished without a trace from public concern. The most shocking thing about the David Hicks story is his treatment by the US Military in Guantanamo Bay. There is a legal question about whether the legislation drafted by the Rann government covers publication of an account of what happened to David Hicks in Guantanamo Bay; in other words, there is a good argument to say that his notoriety results from what happened after the commission of any offence rather than the commission of the offence itself.

The other thing I must point out is that my objection to this legislation does not relate to David Hicks, in particular. What I mean by that is that my objection relates to the offence to common law traditions, whereby legislation is not made to target one particular person. This has analogy to the case of Cable, a prisoner interstate who had legislation specifically directed at the nature of his confinement in prison; and the High Court ruled that to be wrong. There is no doubt that this legislation is drafted just to apply to David Hicks. There is no doubt that this legislation is put forward to take advantage of some sort of general fear and anti-terrorist sentiment in the community. It is worth repeating what the Attorney-General himself said when he introduced this legislation. He made it clear that Mr Hicks had committed no offence against the laws of South Australia. He acknowledged that it may well be that Mr Hicks committed no offence against the laws of Australia. What I am saying about this made-up charge, which will be the subject of South Australian government regulation, is confirmed by the Attorney-General's explanation in this place.

There are other questions about the treatment of David Hicks by this government which remain unanswered. Why did we, as taxpayers of South Australia, have to pay for his return from the US? Who signed the warrant that committed him into custody in a South Australian prison? Did the usual assessment of prisoner danger take place? Mostly what happens is that, when prisoners go from the court to Yatala, there is an assessment which takes place and which then directs the prisoner to maximum security or minimum security, according to their characteristics and prospects for rehabilitation. Is that the assessment that took place here, and did the executive interfere with that process? In other words, did the Attorney-General, the Premier or the correctional services minister in any way influence the assessment process?

The Hon. M.J. Atkinson: Smear, smear, smear!

Mr HANNA: The Attorney-General will have the opportunity to respond to these questions. Finally, I make the comment about whether this legislation is really useful in any case when one considers the opportunity for Mr Hicks to publish his story out of this jurisdiction. He could go to London, Sydney or New Zealand and profit from the sale of his story or television appearances in those other jurisdictions. That just underlines the fact that it is more about the government's phoney war on crime. It is not particularly effectual. It is odious in its contravention of common law principles relating to the protection of individual rights. It is retrospective, and it relies on a minister's proclaiming an offence which was made up to suit the circumstances of a particular prisoner, so it is odious. The Attorney-General and the Premier, Mike Rann, know very well that it contravenes these basic human rights, and yet they persist for the sake of the headline. It is really shameful. I will leave it at that.

The Hon. M.J. ATKINSON (Attorney-General): I thank each of the members for their contribution. I note the tension between the contribution of the Leader of the Opposition (member for Waite) and the member for Heysen. The Leader of the Opposition said that we should have acted sooner (that is, brought the bill into the house sooner), while the member for Heysen said that we were doing it unnaturally quickly. Perhaps they could resolve that one in the parliamentary Liberal Party room.

We can only legislate to the limit of our constitutional authority. Under the criminal assets confiscation laws we have, it is possible to register a South Australian order in another state or territory under their legislation. So, if David Hicks or the assets were here, or he were here and they were somewhere else, we could try to enforce the order under the corresponding law provisions. The Leader of the Opposition (member for Waite) is unfamiliar with criminal assets confiscation legislation in South Australia because, under our existing law, the proceeds are paid into the Victims of Crime Fund. Had he been aware of that, I do not think that he would have tackled the question the way he did.

There were two types of people who campaigned to have David Hicks released from Guantanomo Bay. There were those, like me, who believed that he was being treated most unjustly and that the United States' system violated legal norms. I was a signatory to the Fremantle Declaration calling on the Howard commonwealth government to get David Hicks out of Guantanomo Bay or, at least, assure a speedy trial. There was a second group supporting David Hicks who believed all that but also believed that 'my enemy's enemy is my friend', and their enemy is the United States of America and its people. They are willing to say and do anything against the United States of America and its people wherever they are. I am pleased to be in the first group, and

I will not be entering the second group, despite the invitation of people like Mr Peter Combe and the member for Mitchell. I stand by my principles.

I am pleased to introduce this legislation. I think it is the right thing to do. I do not believe that any South Australian should profit by firing machine guns at Indians living in their own country whose borders are recognised by the United Nations. I do not believe that people should profit by serving as mercenaries. I do not believe people should profit by engaging in training for assassination, training with weapons, training with explosives and training for guerilla warfare with a view to serving with enemy forces. I noticed that the member for Mitchell referred to Mr Woods—well, that tells us a lot about the member for Mitchell. This is a good law. It will be supported by both the major parties. I make no apology for any of its provisions and I would support it whether or not it were popular.

Bill read a second time.

The Hon. M.J. ATKINSON (Attorney-General): By leave, I move:

That this bill be now read a third time.

I note that, despite the criticism of clauses of the bill by the opposition and by the member for Mitchell, they did not seek an examination of them in committee.

Mrs REDMOND (Heysen): I put on the record at the third reading stage a response to the Attorney's last remark in which he indicated criticism of clauses of the bill by the opposition. I did not criticise any clauses of the bill. I simply indicated some limits that I thought the bill had in general terms. I just want to make that clear on the record, given the number of interjections we suffered from the Attorney throughout the debate on this bill.

Mr HANNA (Mitchell): I respond to the Attorney-General's final speech in relation to the bill. He smugly cast aspersions at me and the opposition for not prolonging the debate and examining the clauses of the bill in detail. The fact is that, in my contribution to the debate, I raised a number of questions about both the bill and other matters relating to the government's treatment of David Hicks. The Attorney-General in his response to those questions answered nothing, so there seems little point in prolonging the debate when the Attorney-General will not supply information which is of interest and value to South Australian citizens.

The Hon. M.J. ATKINSON (Attorney-General): In fact, I did seek to answer the member for Mitchell's questions. I just think he is unhappy with the answers, but it is good of him to put aside his other vocations to come to parliament today.

Bill read a third time and passed.

MEMBER'S REMARKS

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

Leave granted.

Mr HANNA: At the conclusion of the debate on the last bill, the Attorney-General suggested that I have another job. That is false. If he says it outside of parliament, I will sue him for defamation.

HARBORS AND NAVIGATION (AUSTRALIAN BUILDERS PLATE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 271.)

Dr McFETRIDGE (Morphett): This bill is a technical amendment to an Australia-wide change in legislation. It just brings the state up to speed with the rest of the nation, and the opposition will be supporting it. The amendment requires an Australian builders plate, which is a small information plate, to be affixed to a recreational vessel constructed after the proposed act commences, in accordance with the Australian builders plate standard. The ABP (as it is known) is to state the vessel's loading capacity in terms of the number of passengers and a maximum load, outboard engine rating and engine weight. The intent of the Australian builders plate standard is to inform the purchaser of a new recreational vessel of the minimum safety features of the vessel. The minister's second reading explanation gives further detail on this. The opposition does not wish to hold up this legislation at all: we support the bill.

Mrs GERAGHTY: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. P.F. CONLON (Minister for Transport): I thank the opposition for its indicated support. It is a minor but important matter, which we believe will ultimately improve safety in our waters.

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

[Sitting suspended from 12.33 to 2 p.m.]

SENATOR, ELECTION

The SPEAKER: I lay on the table the minutes of proceedings of the joint sitting of members of the two houses held today for the choosing of a senator to hold the place rendered vacant by the resignation of Senator A. Vanstone, to which vacancy Ms M.J. Fisher was appointed.

McLAREN VALE SHOPPING CENTRE

A petition signed by 60 residents of South Australia, requesting the house to urge the government to prevent the proposed McLaren Vale shopping centre development from going ahead in its current form, was presented by Mr Bignell.

Petition received.

A petition signed by 16 residents of South Australia, requesting the house to urge the government to support the proposed shopping centre development in McLaren Vale, was presented by Mr Bignell.

Petition received.

A petition signed by 10 residents of South Australia, requesting the house to urge the government to support the proposed McLaren Vale shopping centre but encourage changes to the car park by the developer, was presented by Mr Bignell.

Petition received.

MAIN NORTH ROAD

A petition signed by 2 870 residents of South Australia, requesting the house to urge the government to at least match the $6 million commitment by the federal government to address the road condition of Main North Road between Clare and Gawler, was presented by Dr McFetridge.

Petition received.

MEMBER'S REMARKS

Mr WILLIAMS (MacKillop): I seek leave to make a personal explanation.

Leave granted.

Mr WILLIAMS: Yesterday in the house, the Attorney-General, in making a personal explanation, said the following:

> Members of the opposition, including the member for MacKillop, doubted the authenticity of a paraphrase I gave of the Hon. Michelle Lensink, the Liberal Party correctional services spokesperson. I will now read the full quote. . .

The Attorney was prevented from reading that but invited members to go to a particular page of the upper house *Hansard* to verify his statement. What I said to the house (and *Hansard* correctly reflects my words) is, 'The connotation you've put on it is wrong, and you know it.' Having read *Hansard* from the upper house that the Attorney directed members to, I see that it is actually a question of the Minister for Correctional Services asked by Michelle Lensink in the other place where she quotes, in her explanation, three sources and makes no comment about Liberal Party policy. I stand by my remarks as recorded in *Hansard*, that the connotation that the Attorney-General put on the comments by Michelle Lensink in the other place were misrepresented and wrong.

PAPERS TABLED

The following papers were laid on the table:

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

> Education and Children's Services, Department of—Report 2006
>
> Senior Secondary Assessment Board of South Australia—Report 2006

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

> Local Government Association—Workers Compensation Scheme—Report 2005-06.

ECONOMIC AND FINANCE COMMITTEE

Mr KOUTSANTONIS (West Torrens): I bring up the 61st report of the committee entitled Emergency Services Levy 2007-08.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens): I bring up the third report of the committee.

Report received.

VISITORS TO PARLIAMENT

The SPEAKER: I draw to honourable members' attention the presence in the chamber today of students from the Thebarton Senior College, who are guests of the member for West Torrens, and students from St Francis de Sales College, who are guests of the member for Kavel.

QUESTION TIME

MOTORCYCLE GANGS

Mr HAMILTON-SMITH (Leader of the Opposition): Now that the Premier has had a day to think about it, will he tell the house how many bikie gangs, bikies and bikie fortresses or compounds remain located in South Australia?

The Hon. M.D. RANN (Premier): To help educate the Leader of the Opposition—and if he is willing to take this up—the Acting Commissioner of Police will give him a briefing on Friday. We have just heard from the—

An honourable member interjecting:

The Hon. M.D. RANN: The house wants to know.

Ms Chapman interjecting:

The Hon. M.D. RANN: Well, it will be interesting to see whether you come—do you want a briefing from the Acting Police Commissioner or not?

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Oh, he does not want a briefing, because he would rather play games.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: We are offering you a briefing by the Acting Police Commissioner. If you do not want one, tell the people of this state. If you want to go out and compromise—

Members interjecting:

The SPEAKER: Order! I cannot hear what the Premier is saying. The Premier has the call.

The Hon. M.D. RANN: If the Leader of the Opposition would rather play games and compromise the lives of police officers as well investigations, then that is the difference between us. He has been offered a briefing by the Acting Police Commissioner. Now he says he does not want one.

Mr HAMILTON-SMITH: I have a supplementary question. In light of that answer, is the Premier aware that new clubrooms are being built in the southern suburbs, and is he aware that the matter has been brought to the attention of the Minister for the Southern Suburbs on three occasions with no action being taken?

The Hon. K.O. FOLEY (Deputy Premier): I spoke to Acting Police Commissioner Gary Burns a short while ago—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon: He has done nothing about it, Vickie says.

The Hon. K.O. FOLEY: Gary Burns has done nothing about it?

The Hon. P.F. Conlon: That's what Vickie says.

The Hon. K.O. FOLEY: The matter relating to the documents is subject to an internal investigation, and his advice is that no further release of information should occur.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am coming to that.

Mr HAMILTON-SMITH: I have a point of order. The question had nothing to do with documents. The question related to a bikie fortress in the southern suburbs. I think he has the wrong answer to the question.

The SPEAKER: There is no point of order. The Deputy Premier.

The Hon. K.O. FOLEY: In doing that, the Acting Commissioner of Police has advised me that, on this matter, and matters relating to bikie gangs, he would be prepared to offer, on the same basis as the government, a confidential briefing to the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The government and this parliament have enabled legislation to provide police with the tools in which they can undertake their work. Those tools include the ability—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The police have acted to deal with issues relating to bikie fortresses as the legislation requires, but it is an operational matter. It is not—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: A former commanding officer of the Special Air Services obviously took orders from his general and did not take orders from a minister for defence. I do not think the minister for defence would ring up the commanding officer of the SAS and say, 'Run off and take an operation against terrorists.' The Acting Commissioner asked me to inform this parliament and the Leader of the Opposition that matters relating to intelligence and operational matters relating to bikie gangs, certainly as it relates to information that has been stolen—

Members interjecting:

The SPEAKER: Order! The Deputy Premier will take his seat. I will not have a repeat of yesterday. If this cacophony of interjections continues to occur, I will suspend the house until the ringing of the bells. I am sick of it. The Deputy Premier.

The Hon. K.O. FOLEY: I will have the police minister provide an answer to the specific of that question as it relates to an alleged bikie headquarters in the southern suburbs. I will allow the police, through the police minister, to give us their answer. What I am actually doing is offering the leader one better. When the leader is briefed on the incident relating to the stolen documents, if he takes up the invitation and if he asks Gary Burns, the Acting Police Commissioner, questions about the operation relating to if, when and why police wish to take action, I am confident that Mr Burns, within the limits of his preparedness to divulge that information, will give it to the leader.

We do not come into this parliament and explain chapter and verse when and why police will take an action. We have an independent police force that operates under statute in this state.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am sure that *The Advertiser* will want to put a gag over my mouth but I can tell you that I will never knowingly and deliberately walk into this place and divulge operational information that will put—

Members interjecting:

The Hon. K.O. FOLEY: That is what I was asked yesterday. Yesterday you asked me to divulge operational information.

Ms Chapman: What's operational about it?

The SPEAKER: Order!

The Hon. K.O. FOLEY: That was not the question you asked me.

Ms Chapman: It was. I've been asking it for two days.

The Hon. K.O. FOLEY: Vickie, honestly, you are a lightweight better suited to the Burnside City Council.

BE ACTIVE CHALLENGE

Ms PORTOLESI (Hartley): How is the Premier's Be Active Challenge progressing?

The Hon. M.D. RANN (Premier): It would have been nice to have more notice of this question, so that I could be more prepared! Five weeks after the start of the Premier's Be Active Challenge, the program is doing a terrific job of encouraging physical exercise and activity among South Australian school children. Indeed, the statistics tell a story of outstanding early success. You remember the great success of the reading challenge, which now has tens of thousands of young people involved in getting certificates and bronze, silver and gold medals. I think about 90 per cent of schools in the state—public, private and Catholic schools—are involved in the reading challenge. Indeed, statistics show a very strong early start for the Be Active Challenge also. More than one in five schools in South Australia, that is, 178 schools, in excess of 8 000 students and about 500 teachers, have taken up the Be Active Challenge.

There are 103 metropolitan schools and 75 country schools registered for the Premier's Be Active Challenge. Seen in another way, 141 primary schools, eight secondary schools, 18 area schools and 11 other schools (such as special, OSHC and language schools) have already signed up to the challenge. There are 143 government and 35 non-government schools already registered for the Be Active Challenge. To the first half of term 2, more than 275 students have completed the first component of the Be Active Challenge and will receive a bronze medal for their efforts. Thousands more are expected to follow suit in the next few weeks. Medals will be awarded at the end of the challenge by local and state Be Active Challenge ambassadors.

The challenge is a 10-week program spread over the whole school year, concluding at the end of week 4 in term 4. The efforts of all participating reception to year 9 students will be recognised through the awarding of medals and physical activity awards such as frisbees and hacky sacks. Schools will be recognised for their efforts when students complete 10 weeks of the challenge. High achieving schools—up to 50 schools in five categories (small, medium and large primary schools, and small and large secondary and other schools)—become eligible for up to $1 000 of physical activity equipment per school once any student completes 10 weeks of the challenge. The final six weeks of the challenge may be spread throughout the school year in order to coincide with physical activity events such as sports days and camps, in order to allow regular monitoring of students' level of physical activity. Since the start of the challenge, students have reported the following benefits:

- They become more aware and proud of their level of physical activity as a result of recording and reviewing it.
- Their parents and teachers have provided more opportunities for them to be active, with one boy saying that his

father had suddenly started to take him out to play cricket in the backyard most nights during the trial.

Teachers have reported the following benefits:

- They have become more aware of the need for activity and have therefore increased physical activity opportunities during class time.
- The Be Active Challenge has provided a focus for developing information technology skills, with the use of the online facility seen as an ideal vehicle for developing students' IT skills as well.

The Be Active Challenge is not restricted geographically. One middle school student who is soon to relocate internationally with his family was upset that he did not think he could be part of the challenge. Given the online nature of the challenge, he will indeed be able to take part for the remainder of this year and track his progress over the next few years as he moves from bronze through to gold medal status in another country or another continent.

Students with disabilities have special and varied needs and, in a major first, the Be Active Challenge will provide negotiated challenge to meet those needs. Together, teachers, parents and students will determine an appropriately demanding challenge for each participant that will promote increased physical activity, and this facility will be available in the next few months.

I wish those taking part in the Be Active Challenge all the very best for this year, and I urge those who have not signed up to do so. I know that some ministers want to sign up, and perhaps we will ask Marjorie Jackson-Nelson, as the pre-eminent athlete of the state, to coach some of our ministers, and maybe members opposite also. Can I say to the Minister for Health that, for a 21st century people's hospital, I think it is very fitting that it should be named after the people's Governor.

MOTORCYCLE GANGS

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Premier. Does he agree that he and his government are losing the battle against bikie gangs and organised crime; and, in particular, what can he do as leader of the government to help hotels and nightclub proprietors in their efforts to remove bikie activities from venues? On ABC Radio this morning a respected Adelaide businessman was speaking about the infiltration of bikie gangs into nightclubs. He said that bikie gangs are 'a law unto themselves', and he added:

> These people are wanting to take over your business. You either reach a compromise, give in to them, or get out.

The SPEAKER: The Attorney-General.

Mr Hamilton-Smith: Come on, Premier; you're the leader.

The SPEAKER: Order!

The Hon. P.F. Conlon: Gee, I didn't predict you would say that, Marty; I didn't predict that would be your interjection.

The SPEAKER: Order! The Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): When this government came to office, we were surprised to be told by—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —the police that about 80 per cent of the security firms supplying doormen to nightclubs and licensed premises in the city were controlled by criminal motorcycle gangs—that is when we came to office, in 2002. We have made a big reform to the rules regarding crowd controllers, that is, people who are in the crowd controlling vocation. To do that, they have to have a security and investigation agent's licence. We have brought in laws on that which lead Australia and which other states and territories will be following. That is to say, we have introduced a rule that, if one is charged with assault, one is immediately suspended from being a doorman or a crowd controller. I understand the opposition is having a look at winding that back. We have also—

Mr Williams: Where did you get that idea from?

The Hon. M.J. ATKINSON: You are having a look at it.

Members interjecting:

The Hon. M.J. ATKINSON: I think the member for MacKillop really ought to follow events in the other place. I know that he is not on talking terms with some of the people there, but he ought to have a careful look at what is on the agenda in the other place. We have also introduced a test of associates of doormen and crowd controllers. So, to remain in the vocation or to enter the vocation, one has to have one's family and the people with whom one lives checked out by the police to see who the associates are, because one thing the criminal motorcycle gangs are very good at doing is getting cleanskins on the doors in nightclubs. They get people who themselves have no criminal convictions but who, nevertheless, are completely reliable for their gang—say, the Hell's Angels—and will make sure that the only amphetamines sold in that nightclub are amphetamines produced and peddled by that gang.

That is a very severe rule. Indeed, I ran into a Kurdish-Australian man at a nightspot who complained to me that he had been unable to maintain his licence to be a crowd controller because of his associates. Mind you, I note that the member for Waite wrote to me, indignant about these requirements that the government had introduced, and hinted to me that perhaps they could be lifted, just for his constituent. Well, no, they will not be lifted for anyone: they will be applied across the board. There is psychological testing and there is random drug and alcohol testing.

So, that is what the government is doing to try to keep criminal motorcycle gangs out of our nightclubs and licensed premises. Mr Speaker, if your children are going to these nightclubs, as my son—

The Hon. I.F. Evans: Ours are under age.

The Hon. M.J. ATKINSON: Yes, very good. My son attends them, and I want those places to be as safe as they can be. That means keeping associates of criminal motorcycle gangs off the door; and, if that is inconvenient—

Ms Chapman interjecting:

The SPEAKER: Order! The Attorney will take a seat. I warn the Deputy Leader of the Opposition.

The Hon. M.J. ATKINSON: If that is inconvenient for the member for Waite, well, sorry, I stand by it.

TOURISM

Mr BIGNELL (Mawson): My question is to the Minister for Tourism. How does the South Australian Tourism Commission (SATC) work with local government to develop the state's tourism industry?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): Thank you for that really incisive question, because the member for Mawson knows how important it is to deal

respectfully with local councils and work with them in our endeavours because they have such a key role in negotiating and dealing with their communities of interest and their businesses. I am pleased to say that the tourism industry in South Australia—and particularly the SATC—does work very closely with local government, because we recognise that not only can it be involved in planning infrastructure and development but also it works with us in terms of marketing.

In fact, our strong relationship has been built over many years, and we have done a range of surveys and working sessions. We have consulted with local government, and also worked together to have joint publications because we know that we can best achieve what is best for the regions by working closely with people on the ground. We know that the view of tourism has changed over the last decade. Most local government a decade or two ago did not realise that tourism was their business or that they should be involved in economic development, but increasingly local government has understood that it is an important player in this field.

Starting in 2003-04 we have been giving grants on a dollar-for-dollar basis to either local government or the economic development boards in state tourism regions to undertake regional strategic tourism plans. We have done that because, ultimately, we want these regional strategic tourism plans to be subsets of the State Strategic Plan; and we know that, by working with local government, we can achieve these goals. I should also point out that some councils have been quite innovative over the years in having assessments, such as tourism optimisation (TOM) on Kangaroo Island, because they know that if they invest in getting more information they can invest in more outcomes in the future.

In the future, we will continue working with local government. In the last financial year, the Tourism Development Fund supported 23 projects, leveraging approximately $5.9 million of additional funding from tourism partners. Our recent Engagement in Tourism Survey identified that in 2005-06 councils across the state provided approximately $1 million in funding to regional marketing, in addition to over $2 million in industry contributions and $2.4 million from SATC.

The SATC currently has been increasingly developing multiyear funding agreements, and this is to support local government so that it can plan ahead and not have to negotiate every year to continue the marketing programs into the future. We currently have these marketing programs in place for the state's 12 regions in tourism. In 2006-07, the SATC also provided grant funding of $270 000 directly to support our network of visitor information centres. Many of these, of course, are run by local government and partially funded by them. I would like to commend those councils that have been innovative and that have invested across the state from Kangaroo Island to Port Augusta in terms of developing tourism product and working with the industry to make the industry sustainable and a driver of economic development across the state.

MOTORCYCLE GANGS

Mr HAMILTON-SMITH (Leader of the Opposition): My third question is directed to the Premier. How many nightclubs or venues in South Australia are presently owned or run by bikie gangs, their associates or people who front for them? A venue owner told ABC Radio this morning that a significant number of nightclubs are owned or run by people who are fronts for various bikie groups. He said that such nightclubs become 'venues for selling the drugs they manufacture which we all know they manufacture and continue to manufacture which the government continues to be unsuccessful at stopping'. They are his words not ours.

The Hon. M.D. RANN (Premier): Let me give you some figures that I know you will be interested in because you are interested in the issue. Since the December 2005 amendments to the Security and Investigation Agents Act—that is the legislation that this government put forward, the first of its kind that I am aware of anywhere in the world—

Mr Hamilton-Smith: We don't seem to be getting any results though.

The Hon. M.D. RANN: Okay, you want to hear the results. We pass the legislation and then the job of the police is to enforce the law, and I think they have done a damn good job. It will be interesting to hear what you say to the Acting Police Commissioner should you decide to take up this opportunity. But here are the facts—

Mr Hamilton-Smith: I would like to know.

The Hon. M.D. RANN: You would like to know. Here we go: 49—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —security agents have been suspended on being charged with a criminal offence, not just convicted—

Mrs REDMOND: A point of order, Mr Speaker: the question was about the number of people who own nightclubs and who are associated with people who own nightclubs. It had nothing to do with security agents and their licensing.

The SPEAKER: The Premier is providing information to the house. I will hear what he has to say.

The Hon. M.D. RANN: Can you remember what the challenge was that, in fact, the members opposite joined us in highlighting? At venues and nightclubs there was a clear nexus demonstrated between the security guards and the outlaw bikie gangs—that is, between security guards and bouncers and criminals. You do not want to hear the facts because the facts do not suit your story. The fact is that 49 security agents have been suspended on being charged with a criminal offence; 10 security agents' licences have been cancelled for failing to be fingerprinted; 258 licences have been surrendered; 320 licences have not been renewed. I am happy to add it up but that comes to about 650 actions as a result of that legislation.

Ms Chapman interjecting:

The Hon. M.D. RANN: You say: what were the figures? Okay, 49 security agents have been suspended; 10 security agents' licences have been cancelled; 258 licences have been surrendered; 320 licences have not been renewed. But because the Leader of the Opposition says he is interested in fact—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. RANN: I have the ABS crime statistics released at 11 a.m. today South Australian time. Yesterday, we heard in this house that there is a huge crime wave in this state and that things have got worse under Labor, although we heard in the upper house from Mr Lawson QC, your former attorney-general and law and order spokesman, that crime was very low in this state at the moment. They have to sort out the differences between the two houses. These are the official figures from the Australian Bureau of Statistics. You want facts? You are going to get facts. As of 11 a.m. today, the number of offences in South Australia has fallen by

30.3 per cent since 2002. Who has been in government since 2002?

Mrs REDMOND: A point of order, Mr Speaker: it still seems to me that this is nothing to do with the question that was asked which was about the ownership of nightclubs. I put it to you, sir, that it is debate and not relevant to the question that was asked.

The SPEAKER: It is not debate as long as the Premier is providing information to the house.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Remember what happened—

The SPEAKER: Order! The Premier will take his seat. I do not take kindly when I am attempting to provide information to the house and to a member who has got up on a point of order to having a chorus of dissent when I am offering an explanation. Members will hear my explanations in silence. The Premier can take his seat for a moment.

How a minister chooses to answer a question has always been ruled by the Speaker, and I can draw the attention of members to any number of occasions where Speakers have ruled that, provided a minister is not debating the question and provided he is giving information to the house, how a minister chooses to answer the question is up to the minister. It is not up to the Speaker to try to second-guess the minister about how they go about answering the question. As long as he is not debating—which he is not, he is providing information to the house—the minister is in order. The Premier.

The Hon. M.D. RANN: As for nightclubs, we do remember that when you were in power the Heaven nightclub was the beacon light of criminal activity for motorcycle gangs, and we now know what has happened to the Heaven nightclub and its owners. Let me give you more details—

Members interjecting:

The Hon. M.D. RANN: This is what you do not want to know, and what I doubt we will read about: the number of offences in South Australia has fallen by 30.3 per cent since 2002. Criminal offences in South Australia remain steady in 2006 compared to 2005. It follows a fall of 7.3 per cent in 2005, 7.2 per cent in 2004, and 18.9 per cent in 2003. Sexual assaults fell by 8.3 per cent during 2006. The number of motor vehicle thefts fell by around 1 000.

Dr McFETRIDGE: I rise on a point of order.

The SPEAKER: Order! The Premier will take his seat.

Dr McFETRIDGE: Sir, under standing order 127—digressing from the subject matter—the Premier is not referring to the question. Under standing order 128—relevance—the Premier is not referring to the question. Can I be advised how this answer is at all relevant to the question that was asked?

The SPEAKER: As I explained before to the member for Heysen—and I can dig out all the former rulings of previous Speakers, and I am happy to do that for the benefit of the member for Morphett and any other member—how the minister goes about answering the question is up to the minister. It is not up to the Speaker to second-guess the minister and how the minister goes about answering the question. However, I do point out that the opposition has so far only had three questions. The Premier might want to draw his answer to a close.

The Hon. M.D. RANN: Thank you, sir. It is understandable why the government would be confused because the Leader of the Opposition says he wants facts about crime and, when we give him the ABS statistics from John Howard's government in Canberra, because the facts do not fit what he wants, no-one wants to hear them read out in parliament. But, do not worry, we will put out a press release about it. The statistics show: murders, down from 20 in 2005 to 15 in 2006; attempted murders, down from 49 to 36; driving causing death, down from 15 in 2005 to 11 in 2006; unlawful entry with intent, down from 10 557 to 8 644; sexual assaults, down from 1 655 in 2005 to 1 507 in 2006; motor vehicle theft, down from 9 033 in 2005 to 8 043 in 2006. Of course, there are some other facts that you might like to know: government funding of the police has never been higher. We now have more than 4 000 police on the beat, with another 400 on their way.

Mr WILLIAMS: Mr Speaker, I seek your guidance.

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

Mr WILLIAMS: You're in enough trouble already. Sir, I seek your guidance. My understanding is that question time is about the opposition questioning the government on government policy and seeking information from the government. I would like you to inform me what is the point of the opposition coming into question time and asking questions if the Premier and his ministers can answer a question which was never asked and go into a discussion on matters which were not the subject of the question at all? What is the point of us being here?

Members interjecting:

The SPEAKER: Order! I do not see it as my job to have to provide a rationale to the member for MacKillop as to why we are here. I can only enforce the standing orders as they are, as I receive them. As I have pointed out before, and this is the third or fourth time I have done so, how a minister goes about answering a question is up to the minister. Provided he is not debating the answer, then the minister is in order. It is not up to the Speaker. If the minister is dodging the question then that is something that opposition members are free to point out in the course of debate and in their media interviews and so on. These are points that the opposition are free to make to the media, if that is what they believe is happening, but the Speaker does not have the power to direct a minister to answer a question in a way that is acceptable to the opposition. It is just not a power that the chair has.

I will not engage in debate. If the member for MacKillop wants to talk to me about this at length, now is not the time to do it. I would be more than happy to receive him, and any other member, later on today or during the week to go through these issues, but now is not the time to do that.

POLICE DOCUMENTS

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Premier. Is SAPOL the only organisation or entity carrying out an investigation into the theft of police files from an unmarked police car on Wednesday 30 May 2007? In particular, is any state or federal government department or agency other than SAPOL involved in a parallel inquiry?

The Hon. K.O. FOLEY (Deputy Premier): I am happy to go through the briefing I was provided with yesterday. I preface it by saying that, as the Premier outlined in the very first question of question time today, Acting Police Commissioner Gary Burns, on his return from Darwin where I understand he is attending an anti-terrorism meeting of police officers around the nation, will make himself available on Friday morning for a one-on-one meeting with the honourable

Leader of the Opposition so that he can be briefed on aspects of this investigation that is in accord with what the government has been briefed.

The Leader of the Opposition will be briefed, should he take up the invitation, by the Acting Commissioner and provided with all the information that the Acting Commissioner has provided to government. That is an unprecedented offer, that I am aware of; I may be wrong, but I do not recall such an offer being made previously. The Acting Commissioner will put the same caveats on that information as those he put on in regard to the government; that is, certain elements of what the leader would be briefed on would be not for public disclosure. The leader can make a decision. He can either accept the invitation and be briefed—same information, same conditions as in the case of the government—or not; or he can be briefed and break the trust of the Police Commissioner.

Ms Chapman: Don't try and silence us.

The Hon. K.O. FOLEY: So, the deputy leader is saying, 'Don't try and silence us.' So, are you saying—

The Hon. P.F. Conlon: There isn't a power on heaven and earth that would silence her.

The SPEAKER: Order!

The Hon. K.O. FOLEY: I take exception to that—

The SPEAKER: Order! I am on my feet. The Deputy Premier will take his seat. I am not going through this all over again. I warn, again, the Deputy Leader of the Opposition and I warn the Deputy Premier for responding to interjections.

The Hon. K.O. FOLEY: I ask that the deputy leader withdraw the remark that I threatened her. I did not.

The SPEAKER: I did not hear the remark of the deputy leader but if she did make that remark I invite her to take the opportunity to withdraw it. In the interests of proceeding through question time in an expeditious way, I invite the Deputy Leader of the Opposition, if she did make a remark that the Deputy Premier was threatening her—the Deputy Premier takes umbrage at this—to withdraw. I leave it up to the deputy leader.

Ms CHAPMAN: No, sir; I do not wish to make any statement.

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. K.O. FOLEY: I am attempting to be as balanced and fair in this as I can be. I am briefed, as is the Minister for Police and the Premier, by the Acting Police Commissioner. He has provided the Premier, the Minister for Police and myself with information that he has requested we not make public because it will put at direct risk operational matters and people's lives. How irresponsible would I be if I came in here and, in the heat of debate, divulged information that could put lives at risk?

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, he is. The leader is asking that. What I have now said is that the Acting Commissioner of Police will brief the Leader of the Opposition. This can be done on Friday and can be arranged by contacting Acting Superintendent David O'Donovan, and I have his contact number here for the leader. The Leader of the Opposition can then be briefed on those operational matters on which the police would wish to brief him, but he will have to agree to the same conditions of confidentiality. Both the Leader of the Opposition and the Deputy Leader of the Opposition have said that they will not be gagged. The deputy leader then said that I am threatening her—'Don't threaten me.'

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, I have to say that I cannot be any more—

Members interjecting:

The SPEAKER: Order! I think now the Deputy Premier is debating. The Leader of the Opposition.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Leader of the Opposition): Is the Premier's decision to spend almost $2 billion on a new Royal Adelaide Hospital consistent with the South Australian Strategic Plan—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: I will start again for the benefit of the Attorney. Is the government's decision to spend almost $2 billion on a new Royal Adelaide Hospital consistent with the South Australian Strategic Plan, the South Australian Infrastructure Plan and the recommendations of the Generational Health Review? None of the aforementioned planning documents, upon which the Premier claims he relies, has made mention of the need to build a new Royal Adelaide Hospital. In fact, on page 28 of his South Australian Strategic Plan—Priority Actions, the following target is set out:

> Implement the Generational Health Review which, among other things, will provide services closer to home and develop a health system that focuses on the needs of the population rather than those of health institutions.

The Hon. M.D. RANN (Premier): I am so pleased to have been asked that question.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: If you look at the South Australian Strategic Plan, which one would hope that by this stage you would have, you will see that it is committed to a series of improvements in health outcomes for the people of this state. That is why we have today announced the biggest measure in the state's history to improve public health in this state—not just a $1.7 billion hospital, but also massive improvements: $200 million for the Lyell McEwin, $150 million for Flinders Medical Centre, and a range of other improvements, including projects at Ceduna and elsewhere.

I find it extraordinary that, because we have a Strategic Plan that talks about our reaching bold targets, you would now be opposed to bold action to reach those targets. Let us again go through the arguments concerning why this is needed. We are building Australia's most advanced hospital, a state-of-the-art facility offering the best care for patients, a hospital that our doctors and nurses will want to work in. The Royal Adelaide Hospital has served us well, but it is ageing and will cost as much as $1.4 billion, I am told, to rebuild.

The choice for the government was clear: we could spend over a billion dollars rebuilding the Royal Adelaide Hospital, with great disruption to patients and staff, or spend $1.7 billion building the nation's most advanced hospital. The Marjorie Jackson-Nelson Hospital—which I am sure will be known as 'the Marj'—will be for all South Australians, city and country. As I said before, it is very fitting that a 21st century people's hospital should be named after a 21st century people's Governor.

It will be a truly green building designed and built according to the strongest environmental codes. The new

hospital will trigger the next step in reforming our health system in South Australia, and the government will lead the way with historic reforms of our systems. That is the difference. We have seen, of course, a massive increase in the number of doctors and nurses since we came into government. We are spending $1 billion a year more on health than you did when you were in power. But, of course, what was your solution to health problems? Privatisation. You privatised the Modbury Hospital; we were the first government that I know of to deprivatise a hospital, and you wanted to privatise the Queen Elizabeth Hospital.

Mr HAMILTON-SMITH: On a point of order—

The SPEAKER: Order! The Premier is now debating the answer. The Leader of the Opposition.

WATERPROOFING ADELAIDE

Mr HAMILTON-SMITH (Leader of the Opposition): My question is again to the Premier. Is the government's Waterproofing Adelaide strategy now out of date? Why is the government making announcements that it will maintain and increase our reliance on the Murray River, rather than adopting a broader strategic approach which diversifies Adelaide's water supply sources and which includes an array of investments, including stormwater, waste water, desalination and storage? Water expert Professor Mike Young was quoted in the *Sunday Mail* on 29 April 2007 as saying:

> Waterproofing Adelaide needs an urgent review to take into account that the River Murray is no longer reliable.

He also said:

> When the strategy was formulated there was no discussion about dealing with prolonged water restrictions or possible zero water allocations to irrigators, as is now the case.

The Hon. K.A. MAYWALD (Minister for Water Security): I am very happy to answer this question. I am also very happy to offer to the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —a detailed briefing on the Waterproofing Adelaide strategy and the other initiatives that this government is undertaking to ensure that we secure water supply in South Australia in the long term. Our Waterproofing Adelaide strategy is about looking at alternative ways to ensure that South Australia's water supply is secure. In that strategy there are many innovative and also cost-effective projects that will see us reduce our dependence upon the River Murray but also secure our supplies into the future.

The Waterproofing Adelaide strategy is a couple of years into its life. During the course of the last 12 months it has been realised—and this is on the public record over and over again; it has not just been brought to the attention of this house for the first time today—that the perimeters in regard to the lowest inflows in the Murray River have changed this year. Surprise! We are 55 per cent of the last lowest year on record, which was 1902. It is the biggest drought in 116 years. It is the worst drought that this nation has seen in 116 years. It is great to see that the opposition is catching up with that little detail.

It was back in 1902 when the last lowest minimum was recorded. This year is 55 per cent of that figure. Since last year, since it was seen that the bottom was falling out of the Murray-Darling Basin system—in about July, August, September last year—we have participated at a national level in regard to drought contingency planning. As part of that drought contingency planning, it has also been made clear to the South Australian government that we need to revisit some of the perimeters on which Waterproofing Adelaide was based, and that, of course, was the reliability of the River Murray system.

The River Murray system, up until this year, was considered to be a secure and reliable supply into the future for less than 1 per cent of the diversions that come into Adelaide city. Less than 1 per cent of the diversions out of the River Murray system are diverted to supplement Adelaide's supply. It is not an overly taxing burden on the River Murray. Where there are serious issues concerning the River Murray, it relates to the over-allocation of water resources across the system. I can quote a few figures for you. In a good year, the New South Wales community diverts around 7 300 gigalitres of water out of the system—7 300 gigalitres. In New South Wales, 7 300 gigalitres, or thereabouts, is extracted from the system.

Mr Williams interjecting:

The SPEAKER: I warn the member for MacKillop.

The Hon. K.A. MAYWALD: In Victoria the figure is 3 400 gigalitres. In South Australia, our entire irrigation allocation, our metropolitan Adelaide allocation and our country towns allocations, amount to a mere 720 to 750 gigalitres.

On the issue of extra water from the River Murray, successive South Australian governments of both persuasions have been extremely conservative in relation to the allocation of water. In South Australia we capped our extractions back in 1971. 1971 was when South Australia capped its extractions and, guess what? The Mount Bold dam expansion does not take one more drop of water out of the River Murray. It is about better managing the River Murray allocation that we currently have. South Australia has a 650 gigalitre allocation on a five year basis.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The member for Davenport knows better.

The Hon. K.A. MAYWALD: So, 650 gigalitres over a rolling five year licence is what South Australia has to supply metropolitan Adelaide. That licence is a rolling licence for a very good reason. It is a rolling licence because of the variability of the inflows into the Adelaide Hills. The Adelaide Hills have a variability that needs to be supplemented with other water. So, what we have is a 650 gigalitre rolling licence that provides top-up water for Adelaide as required. In a drought year it can be up to 90 per cent of Adelaide's needs: in a wet year it can be less than 40 gigalitres. But the point we are making here is that what we will be able to do—

Mr HAMILTON-SMITH: I rise on a point of order, Mr Speaker. I think we have got the message and we can probably move on to the next question.

Members interjecting:

The SPEAKER: I did not hear what the point of order was. The minister.

The Hon. K.A. MAYWALD: Mr Speaker, thank you. I thought that was quite an extraordinary statement from the Leader of the Opposition, and it shows exactly what he thinks of the importance of securing water in Adelaide. He has no concern about this issue and no concern whatsoever about the future security of supplies in Adelaide. With our 650 gigalitre rolling licence—

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The SPEAKER: Order! I am on my feet. I cannot hear the answer of the minister. I have already spoken to members about speaking across the chamber to each other while the minister is answering a question. It is a grave discourtesy to the minister on her feet. The Minister for Water Security.

The Hon. K.A. MAYWALD: Thank you, sir. The reason we believe it is prudent to consider the option of extra storage capacity in the Adelaide Hills is to ensure that as South Australians we can better manage that 650 gigalitre allocation across the five year rolling licence. That rolling licence, if we are able to store that—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: That rolling licence, if we are able to increase our storage capacity in the Adelaide Hills, means that we have better flexibility to manage that water within South Australia; that we will be not so dependent upon Victoria and New South Wales; and that we will not have the experience we had this year of having to deal with the extensive losses in the system between Hume Dam and the offtakes below Lock 1 for our metropolitan country licence use. We will have the capacity to store more water in the Adelaide Hills, where it is closer to our community, and be able to manage that flexibility within that licence far more effectively. It would be a significant improvement in the security of water for supply to Adelaide city.

HIV REPORTING GUIDELINES

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Minister for Health. Can the minister tell us the date on which he received Stephen Walsh QC's report on the Stuart McDonald case, and what was the date on which he received the Crown Solicitor's legal advice not to disclose part of it?

The Hon. J.D. HILL (Minister for Health): I cannot tell the member exactly the date, but I can tell her roughly. The first date was several days after the report was completed, which was around the end of April (as the member noted yesterday). My recollection (and I will have this checked for the member) was that it was in the first week of May. The advice in relation to the other matter was in the last week or so—10 days, or something like that. I will obtain the information for the member. It is not a secret: I just cannot recall.

Ms CHAPMAN: Sir, I have a supplementary question. Did the minister have the report last Wednesday, 30 May 2007?

The Hon. J.D. HILL: I just indicated to the member that I received the report early in May.

Ms CHAPMAN: My question is to the Premier. Did Stephen Walsh QC conduct any investigation into the conduct of the health department consistent with his minister's statement to the house on 2 May 2007, as follows:

> If people in the health system have made mistakes, they have been honest mistakes, but they will be investigated and, if there are any issues of impropriety, whatever consequences there are will be pursued.

The Hon. J.D. HILL: As I indicated to the house yesterday, I have received certain advice from the Crown Solicitor about what I can and cannot say. Rather than interpret on my feet what I can and cannot say, I will take the question on notice, I will have it looked at, and I will tell the member what I can.

MOUNT BOLD RESERVOIR

Mr WILLIAMS (MacKillop): Will the Premier confirm to the house that the Mount Bold catchment and the Onkaparinga River are rated in the Australian Natural Resources Atlas as category 4, that is, an overdeveloped resource, one level above the category equal to the sustainable yield of the catchment?

The Hon. M.D. RANN (Premier): I find it interesting that members opposite have today come out against Mount Bold and any plans to expand the Mount Bold reservoir, when I understand that their former leader called for a reservoir to—

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: Not true?

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: Oh, another reservoir, which was not going to be linked into either the River Murray or—

An honourable member interjecting:

The Hon. M.D. RANN: Okay. So, you were going to build a reservoir, but you do not know where it was or how it was going to be filled. That really sums it all up. I will obtain a report for the honourable member.

Mr WILLIAMS: Will the Premier rule out the future diversion of water, which was purchased from the Lower Murray river flat dairy farmers and last year dedicated as environmental flows in the river, into an enlarged storage at Mount Bold?

The Hon. K.A. MAYWALD (Minister for Water Security): SA Water has a whole series of licences, which it uses to best manage its business. Some of the water allocation that was purchased from the Lower Murray swamps and a range of other licences that have been purchased out of the marketplace since involves water that is used for strategic purposes. It is used not only for environmental purposes but also to supplement the South Australian licence. There would be no point in ruling it out, because we need to ensure that we can supply and secure our water supplies into the future. One of the things that members of the opposition fail to understand—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.A. MAYWALD: —is that South Australia works within its limits. We work within our cap. We work within the allocations that we have. There have been absolutely no new allocations of water in South Australia since 1971: not a drop more water has been allocated since 1971. The opposition might like to create the perception that more water is coming out, but there have been no new allocations in South Australia since 1971. I refer to the figures mentioned in my previous answer. New South Wales and Victoria have continued to allocate, but we stopped allocating in 1971. We are taking no more water out of the River Murray. As I say, 13 gigalitres of water—which was purchased out of the market—has been transferred to the Living Murray initiative, which is now delivering—

Mr Williams: For five minutes! How are you going to take that back?

The Hon. K.A. MAYWALD: It is not being taken back, and that is an absolute misinterpretation of my response. My response is telling the honourable member that 13 gigalitres

of water has been permanently transferred to the Living Murray—permanently. It is over there; ticked off on the Eligible Measures Register. It is there. It will not be taken back. As I say, 13 gigalitres from South Australia is the first water in Australia to be delivered to the Living Murray out of water purchased from willing sellers. Water is not being taken back for that program. The other thing we do have, though, are country licences, and we also ensure that we have enough water to supply Adelaide.

OUTBACK COMMUNITIES

Ms BREUER (Giles): Will the Minister for State/Local Government Relations advise the house about the review being undertaken to deal with the challenges facing our Outback communities?

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I thank the member for Giles for her question, and I note her very keen interest in this important matter. I also note the interest of the member for Stuart who, in fact, raised this issue with me only last week. The Outback Areas Community Development Trust will be celebrating its 30th anniversary next year, that is, 30 years of providing community assistance and limited local government function in our Outback areas that do not have a council. In the main, these Outback communities are reliant on their local progress associations, which are run by volunteers.

They receive grants through the trust to help in the management of their communities, but it is very apparent that the challenges facing these progress associations and their volunteers are increasing, as are the expectations of their communities. The trust wants to ensure a future in which residents of the Outback enjoy ongoing improvements to their quality of life, social capacity and access to services and infrastructure. To achieve this, it is important to: review current governance arrangements; provide strong leadership in planning, coordination and administration in the region; continue to build strategic partnerships and effective working relationships with Outback communities, government businesses and other community groups; and, if necessary, adapt the trust's functions and mode of operation.

This has come about at the request of the trust. It sought my agreement to consult with residents, workers and agencies who service the Outback to ascertain their views on the future direction of governance for the Outback. We are on the cusp of significant change in the Outback, and we all want to ensure that the most appropriate governance structure is in place to manage this change. These views were consistently reinforced during my recent visit. Clearly, expectations are rising and demands are increasing. All the communities I visited wanted to talk.

They indicate that they want to be engaged, continue to be involved and have a say in how their community develops. While it is clear that the unique spirit and heart of these communities is as strong as ever (in fact, it has to be seen to be believed), they also indicated that the current situation simply is not sustainable. A community engagement process, jointly managed by the trust and the Office for State/Local Government Relations, is currently underway. A range of open forums is being planned across the region, and I hope to attend as many as I can. Every resident will also receive a comprehensive, easy to read, easy to respond to document in which they can convey their views and have direct input into this process.

Key issues already conveyed to the trust include the need to establish minimum levels and standards of service provision. Volunteer burnout is reported in many communities. Some communities have felt they do not have the capacity or capability to perform certain functions. Some community volunteers report an unmanageable administrative burden, as well as the need for a coordinated approach to building, development and provision of community services in communities where populations are rapidly increasing. Following completion of this process, a report will be prepared with recommendations for the future governance of the Outback.

GRIEVANCE DEBATE

GOOLWA BARRAGES

Mr PEDERICK (Hammond): It saddens me to have to revisit a subject so recently raised in this place, but the problem is a serious and immediate one and there has been no real progress in the meantime. I revisit the subject of the leaking barrages at Goolwa for several reasons, one of which is to point out that the minister's reassurance that action was being taken has proven hollow to those who depend on water quality at the river's end. The matter of salt water entering the lakes in some volume has serious consequences, both immediate and future. It has an immediate and disastrous effect on farmers around the lower reaches of the lake and its tributaries, the Finniss River and Currency Creek. On 28 May, minister Maywald declared that three out of the five barrages had had remedial work done and that work on the remaining two would be completed within days.

Let me say that if the sealing method for these last two is the same as was used on the first three, they may as well stop work now. It is quite apparent that the early attempts to stem the flow have been ineffective as sea water continues to pour in at many of the barrage bays. The minister explained that she did not have a hand in the barrages' design but she pointed out that they are being asked to do a job that they were not designed to do, namely, to hold back sea water. Broadly speaking, that is incorrect. The specific purpose was exactly that, to prevent sea water from getting into the lakes, particularly at times of low flow. However, it is fair to say that not only did our forefathers not anticipate the unprecedented situation presented by the excessive over-allocation of water from the Murray-Darling system, highlighted by this severe drought: they also did not expect that those barrages might need to be completely watertight.

The design of these gates is such that hasty, last-minute attempts to seal them up have proven almost futile. The plastic wedges and log-stops have been dislodged by the vigorous wave action on the sea water side, brought about by recent stormy weather. I suppose the government will now argue that it could not be expected to anticipate stormy weather in winter. The whole dilemma is the product of the government's lack of anticipation; it is not about fickle weather but about low flows, low lake levels, design limitations and the needs of local farmers. They knew weeks or even months ago that low flows, low levels and farmers' needs would come to be. They were also given a plausible,

workable solution to the problem of shifting wedges but they have ignored that simple suggestion, too. As always, the minister knows better, even though she has not been there (to my knowledge) to see for herself and to talk to the locals.

On top of this, promised standpipes are only just being installed, even after Hindmarsh Island landholders have already carted over half a million litres of water for stock. You can imagine locals' frustrations when their reasonable suggestions to overcome the problem fall on deaf ears. The end results—and bear in mind the maximum salinity livestock can tolerate is about 5 000 EC—is that salinity readings at Hindmarsh Island are currently 12 000 EC; the reading at the top of the barrages is 18 000 EC, and at the bottom it is 40 000 EC; readings along the lower reaches of the river are over 14 000 EC at Currency Creek and 10 000 EC at Finniss.

Apart from the dire immediate consequences of this situation, there are other more serious implications long term. Consider that salt water, because of its density, settles near the bottom, and it will stay there insulated from the sun by the layer of fresh water on top. The only way to shift it is for a substantial flush of fresh water from upstream. Moreover, because the lake's freshness has not been adequately protected through the government's procrastination and mismanagement, we now have to send to islanders precious water that might otherwise have been helpful elsewhere had it not been needed there. The long-awaited standpipe, which is only now being installed and is yet to deliver any water, still requires expensive and time-consuming carting. I urge the minister and her department to work with the locals to find a workable solution to the immediate problem of the leaking barrages. Given that the now serious salinity problem cannot be rectified within six to 12 months at the very least, I also urge the government to liaise with islanders, farmers and residents about extending the mains water supply that already exists on the island.

BOOZE BROTHERS STAFF CHARITABLE FUND

Ms CICCARELLO (Norwood): Today I wish to acknowledge the fantastic work being done by a proudly South Australian company and its staff in setting a fine example of what generosity in the workplace can provide for an organisation and the community. I speak of the Booze Brothers Staff Charitable Fund that was founded in April 2002 after a staff member from one of the Booze Brothers hotels was diagnosed with a life-threatening illness. To help him, a few of the staff member's workmates decided to raise some funds to help him during his recovery by organising some sausage sizzles and by placing collection tins on the bars of the hotels. The money raised was enough to purchase a laptop computer and internet time so that this staff member—who, at the time, was working in the hospitality industry to put himself through university—could continue his studies from home. The generosity of the South Australian public, and seeing first hand the difference it made to his life, was the catalyst for the staff asking themselves a question: 'Why can't we do more of this sort of thing on a regular basis?'

It was a simple enough question, but one that is often overlooked in the frantic pace of our everyday lives and because not many are personally exposed to tragedy or situations of dire need. However, I am pleased to say that the Booze Brothers staff answered this question with prompt action and a commitment to helping those in our community who have the greatest need.

After an information night was held, with representatives from all 11 Booze Brothers hotels, a steering committee was formed to gauge interest from staff and whether they would be keen to donate through payroll deductions. It was also at this point that the Booze Brothers management offered to match the money raised by the staff dollar for dollar. With great zeal the committee was formed and the foundation was given the name Booze Brothers Staff Charitable Fund. A logo was created, and the first donations were made by staff in April 2002. With the celebration of its fifth anniversary recently, the fund continues to grow from strength to strength.

In its short history the fund has already been able to assist 69 different charities, with a total in excess of $220 000. The amount—I might add—has been realised solely from staff and management contributions, and from donations by a few friends of the foundation. I cannot acknowledge everyone who participates but, even though they will probably be horrified, I must mention two people who are the driving force of the foundation: Cathy Maxwell and Craig Williamson. I also acknowledge the generosity of Adrian and Leon Saturno—the directors of the Booze Brothers hotels—for matching the staff donations. It is not often that hoteliers are thanked these days, but I can say that the Saturno brothers are generous, as well as being good patrons and supporters of the arts in South Australia.

In addition to raising money, since 2005 the fund has presented a community award to two individuals who have devoted their time to helping the community through their chosen charity. This award is presented annually with a certificate of appreciation, along with a cash donation of $5 000 going to their chosen charity. The two winners of this award so far have been two exceptional women who volunteer their time for two very worthwhile organisations: Riding for the Disabled and Blackwood and Southern Palliative Services. But, whilst the money raised is often the most publicised and talked about fact, it is important not to forget the people at the grassroots level—the people who actually make it happen—and that is the staff of the Booze Brothers. The staff participation fund is currently at 70 per cent, which means that approximately 290 staff are participating, and this is a truly wonderful effort.

It is the staff who, constituting the committee, donate their time selflessly and willingly. They attend committee meetings, identify charities and spend many out-of-work hours organising additional activities such as winter food drives and Christmas hampers. The committee also holds two free functions each year to present the charities with their cheques, and I have been honoured to be present at all of them. It always makes me glad to witness first hand the impact on the staff when they see how their contributions have helped the lives of others. Sometimes it can be as simple as providing money for a television set so that people undergoing palliative care can enjoy some distraction.

South Australia has a proud record of volunteerism and helping others in need. I am pleased to see that many South Australian companies are now following the lead of Booze Brothers and embracing the concept of workplace giving. I encourage many more to take up the challenge and follow the lead of the Booze Brothers staff to make a difference. I would love to be able to include in my contribution all the organisations but I cannot; however, some of the organisations which have been given money are Cystic Fibrosis, the MS Society, Spina Bifida Association, the Magdalene Centre and many, many others.

HIV REPORTING GUIDELINES

Ms CHAPMAN (Deputy Leader of the Opposition): Today the Minister for Health was unable to advise the house of the date upon which he had received the advice and recommendations as a report from Stephen Walsh QC, who had been asked to provide urgent advice to the government as to any appropriate amendments to the Public and Environmental Health Act and guidelines formulated previously by the department with respect to persons who knowingly place others at risk of HIV infection. That was curious, to say the least. He was able to indicate that he thought it might be within the first week, and that within the last week, or possibly 10 days, he had received notice of the Crown Solicitor's advice that part of Mr Walsh's report should not be disclosed, that is, should not be made public. That was his explanation for his press release and for his announcement yesterday in the tabling of part of Mr Walsh's report.

I find it curious because of a number of things. First, when the minister became aware of this issue on 16 March, of which there was some action in referring it to the police by 19 March, it then took another 10 days or so before the person in question was detained. I also found it interesting to note that when the Hon. Dean Brown, former health minister, was interviewed on 10 April on Radio FIVEaa radio about this matter, he described, when he had this very situation:

> A similar case did occur, and certainly was brought to my attention as minister—there is a clear set of procedures that should have been followed in this case. . . that is that the head of the communicable disease should have been told—it's such a serious case it should have been notified to the principal medical officer of the department, then to the CEO and then to the minister. . . everyone has acknowledged that there's been a serious breakdown here. . . in the precedent that occurred, it was brought to my attention. . . we took action immediately to protect the public.

That is in the transcript of that interview that has been provided. I mention that because, clearly, there was a former minister—under the current guidelines, under the current law—who had been told of a situation of risk to the public. Yet we have no answer from the minister, notwithstanding repeated questions, on 2 May and 30 May, as to why it took a year, even once his department were advised of two men being infected by Mr McDonald of HIV in January and March 2006, for his department to tell him about it in 2007. We still have absolutely no explanation whatsoever. Yet the minister goes on to tell us on 5 April 2007, when he finally released this information to the public—and I might mention that he had an opportunity on 27, 28 and 29 March to tell the parliament about this issue but he obviously decided he would not do so. So, he throws it out and on the eve of Easter tells us of this situation.

There is then a call by a number of MPs, including independent members of this house, for there to be an inquiry as to what went wrong in the department; why he, and indeed his CEO, were not told; and that it be reported back. The minister, in interviews on radio in response to this call, said:

> Look, I haven't yet determined that they have made a mistake either. . . that's why we're going through this proper investigation. . .

He made it abundantly clear that it was a matter which required investigation and that he would bring that information, ultimately, back to the parliament. On 16 April he confirmed that Mr Walsh's report was underway.

It is now clear from the report that Mr Walsh prepared it on 30 April. So within three weeks of his instruction he has investigated, looked nationwide at the legislation and procedures, and provided a written report to the minister. On 2 March it is quite possible at that stage that the minister, even if he had received the report, had not read it, but he told the house, quite clearly, in response to questions, that this was an investigation that was under way. He said, on 2 May:

> If people in the health system have made mistakes they have been honest mistakes, but they will be investigated, and if there are any issues of impropriety, whatever consequences there will be, they will pursued.

What have we had? We have had an excuse from the government, particularly the minister, that he will not release the report because he has had legal advice not to. Why? The reason why is very obvious: there have been calls already for civil claims against the government, and they face a major damages claim. That is why he is keeping silent.

Time expired.

VOLUNTEERS

Mr PICCOLO (Light): Today I would like to talk about volunteers. Recently, between 15 and 21 May, we celebrated National Volunteer Week. On Monday, 11 June, we will be celebrating South Australia's Volunteer Day, and on 5 December we celebrate International Volunteers Day. What do these days have in common? They all acknowledge and celebrate the achievements of our volunteers. Who are the volunteers in our community? They are involved in sporting, they are coaches in football, soccer, netball, cricket and other sports. They are involved in welfare.

In Gawler, for example, UCare, St Vincent De Paul and Northside Community Services are involved in supporting families. There are faith groups, there are schools, from playgroups to school governing councils. There are recreational groups, such as the Petanque Club of Gawler. There are cultural and heritage groups like the Gawler town band and the National Trust, and environmental groups, like the Gawler Environmental and Heritage Association. There are educational groups such as the University of the Third Age, and aged groups such as the Gawler Share and Care, the Gawler Pensioners and the Gawler Senior Citizens group.

There are safety community groups, such as the Gawler Road Safety Committee. There are committee groups involved in health, such as the Women's Auxiliary at the local hospital. There are women's health groups as well as the men's health group. There are support and fellowship groups, such as the Probus clubs, and we have service clubs which are also very active in our community.

I recently attended the joint annual dinner for the service clubs at Gawler. It was hosted by the Country Women's Association this year. Present were members of the Lions, Rotary, Zonta, View, Apex and Kiwani clubs. Our community benefits enormously from the contribution of these clubs, a number of community projects, supporting families and schools, and supporting things like the Breakfast Club at local schools. If we ever need an understanding of volunteers, and if we put aside the economic benefits of volunteers, we need only look at the social benefits to our community from volunteer work: the friendships and the community skills which are developed.

Mr Griffiths: Enormous.

Mr PICCOLO: Enormous, the member says. That is correct.

Mr Pisoni interjecting:

Mr PICCOLO: Human capital. There are also volunteers who help build our community capacity and they help build

the community. As I noted recently, they also help people actually integrate into our community. When people come to live in a community, they actually get to know their township and become integrated with the community—which is an important thing—through their local community group. If we need to understand how important our volunteers are, we need only imagine our own community without the school or sporting coach, who is a volunteer; imagine if community groups no longer cleaned up the environment or planted trees, etc; imagine if the social clubs for the elderly no longer existed or if all the playgroups for kids did not exist. Imagine if the support, for example, of our built environment no longer existed. There are a number of things that volunteers do in our community which need to be acknowledged. That is why volunteers need our support.

The state government is supporting volunteers in a very practical way through the Office of Volunteers. I recently attended the signing of the Gawler Volunteer Charter, which is something I was involved in as the mayor, where the state government was represented by the Minister for Volunteers, the Hon. Jennifer Rankine. The charter, the first of its type in this state, describes the relationship between the volunteer groups in the town and the council, and how they can work together for the benefit of the community. It is a model for local government which other councils can follow. The Gawler Volunteer Centre, also established with the support of the state government, is now run by the council with the support of volunteers, again another—

Mr Griffiths interjecting:

Mr PICCOLO: They do, and that is why the state government has made $200 000 available in the next financial year to support local communities to establish them. This financial support will help local communities determine where they need to establish their centres. One of the community groups that I mentioned was a school governing council. It is a group that is often not well recognised in our community. They are volunteers helping to steer the education of young people in our communities. I have a number of schools in my community, and I sit on two governing councils which are doing enormous good work for our community.

Time expired.

BAROSSA VALLEY

Mr VENNING (Schubert): For many years I have been coming in here with good news stories about my beloved electorate, in particular, the Barossa Valley. Well, Madam Deputy Speaker, they seem to get better and better. It is official: the Barossa has been voted into the number one spot in the new all-Australian version of Monopoly. It is the all-Australian equivalent of Mayfair on the international Monopoly board. I am really chuffed; proof again that we are number one. Mayfair, as members would know, is the number one spot, the most coveted property on the board. It really is the jewel in the crown, so to speak.

As members know, I have always been a champion of the Barossa, but just recently there was a poll across Australia suggesting that it had dropped out of the top 10 tourist destinations in Australia. Well, this just proves that it is still as popular as ever. Out of a total of 17 million votes cast, close to half were for South Australian regions, and Adelaide came second. The Barossa received an extraordinary 2 046 136 votes, putting it way out of front of all other destinations. The Barossa—

Mr Griffiths: They weren't all from your staff, were they?

Mr VENNING: My staff did not register a vote, member for Goyder. Barossa Wine and Tourism marketing manager, Racheal Klitscher, says this is a fantastic opportunity to showcase the Barossa to the world and to reinforce its position as one of the iconic Australian tourism destinations. Everyone can go past gaol, go past 'Go', pick up their $200 and have a wonderful night in the Barossa with top food and top wine. So, get on board! It is a pity about the railway stations, Madam Deputy Speaker. We have our four good railway stations—Angaston, Nuriootpa, Tanunda and Lyndoch—but there is no passenger rail service to the Barossa any more, although there is a freight service. The stations are all still there but no passenger train. Perhaps there is a 'Chance' card in the budget for a new Barossa hospital tomorrow, or maybe a 'Community Chest' card for an extension to the dial-a-ride service.

Or is there a 'Chance' card saying more funding for the Regional Food SA Co-op Ltd, a wonderful not-for-profit organisation based in the Barossa, which acts as a distribution agent for a range of small to medium producers, buying and selling on their behalf. They market food not only for the Barossa but for all South Australian regional areas. This cooperative received seed funding for three years to get established, and it is almost there, but it really needs another year of funding before it can reach self-funding capacity. It needs more time to increase clients, producers and representatives on the ground. The Regional Food SA Co-op won a Premier's Food Award in 2006 for the most innovative and outstanding entrepreneurial company. It is a wonderful concept that gets smaller producers into the marketplace when they would have no hope of doing so on their own.

These gourmet goodies are available through an online store and feature foods that are grown, produced and processed in South Australia. Product categories include condiments and relishes, honey, fruit, pasta, spices, chocolate, olives and oil. According to the website, the co-op recorded the strongest sales month in December 2006, a result of consistent sales representatives in three states. Sales are up 78 per cent from December 2005, but it still needs some funding to keep it viable until it reaches self-funding levels of sales.

It has been brought to my attention that the state government appears to have dumped its food groups. There were eight or nine groups, and it is now down to five. A representative of Regional Food SA Co-op went to a Melbourne food conference last year. Interstate groups thought that South Australia was way ahead with its food groups. Now that appears to have been taken away from them because of funding cuts.

Congratulations to all those in the Barossa who made the Australian Monopoly board happen. Yes, monopoly has a lot to do with the Barossa. The Barossa has a monopoly on the world's best wines, a monopoly on the finest Australian food, a monopoly on the finest tourist destinations, and a monopoly on the most wonderful people—mine host—for discerning international travellers. It is world class and world renowned. It is the best, beautiful Barossa. Ein Prosit!

CRIMES, Mr E.H.

The Hon. M.J. ATKINSON (Attorney-General): I rise to congratulate the former member for Spence, Ernest Henry Crimes, on reaching the milestone of his 100th birthday.

Ernie was born in Crewe, Cheshire, England on 27 May 1907. Once, the South Cheshire town of Crewe was renowned for its position as undisputed capital of the nation's railway industry, turning out a constant line of world-class trains, being a major junction and once home to busy railway networks. Ernie Crimes moved to Adelaide with his parents when he was five years of age. His father was a fitter and turner and ardent socialist, who was involved in the Amalgamated Engineering Union, both in South Australia and England. The Amalgamated Engineering Union, I think until the late 1960s, was organised along international lines, so that the South Australian branch was, in fact, a branch of the British union.

Ernie soon exhibited his political leanings when he campaigned against conscription in World War I while still at primary school. In an article in the *Labor Herald* he is quoted as saying:

> I'd go to school wearing an ALP badge with a big red NO in the middle of Australia on it. And I would never take part in the conservative demonstrations. A few of us. . . would sit in the classroom reading comics while the rest of them were out drilling.

The former member for Spence considers himself 'a deep-dyed socialist of the old school' and claims he left the Labor Party when the Keating government privatised the Commonwealth Bank. In the same article he says:

> What we're going through now is a gigantic capitalistic swindle on the world. They're trying to make something last that won't last. And of course they're completely ignoring the class nature of society. As the Labor Party is now asserting we're all just citizens of one country, which is a load of rot.

Mr Venning: Hear, hear!

The Hon. M.J. ATKINSON: 'Hear, hear' says the member for Schubert. Ernie claims the nearest thing to the Labor party of old in the federal parliament is the Greens. He therefore claims to now vote 1 Greens, 2 Democrats and 3 Labor. He says:

> Both parties, Labor and Liberal-National, believe in economic rationalism, which is just another name for hard-line capitalism. That's all it is.

Ernie Crimes was one of several ALP members who were accused by Don Dunstan and the previous member, Cyril Hutchens, of pro-Soviet leanings. Ernie was suspended from holding any ALP office for a period of 12 months, well before my time. In the *Herald* article, veteran *Herald* writer Phil Robins states that:

> Ernie agreed he was the most left-wing member of caucus and thinks that is why Dunstan did not like him.

Ernie served as the first member for Spence from 30 May 1970. Previously, the seat had been known as Hindmarsh, when it was held by Cyril Hutchens for Labor and, before that, John McInnes. Ernie was re-elected on 10 March 1973. He had previously contested the Adelaide Hills seat of Gumeracha twice, in 1959 and again in 1965, against Sir Thomas Playford. Ernie Crimes retired at the snap election, that is, the railway sale election, of 1975 owing to the ALP policy of the time that no MP could stand for a new term if he would be 70 years before the end of it. Indeed, I know from first-hand experience that Ernie Crimes never forgave Don Dunstan for calling that election and depriving him of an entitlement to parliamentary superannuation.

During his time in parliament, Ernie was a member of the Labor Party's Parliamentary Labour and Industry Committee, the Conservation Committee, and the Parliamentary Land Settlement Committee. He was managing editor of the official newspaper of the United Trades and Labor Council of South Australia, the *Labor Herald*, from 1950 until his retirement in 1986. After his retirement from parliament he was appointed to the board of the Savings Bank of South Australia.

I should add that Ernie wrote a very long-running column in the *Labor Herald* under the pen-name 'Saboteur'. He served as the president of Labor's May Day Committee, the South Australian president of the Australia-Soviet Friendship Society, a member of the ALP State Executive and president of many sub-branches of the Australian Labor Party. In an *Advertiser* article of 21 January 1986, Ernie Crimes is reported to have said that the Polish union movement Solidarity is a Roman Catholic/CIA conspiracy.

Time expired.

SELECT COMMITTEE ON BALANCING WORK AND LIFE RESPONSIBILITIES

The DEPUTY SPEAKER: I advise the house that the Speaker has today received a letter from the member for Napier, advising with regret that he must resign from the Select Committee on Balancing Work and Life Responsibilities due to his appointment as chair to a cabinet inquiry.

The Hon. K.A. MAYWALD (Minister for the River Murray): I move:

> That Ms Ciccarello be appointed to the Select Committee on Balancing Work and Life Responsibilities in place of Mr O'Brien, resigned.

Motion carried.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. M.D. RANN: Of the 17 amendments proposed by the opposition parties, the government is prepared to agree to support 14 of them, in the spirit of bipartisanship that I am sure we will find this afternoon.

Amendments Nos 1 and 2:

The Hon. M.D. RANN: I move:

> That the Legislative Council's amendments Nos 1 and 2 be agreed to.

Mr HAMILTON-SMITH: I will begin by making some remarks to explain our position with respect to amendments Nos 1 and 2, because they are consequential on, or linked to, amendment No. 3, as I understand it. If the clerks can examine and confirm that, I think they will find that the three of them are all connected. I am explaining to the committee that, in principle, the opposition remains resolved at some point in the future to look at interim targets that set a goal to be achieved before 2050. However, I make the point that, since this matter was dealt with in the other place, there have been a number of very significant developments that will affect our consideration of amendments Nos 1, 2 and 3. In particular, the Premier has produced his greenhouse strategy for climate change, and it is a very interesting read. He has also announced the Thinkers in Residence report entitled 'Climate Change: Risks and Opportunities'.

More importantly, the Emissions Trading Task Force (commissioned by the federal government) last Friday released its report, which provided some new science, modelling and data very relevant to our consideration of amendments Nos 1, 2 and 3. The task force report observed that an interim target by 2050, which would see a 20 per cent reduction in emissions from 1990 levels, 'would involve replacing Australia's entire fossil-fuelled fired electricity generation capacity with electricity from nuclear power while at the same time removing all vehicles from our roads'. I say again: 'removing all vehicles from our roads'.

I must say that those of us on this side of the chamber found that new information quite startling and concerning, and it put the spotlight on the issue that it is very important for South Australian businesses and families that we do not pass measures that are likely to result in extraordinary hardship for them; for example, financial hardship which would put people out of business or which would result in energy or other utility bills that they simply cannot sustain. Equally, such an effect would prevent the Roxby Downs expansion from going ahead. It might dramatically and drastically affect dozens of major and small businesses in the state and have a very disastrous effect on the whole state economy.

In light of this new information, the opposition has determined not to insist on its amendments Nos 1, 2 and 3 at this juncture. As we remarked when the measure was first considered in this house, we think the bill is largely symbolic, because the targets are not mandated.

The Hon. M.D. Rann interjecting:

Mr HAMILTON-SMITH: Well, in practical terms, the bill means nothing, in that it will not involve any penalties or any punitive or enforcement provisions. It really is symbolic and, in some respects, worthless as an instrument to enforce emissions reductions. Nevertheless, when it comes to amendments Nos 1, 2 and 3, I think it is very important that major parties signal targets which are achievable, not targets which are unachievable, even though they may not be mandatory. If we stand up and say that we should be setting an aspirational target to achieve certain cuts and emissions which are just completely unrealistic and which would have completely disastrous effects to the economy, the signal we are sending to the people of South Australia when we do that is that we are irresponsible.

We did not have this information a little over two months ago when this matter came through this house. We now have a report—and I make the point to the committee that the Emissions Trading Task Force includes none other than the secretary of the federal Treasury; it has some pretty weighty people on it—basically saying, 'Anyone who proceeds with these sorts of targets on an interim basis who has not thought it through may be taking a very irresponsible step that could have a compelling and disastrous effect on South Australian businesses and families.' We have a drought and all sorts of problems. We certainly would not want to precipitate that sort of hardship onto people, even if it is a non-mandatory, voluntary target.

For that reason, given this new information, we have resolved not to insist on our Amendments Nos 1, 2 and 3. I note that there are some forthcoming amendments from the government and that the Premier wants to proceed with some interim targets of his own, which surprises me a little because I would have thought they might have come in when the bill first came to the house, not as amendments to be dealt with at this juncture. That is surprising because the message that suggests to me is—

The Hon. M.D. Rann interjecting:

Mr HAMILTON-SMITH: It does raise the question whether the bill—

The Hon. M.D. Rann: You've had it for weeks.

The CHAIR: Order! Premier, I remind you that you will have an opportunity to reply on the record for the benefit of *Hansard*.

Mr HAMILTON-SMITH: Thank you, Madam Chair. It raises the question as to whether or not the bill was properly thought through when it first came here, but I stand to be corrected by the Premier. I did not handle the bill when it first came to the house, although I participated in the debate; if I am wrong, I am happy to be corrected. We will not be insisting on amendments Nos 1 and 2. The government has the numbers. If for some reason of the government's own it wants to agree with those amendments and insist on them, in effect, they become the government's amendments, and the government will have ownership of them. That is fine as long as the Premier understands that, in effect, they will become his amendments. We do not think they are necessary any longer, so we will not be supporting amendments Nos 1 and 2. I am happy to deal with amendment No. 3 again, if necessary. So, we will not be insisting on those two amendments, and I put it back to the house whether or not the Premier wants to take ownership of those two amendments now and make them his own.

The Hon. M.D. RANN: I do want to take ownership of amendments Nos 1 and 2, and I think they were not put forward by us but I am certainly very pleased to be able to support these amendments. They provide for the setting of an interim target, and they are necessary to facilitate an interim target and, therefore, they are supported because I believe there should be an interim target. I cannot understand what the Leader of the Opposition was actually talking about because, from my memory, we were asked for an interim target by the Liberal opposition, and I said I was prepared to look at one between the passage of going through—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: No, going through the lower house and the upper house and, indeed, your party dealt with our amendments in the upper house and rejected it; so, you have known about it for weeks. Clearly, as was the case with the Lawson statement about law and order yesterday, you do not talk to each other, and that is the problem with the Liberal Party. We will be adopting and supporting amendments Nos 1 and 2 because they help facilitate an interim target and later on, in opposing amendment No. 3, we will be introducing a new interim target.

Mr HAMILTON-SMITH: I note that the government, in effect, is proposing these amendments of its own account, which is great. I see that the government is now going to put in an interim target, despite the evidence that has since transpired from the Emissions Trading Task Force. Given that these are now the Premier's amendments, and I say that at first blush I am quite intrigued that he has done this; I think it is going to provide a very interesting few months going forward. Has the Premier read the Emissions Trading Task Force's report? Secondly, could I ask what economic modelling and what research and science has he commissioned as Premier to substantiate the need for an interim target now that he has ownership of it?

The Hon. M.D. RANN: I will be going on to that when I get to amendment No. 3.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: You are a stranger to shame, because in the lower house you said we would need an interim target, that the bill was not strong enough. We then provide you with an interim target that would be the strongest in Australia and would match that of California. But in the upper house it was too weak, so you come up with your own policy, and we have your statement on the day about how you were going to be tough as the new Leader of the Opposition, leading from the front; you were going to demand this and that. Now you have backed down on your target, and now you want to back down on the target that you said was too weak. So what is going on? Will the real Leader of the Opposition please stand up? Amendment Nos 1 and 2, if you happen to look at this, are actually about facilitating. If you want to debate the merits of the interim target, which apparently you did not know about even though it was debated and rejected by your own party room—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: It is about time you started to pay attention.

Motion carried.

Amendment No. 3:

The Hon. M.D. RANN: I oppose amendment No. 3 (clause 5, page 5). During debate of the bill, the opposition put forward an amendment for an interim emissions target of a reduction of 20 per cent. The government agreed to look at an interim target between the houses. The proposed emissions target of a 20 per cent reduction of 1990 levels by 2020 has been considered by the Department of Premier and Cabinet and the Department of Transport, Energy and Infrastructure. Their advice was that such a target being proposed—forcefully and dynamically by the Leader of the Opposition—cannot be achieved, and would damage the state's economy. The increasing economic activity in the state, including the forecast mining activity and the current lack of implementation of climate change policy initiatives at the national level, such as an emissions trading scheme, put that target out of South Australia's reach. I am advised that adopting such a target is neither feasible nor responsible.

What happened, of course, is that if we had a target here of no emissions at all in South Australia—or only 1 per cent emissions—the Greens would say that was not acceptable. There is no way anyone would satisfy the Greens. They would rather have the state closed down, the electricity power stations turned off, no industries, and no business, because they do not care about workers. And so what happened is that there was a Faustian pact between the Liberal Party and the Greens. The Liberal Party did not support what we were doing and the Greens resented what we were doing, so there was a Faustian pact designed to kill the bill. What did they come up with? Oh, the Liberals would support the Greens' amendment, even though it was totally irresponsible and unachievable—but it seems like the Prime Minister and Business SA have had a word.

I am told that national and international developments outside state government's control would have also influenced whether the target is achievable. Such developments include the development of geothermal energy technology, carbon storage capture technology, as well as clean coal technology. The state government supports the interim target of reducing emissions to 1990 levels by 2020—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: It has been debated by you in the upper house, Marty. Pay attention—read the *Hansard*. The stage government supports the interim target of reducing emissions to 1990 levels by 2020, and will commit to ongoing policy development in an effort to reach this target as a stepping stone to the target of a 60 per cent reduction by 2050. The Leader of the Opposition is telling us that this is a revelation to him. This is the target that he said was unachievable—

Mr HAMILTON-SMITH: Point of order, Madam Chair—

The Hon. M.D. RANN: —that it was too weak.

Mr HAMILTON-SMITH: I have said no such thing. That is a complete fabrication by the Premier, and I ask him to withdraw what is a false statement.

The Hon. M.D. RANN: You and your party opposed this as being too weak, and that is why you did your deal with the Greens in order to play games. If you want to be an alternative premier, act like an alternative premier. The target of reducing emissions to 1990 levels by 2020 would be the only legislated interim target in Australia, and would match the target set in California.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: You think it's a load of—

Mr Hamilton-Smith interjecting:

The CHAIR: Order!

The Hon. M.D. RANN: Do you want us to make it mandatory?

The CHAIR: Order, Premier!

The Hon. M.D. RANN: Did you get another call from John Howard?

The CHAIR: Premier, please resume your seat. The Leader of the Opposition will not scream across the chamber. I will vacate the chair if this continues.

Mr HAMILTON-SMITH: I rise on a point of order, Madam Chair. If the Premier hurls abuse and insults across the chamber, he invites interjections. I simply ask that you call the Premier to order as well as me, and we can proceed—

The CHAIR: Order! There is no point of order. The Leader of the Opposition will not enter into debate with the chair.

The Hon. M.D. RANN: What we are suggesting is that the only legislated interim target in Australia would match the target set in California. On Thursday 12 April 2007, in one of his first interviews as Leader of the Opposition, the member for Waite said:

> We supported deeper cuts in the bill that's been before parliament but they're, of course, voluntary cuts, they're not binding on business. We will reconsider any proposal for mandatory cuts that will have an effect on business because that's a much more serious proposition. So, we will stand by our decision but if they become mandatory cuts we will be reviewing it.

Basically you stood up and said: deep down you are a phoney. That is what you were doing on that day. The leader clearly has never been serious about climate change, just as the Prime Minister has not been.

Business SA expressed concern on Thursday 29 March with the Liberal opposition's interim target. Business SA's Peter Vaughan said at the time the amendments were approved in the upper house that it would cost jobs and lead to business closures. He said that the government's original targets of reducing greenhouse gas emissions to 1990 levels by 2020 would be a stretch, but he said amendments restricting those levels by a further 20 per cent could not be achieved without substantial cost to the business community. On ABC 891, he said:

To have an amendment which proposes a tougher regime than the government proposes in terms of greenhouse gas reductions completely ignores the reality of how that is going to be achieved and the cost of achieving that in business terms, which directly relates to employment.

It is interesting that Peter Vaughan has again written to us to advise us of his concerns in that regard.

The Howard government has refused to act on climate change. In fact, for a long time, during its 11 years in office, it has refused to recognise its existence. Mr Howard has been forced to act on climate change by the leadership shown on the issue by the state Labor governments and by Kevin Rudd. It has been a miracle transformation for Mr Howard from sceptic to now where he is desperately trying to take action, or appear to take action, in the lead-up to the fast approaching federal election.

On that, let us remember that last September, I think it was, John Thwaites, the Deputy Premier of Victoria, Morris Iemma, the Premier of New South Wales, and I held a press conference at Bondi Beach at which we released a discussion paper on setting up an emissions trading scheme—I am sure the Leader of the Opposition has read this. The Prime Minister came out and said it would wreck the economy, it was just the end of civilisation. Now, of course, the Prime Minister wants an emissions trading scheme.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: No, it would not have, not at all. You do not know what you are talking about. The reality for the Leader of the Opposition is that he has been blatantly caught out trying to be too smart by half. He is not only out of kilter with his own party and the Prime Minister, but he has tried to force on South Australia a target that is completely irresponsible and unachievable. I am advised that South Australia's economic activity, including mining, is not projected to peak until 2015. I am also advised that South Australia is on track to reach its Kyoto target adopted in South Australia's Strategic Plan. This is 108 per cent above 1990 levels by 2012, an 8 per cent increase on 1990 levels. Therefore, it is clear that our emissions, as I have said repeatedly, will increase before they reduce.

The government's interim target of returning to 1990 levels by 2020 is an ambitious target but one the state government is committed to achieving and one that we believe we can achieve. As indicated, the opposition's proposed target, which apparently it has now abandoned, was unachievable and mere political posturing, because it wants to play games rather than be an alternative government. I guess my only advice to the Leader of the Opposition, having held that role—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Oh, you don't need my advice. Having been Leader of the Opposition for eight years is—

Mr Hamilton-Smith: I do not want it.

The Hon. M.D. RANN: Because you do not want to know how to win. Well, perhaps you should not take my advice.

Mr Hamilton-Smith: You got it given to you on a silver platter.

The Hon. M.D. RANN: Given to us on a silver platter. Yes, you had seven hours with Peter Lewis, we had about five minutes, but perhaps that says more about your advocacy. So we will therefore oppose the amendment.

Mr HAMILTON-SMITH: As we are not insisting on the amendment in any event, perhaps we are having a debate that might not need to be had on this particular clause. I would simply say this, and perhaps I should put it in the form of a question, and that is to ask the Premier whether he has done the economic modelling and done the science to sustain the argument he has just put, because I put to you, Madam Chair—and I will use the same language the Premier used—if there is a phoney in the chamber at the moment, the phoney is sitting right there in the Premier's chair. Phoney, phoney, phoney. This whole bill is nothing but huff and puff, with no mandatory requirement on anybody to do anything, but a great opportunity for the Premier to grandstand, as he is apt to do.

I would simply make this point: that we recognise, in light of the Emissions Trading Task Force, and work that he, as Premier, alleges has been done by the department, which no-one has seen, by the way, and which seems to be secretive, that a target of a 20 per cent reduction in emissions to 1990 levels by 2020 would impose some economic hardships. That is why we are not insisting on this amendment—because new information, new science, has come to light. On that particular point, I tend to agree with the Premier. We have been enlightened by the research that has been done by the Emissions Trading Task Force, and that is why we are not insisting on the amendment.

What the Premier needs to understand, though, is that his senior federal colleague, Peter Garrett, wants to stick to that standard. He wants to stick to the standard of a 20 per cent reduction in emissions from 1990 levels by 2020. With that, he wants to bring upon Australia what the Prime Minister has described as a Garrett recession we do not need to have. In a moment we will get to debate the Premier's amendment. We might talk about the Rann recession we do not need to have either, when I ask him about the science for his interim target—but we will talk about that in a moment.

The point that the committee needs to understand in relation to amendment No. 3 is that this is as much an issue about the economy as it is about the environment. It is an issue about the economy, because it will have an impact on people's lives. Significantly reducing emissions in South Australia will mean higher costs for businesses and households right here in Adelaide and across the regions. There is no escaping that and anyone, particularly the Premier, who pretends otherwise, is not a serious participant in this hugely important public policy debate. That is the bottom line. It will change the entire cost structure of our economy. We simply have to get it right and, if we get it wrong, it will have a dramatic effect on South Australia. That is why we are not insisting on amendment No. 3.

I note that the Premier also is not agreeing with it, so perhaps we should just deal with it and move on to debate the Premier's amendment, which I assume we will deal with shortly. Are we dealing with the Premier's amendments as we work our way through the bill or are we dealing with the schedule of amendments made by the Legislative Council and then returning to the Premier's amendments? I am happy to move on from clause 3 since we both seem to agree that it should be struck off.

The CHAIR: Premier, before inviting you to speak, I will just clarify that it was your intention to move that the House of Assembly disagrees to amendment No. 3 from the Legislative Council and move instead the following alternative amendment as tabled, which I believe all members of the committee have had an opportunity to view. That is the question before the chair.

Mr HAMILTON-SMITH: As a point of clarification, we will have an opportunity to debate the Premier's amendment shortly?

The CHAIR: We are doing that now.

The Hon. M.D. RANN: I move:

That the House of Assembly disagrees to amendment No. 3 made by the Legislative Council and makes the following alternative amendments in lieu thereof:

Clause 5, page 5—

Line 13—

Delete 'Two' and substitute 'Three'

After line 13—

Insert:

(aa) an interim target to the SA target, that is to reduce by 31 December 2020 greenhouse gas emissions within the state to an amount that is equal to or less than 1990 levels;

After line 19—

Insert:

(2a) The targets under subsection (2)—

(a) are to be achieved in a manner that is consistent with the principles reflected in this act; and

(b) are set recognising that their achievement will be influenced by national and international developments that are outside the control of the state government.

Apparently this is a revelation to the Leader of the Opposition except that he has had them for weeks and he opposed them in the upper house because they were too weak. Far too weak, the Liberals said, and unenforceable anyway, and now apparently they are going to cause a recession. This just shows how lacking in substance you are.

Mr PEDERICK: There was much debate in the upper house about where the baseline measurement is as far as the level of megatons of emissions per annum. The number for 2004 is said to be 27.6 megatons per annum where the levels for 1990 were 32.4 megatonns per annum. Projections in 2007 are to be near 1990 levels, which is 32.4 megatons. How do we get such a dramatic increase from 27.6 megatons in 2004 to 32.4 megatons in around 18 months, which is the projected 2007 figure?

It gets a bit confusing whether imported power generated interstate is included in these figures. Some would say that the 2004 emissions is 27.6 megatons but then, with imported power, it goes up to 31.8 megatons per annum. Even though it is a totally voluntary piece of legislation and no-one has to abide by it, what is the baseline emission measurement and does it include imported power generated from interstate?

The Hon. M.D. RANN: This is based on all the emerging national and international best practice that comes out of what is being done by the international bodies on this, the Stern review, and so on. The Climate Change Council will have to report every year and we will have to report every two years. In terms of whether it recognises greenhouse gas produced interstate in terms of power, that has been recognised in the greenhouse strategy that you have before you.

One minute, people keep saying that this is voluntary and, therefore, ineffectual; then in the next minute they say: however, it will destroy the economy, even though what will now destroy the economy and force a recession in South Australia was described by you a few weeks ago as being too weak as well as unenforceable. It is becoming bizarre. What has happened is that we are showing leadership. We are showing leadership by being the first place ever to say that we will have 20 per cent of our own power produced and consumed in South Australia from sustainable energy by 2020, and we will reach that.

In the last six months people said that it was totally unachievable. We are actually ahead of where we need to be to reach those targets. We also came out and put our money where our mouth is and said that, for the contract that we have in terms of buying sustainable energy, 20 per cent of our power by the end of, I think, this year would come from sustainable energy largely from wind power. That was part of the purchase for power used in hospitals, schools and government buildings. As a result of our doing that, it meant that other states then followed. We then challenged local government to come out and do the same, and dozens of councils came out and matched us.

What we are doing with the sectoral voluntary agreements is negotiating with sectors for them to do the right thing. It is about leadership. The Leader of the Opposition wants to make them mandatory, apparently. Maybe he should tell that to Business SA.

Mr HAMILTON-SMITH: I will start by again pointing out to the house that the Premier has made another false statement. I did not say that anything should be mandatory, so he is wrong again. The remarks he just made are untruthful. He knows them to be untruthful, but he makes them, anyway; typical of the Premier. What economic modelling, what thorough scientific research has the Premier done to assure South Australians that the target that he seeks to insert in the bill—the 2020 target to reduce gas emissions within the state to an amount equal to or less than 1990 levels—will not cause crushing economic hardship on South Australians? We are very happy to consider the science; we are very happy to consider the economic modelling.

The Premier is trying to make hay out of the fact that two or three months ago, when we dealt with this issue, we had a certain position. Now that a number of publications have come out—some of which he has produced—with new information, now that pressing scientific research has come to the public forum in the form of an emissions trading target—

The Hon. P.F. Conlon: Now that John Howard has told you what to do.

Mr HAMILTON-SMITH: Well, the barking chihuahua, the Minister for Infrastructure, is out of the kennel—woof, woof! Go and balance the books on the Northern Expressway and then come back and talk about greenhouse gas emissions. If you want to participate in the debate jump up; there is your seat—contribute!

The CHAIR: Order!

Mr HAMILTON-SMITH: Well, if you—

The CHAIR: Order! Leader of the Opposition, sit down.

Mr HAMILTON-SMITH: He is interjecting out of his place; you do not call him to order. What is going on?

The CHAIR: The Leader of the Opposition will treat this committee with respect or the chair will be vacated. Leader of the Opposition.

Mr HAMILTON-SMITH: On a point of order, Madam Chair, a moment ago you allowed the Minister for Infrastructure to interject out of this place freely. You did not call him to order. That side of the house was out of control, and yet you call me to order. I seek your guidance. Will you enforce the standing orders as chairperson equally with government members and with opposition members?

The CHAIR: The Leader of the Opposition will sit down. The Leader of the Opposition may now resume his comments in relation to this clause.

Mr HAMILTON-SMITH: I will get back to the question that I am putting to the Premier. If the Premier can table, right

now, the economic research, modelling and proof to substantiate his claim that the amendment he now seeks to insert in the bill is achievable without undue economic hardship on South Australian families and businesses, we are very happy to consider that modelling. We may be encouraged; we are open to be persuaded by the Premier if he can produce the science to absolutely confirm that the amendment he seeks to make will not lead to a Rann recession—a Rann recession that we do not need to have. We have had one before; remember the State Bank debt. Remember the last time he was in charge he wreaked havoc. He wrecked the state. We would not want him to do that again. I am just looking for the evidence, the facts, the science to substantiate his claim that the amendment, which he sought to make in the other house and which he now seeks to make here, is sustainable.

We are not opposed to aspirational goals. Let me make this very clear, Premier: we are not opposed to aspirational goals at all. As a matter of fact, I do not know if the Premier has seen Al Gore's video on this. Have you seen Al Gore's video on this?

The Hon. M.J. Atkinson: We loved you with Matt and Dave this morning.

The CHAIR: Order! The Attorney will cease interrupting.

Mr HAMILTON-SMITH: Have you seen it? Have you read the book *An Inconvenient Truth*?

The Hon. M.D. Rann: Yes.

Mr HAMILTON-SMITH: You have seen the movie? It is very good viewing. I can tell you that it has caused a lot of debate on this side of the house. I suspect that we are more committed than the Premier and many on his side to addressing the problem of climate change. There is one distinct difference: we understand that, before you go out there with aspirational goals—without any science, without any economic modelling, without doing any homework—and require businesses and families to face ruin, it is a very good idea to make sure that you have your facts right. With this amendment and the whole bill, the Premier wants to go out there with a whole lot of grandstanding and say to people, 'Look at me! I'm the champion of greenhouse concerns. I haven't done any homework; I haven't done any economic modelling; I don't know what impact this will have on your life, but I'm the hero. Worship me!'

What we say is: give us the science, give us the economic modelling, and give us the facts now. Can you table now the detailed economic modelling to support the amendment you are seeking to make? If you can table it now we will be happy to take it away and consider it between the houses and maybe we can reach some accommodation. But, if you have done no homework, if you have no economic modelling, if like Peter Garrett you do not have a clue what effect this will have on South Australian families and businesses but you would like to do it anyway, I am sorry, we are not overly encouraged by your proposition. So, have you done the modelling and have you done the research, or not? If you have, put it on the table.

The CHAIR: Order! There is a point of order.

The Hon. P.F. CONLON: He is obviously off the bill, but he needs to sit down.

The CHAIR: The Premier.

The Hon. M.D. RANN: We have just had the Leader of the Opposition, who wants to be the Premier of this state, barking like a dog in the house. It is interesting that there are no cameras here. He was barking like a dog. He is now saying that I am going to be setting interim targets that will cripple the state's economy, He said just a few weeks ago that it was not tough enough and it was too weak. So, presumably, Mr Leader of the Opposition, in command, when you put forward your amendment that was much tougher, you must have done some scientific study. Or was it like your announcement of a desalination plant and the price you plucked out of the sky? Or was it like your nuclear power station?

The thing about being in opposition is that you have to understand the difference between strategy and tactics, and you also have to remember what you said the day before. And we have it all. Basically, we go to our government departments—the Premier's department, the sustainability council, the department of energy, the department for infrastructure and transport—as well as taking into account the work that I have done through the CAF process, to come up with something that is achievable, as opposed to the baloney you put forward. Now, presumably, based on your thesis, you must have done some scientific research when you came up with your target. I challenge the Leader of the Opposition to show us and table the scientific research that he thought was achievable a few weeks ago and now apparently will destroy the economy.

Mr HAMILTON-SMITH: Thank you, Madam—

The CHAIR: Order, you have not been called, Leader of the Opposition. The Leader of the Opposition.

Mr HAMILTON-SMITH: Thank you, Madam Chair, I am so glad. I have a startling revelation to make, Madam Chair, and I am a bit overcome. But I have to admit I may have erred. I have come to the realisation that we have not done the detailed economic modelling and research to support—

The Hon. M.D. Rann interjecting:

Mr HAMILTON-SMITH: No, I hate to have to admit this, but we have not done the detailed economic modelling to support the proposition we put in the other place and inserted into the bill and which we now seek not to insist upon. I must say, we did consult with people, but have now realised this. And this is the point: the Premier does not seem to have been listening to me, but we realised when we read the Emissions Trading Task Force report that there were some weaknesses in the proposition that we had put in the upper house. What we thought was: maybe there is a need for far more detailed economic modelling. The other point that I make, and this may come as a shock to the Premier, is that we do not have tens of millions of dollars on this side of the house to spend on consultants, and we do not have 20 ministerial staff for every minister. In fact, do you know how many extra staff every shadow minister gets? Zero! And, in fact, we do not have the resources—

The Hon. P.F. CONLON: I have a point of order, Madam Chair. Apart from the fact that nothing has changed for shadow ministers' staff—we didn't get any, either, from them—I do not know how it is relevant to the debate. How is the number of staff he has relevant to the debate?

Members interjecting:

The CHAIR: Order! There is not a point of order, but the Leader of the Opposition will keep his remarks more tightly to the question.

Mr HAMILTON-SMITH: Thank you, Madam Chair. On the point that the Premier has made, I am asking him for the economic modelling and research that he has done to sustain the amendment he has before us at the present time. I make the simple point that he is the government; he has the money to engage consultants; and he is in the position to consult with departments and seek guidance from public servants. He has extraordinary resources to provide the economic modelling and the research that is needed to support his amendment. On

this side of the house I am equally making the point that we do not have those resources. That is why we did not insist on amendment No.3, and that is why I ask the Premier for his research. We are open to any proposition the Premier may seek to put, as long as he has done his homework. This is what premiers have to do: they have to do their homework. The Premier has just told us that he has consulted with departments and been told that the amendment he has before us will be fine; everything will be okay. I presume, if that is the case, Premier, that you, purporting as you do to be a competent leader, have asked for—

The Hon. P.F. CONLON: I have a point of order. He should refer to the Premier through the chair.

Mr HAMILTON-SMITH: You, my friend the Premier—

The CHAIR: Order! The Minister for Transport makes a correct point of order. However, I observe that it has been breached on both sides, so I ask all members who are speaking to address the chair.

Mr HAMILTON-SMITH: So, Madam Chair, we are being asked to accept that, in relation to this new target which the Premier wants to insert in the bill before it goes back to the other place and which could very well result in a deadlocked conference, he has done his homework. He tells us, 'It will be all right. I've spoken to a couple of public servants, and Sir Humphrey said she'll be right.' I make the point that I made earlier. People's lives, people's jobs and families' electricity bills may depend on this.

I want to repeat the words in the Emissions Trading Task Force report, because I will revisit the report, based on this amendment from the Premier. Does he want to live in a South Australia where we have to replace every existing fossil fuel fired electricity generation plant in the state with a nuclear power plant? Does he want to live in a South Australia where we have to remove all vehicles from our roads? When we have done the economic modelling and the science on this amendment that the Premier has produced today, we might find that it is not so bad, because we only have to remove half of all the vehicles on roads in South Australia in order to meet the target.

All I am saying to the Premier is: there is no point in having a target, even if it is a waffle target in a waffle bill, with no mandatory provisions and no penalties; it is all voluntary. There is no point in having a target if you cannot meet it. The Premier needs to understand that, when you are the Premier, you have to obey the 'R' word, which is 'responsibility'. What the people of South Australia want from a premier is for him to make responsible decisions. That is why I am asking him for the science.

Can the Premier now table the responses from the departments which have assured him, and which have done the economic modelling? Can he show us the consultants' reports to give us some confidence that we can go to the farmers, the small business people, the mining companies and the families of South Australia and say to them, 'This non-binding, non-mandatory target that the Premier has moved—that by 2020 we will have greenhouse gas emissions within the state equal to or less than 1990 levels—will not crush your lives'? I just want to be assured of that. The Premier has four minders in the chamber. I am sure there is a briefcase somewhere full of economic modelling and research. Can he just bring it out and table the documents? We will have a look at it and, if it all stacks up, we might be very happy to agree to the Premier's amendment.

The Hon. M.D. RANN: In the space of about five sentences, this was waffle legislation and a waffle target, but now it will crush small business, farmers and everyone else in the state.

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: 'Oh, waffle can do that,' he said. Again, I point out that we have agreed to suggestions and amendments in the other house to have our science independently assessed by the CSIRO. The other thing is that in the upper house we went through all the things that have happened here (and I have already detailed all the government departments in question and the consultation that has taken place; we have put stuff out for consultation), and a briefing was offered, I am told, to the opposition in the other place. Maybe the Leader of the Opposition should inquire, if he does speak to upper house members—I do not think he will be speaking to Mr Lawson QC after the embarrassment caused to him yesterday—

Mr Hamilton-Smith: Do you read *Hansard* at all? It might be instructive; you might learn something.

The Hon. M.D. RANN: Yes, the member should have read it. Obviously, the leader had not read it. Had he read that?

Mr Hamilton-Smith: I read *Hansard* often. It is very instructive.

The Hon. M.D. RANN: Oh, good. But did the leader not read that bit where he said that there was no crime problem in this state and I was exaggerating? I guess the point is that, if you do not want a briefing, you come up with a target yourself. The leader has accused ours of being too weak, but now apparently it will crush the state. The leader is a total fraud.

Motion carried.

Amendment No. 4:

The Hon. M.D. RANN: I move:

That the Legislative Council's amendment No. 4 be agreed to.

The government is prepared to support amendment No. 4, which provides for the setting up of additional interim targets.

The CHAIR: The motion is that the committee agree to this amendment. The Leader of the Opposition. No? In that case, I put the question.

Motion carried.

Mr HAMILTON-SMITH: Amendment No. 4, again, was consequential—

The CHAIR: I point out to the Leader of the Opposition that it has been put. I gave you the opportunity. I now proceed to amendment No. 5. If you have anything to say, you can say it then.

Mr HAMILTON-SMITH: Madam Chair, can I just ask that, in your enthusiasm to proceed through the bill, you go a little more slowly so that we do not miss an opportunity to speak.

The Hon. P.F. CONLON: On a point of order, Madam Chair, I clearly heard you refer to the Leader of the Opposition and ask him if he wanted to speak, and he gave no answer. I think it is rather unfair of him to reflect upon you.

The CHAIR: The Minister for Transport's recollection of events coincides exactly with mine—

An honourable member interjecting:

The CHAIR: Order! It also coincides with the record.

Amendment No. 5:

The Hon. M.D. RANN: I move:

That the Legislative Council's amendment No. 5 be agreed to.

We are happy to support this amendment, which provides that a report be prepared upon setting targets or making determinations under this clause. It is envisaged that these matters

would, in any event, be the subject of the two-yearly report on the operation of the act. The amendment is, therefore, not strictly necessary. However, the government sees no harm in adopting the proposal and is prepared to support the amendment, in the spirit of bipartisanship.

Mr HAMILTON-SMITH: We support the amendment.

Mr PEDERICK: I seek a little more clarity with respect to the question I asked earlier about the baseline figure. The figure for the 1990 emissions is 32.4 megatons. Is that the net power generation figure for South Australia; does it include imported power from interstate; and is that the baseline figure that we will be moving forward with to calculate all further calculations on how we control our emission load? It was not clarified in the upper house under lots of questioning. This all happened about six weeks ago, and I think the committee deserves an answer.

The Hon. M.D. RANN: If he looks at the bill, the honourable member will find that clause 14(2)(d), under Part 4, 'policies, programs and other initiatives', provides:

> apply up-to-date practices and methodologies in calculating greenhouse gas emissions, and the use of renewable energy, taking into account national and international developments; and
> (e) take into account the requirements of any relevant legislation (whether at the state or national level).

These matters have been dealt with.

Mr PISONI: Is the Premier able to clarify whether the carbon produced in food and manufactured goods that are made in another state, or which are imported from another state or from another country, will be included in the target?

The Hon. M.D. RANN: That is why we have called for, have been arguing for and have been working on—and, thankfully, now I am told there is some measure of support nationally—a national emissions trading scheme.

Mr PISONI: Will the food and the manufactured goods that are imported into South Australia be included in your carbon targets? It is a simple question, Premier. I am not here for a lecture about what is happening around the world or what you are trying to do with the rest of the world. I want to know what you are doing for South Australia.

The Hon. M.D. RANN: Those matters will be dealt with every year in the report of the Climate Change Council.

Mr PISONI: What guarantees can the Premier give the committee that Australian manufacturers and food producers will not be inclined to move interstate or move branches of their businesses interstate to avoid meeting these targets?

The Hon. M.D. RANN: Does the honourable member want to sit down and let me respond, or does he just want to grandstand a bit? The fact is that we are talking about voluntary sector agreements with different parts of our industry base, and we have been getting terrific responses from people wanting to be involved in the process. Everyone will be involved in John Howard's or Kevin Rudd's emissions trading scheme, because that will not be voluntary.

Mr Pisoni: What about China?

The CHAIR: Order!

Motion carried.

Amendment No. 6:

The Hon. M.D. RANN: I move:

> That the Legislative Council's amendment No. 6 be agreed to.

We are prepared to support this amendment, again in the spirit of bipartisanship. The opposition moved an amendment requiring every alternate report on the effectiveness of the legislation to include a report from the CSIRO where possible to assess progress against the targets. There is the science—the CSIRO. Are you going to come out against the CSIRO like you came out against the ABS? As advised by the minister in the Legislative Council, it is agreed that it would be appropriate to subject the report on the legislation to independent assessment.

While the government believes that this is a role best performed by the Climate Change Council of South Australia, independent assessment of the report by the CSIRO or other independent body can be accommodated. You want it to be checked independently on the science. You have suggested the CSIRO and we have agreed to it.

Mr HAMILTON-SMITH: I thank the Premier for agreeing to our amendment. It underlines the point and the view on this side of the committee that the science needs to be right before you impose. Whether you impose it through mandatory measures or through symbolic measures, the science must be right, so I am glad that the Premier is agreeing with it. It is a shame that, whilst the CSIRO might well be able to go to the environmental aspects of the science, the economic aspects of the science seem to have been totally neglected by the Premier.

The reality is (and we know this) that this bill was never even necessary. You could have set a target and you could have set up most of the arrangements that are set down in the bill through other devices. You could have set a target in a range of ways. You could have done nearly all of this without the need for legislation. It is really about getting up and being able to say, 'Look, we have passed a bill. We are world leaders—better go off and see the New York Police Department and the FBI and tell them all about it', but I will move on. I am glad the Premier is supporting this amendment, because it is necessary.

Motion carried.

Amendments Nos 7, 8 and 9:

The Hon. M.D. RANN: I move:

> That the Legislative Council's amendments Nos 7, 8 and 9 be agreed to.

These amendments are to increase the number of members on the Premier's Climate Change Council to include a member of the environment and conservation sector, as well as people from the business sector, and therefore the amendments are supported.

Mr HAMILTON-SMITH: I thank the Premier for agreeing to these amendments. Amendments Nos 7 and 9 were moved by the Hon. Sandra Kanck and amendment No. 8 was moved by the Hon. Mr Parnell. They are valuable amendments, and we were happy to support them with the Democrats and the Greens in the other place. There was quite a degree of cooperation in all aspects linked to the three amendments. I am happy to see them proceed.

Motion carried.

Amendment No. 10:

The Hon. M.D. RANN: I move:

> That the Legislative Council's amendment No. 10 be agreed to.

We support this amendment, which provides that the Premier's Climate Change Council should advise the minister on the effectiveness of the targets. The bill from this house contained ample provision for review of the effectiveness of determinations and targets, therefore, this amendment is not essential but, in the spirit of bipartisan cooperation for which this government is renowned, we will support it.

Motion carried.

Amendment No. 11:

The Hon. M.D. RANN: I move:

> That the Legislative Council's amendment No. 11 be agreed to.

Again, we support this amendment. As advised by the minister in the upper house, this amendment, which expressly provides for consultation with the environment and conservation movement, is to be supported.

Motion carried.

Amendment No. 12:

The Hon. M.D. RANN: I move:

That the Legislative Council's amendment No. 12 be disagreed to.

This amendment is opposed. The Hon. David Ridgway moved an amendment that advice provided to the minister by the Premier's Climate Change Council should be in writing and that advice be tabled in parliament along with a statement by the minister as to the outcome of that advice. As I previously advised parliament, the requirement that written advice from the Premier's Climate Change Council to the minister be provided each quarter to the parliament would make its operations cumbersome, bureaucratic and unworkable. It would formalise the council's operations in a way which could compromise the provision of timely and frank advice. In addition, there is sufficient scope in the bill to make the council's independent views known to the parliament through its annual report to the parliament. It is going to have an annual report to the parliament.

There are some disingenuous members and commentators who would like to draw comparisons to the Climate Change Council and its operations and my support for an independent Murray-Darling Basin management authority. There is no comparison between the Climate Change Council and an independent authority which has statutory responsibility to manage a national resource and itself make the determinations. So, the government does not support this amendment.

Mr HAMILTON-SMITH: I am very disappointed to see that the Premier is not supporting this initiative for openness and accountability, which the opposition, the Independents and the minor parties in the other place see as important. I do not know what it is about this government wanting to be so secretive and closed. I make the point that this bill deals with an issue which is as much a matter of economics as it is about environment and sustainability, and I cannot see why the government would want to oppose this level of openness and accountability so that the people of South Australia can see how this bill is working for them. We insist on this amendment, obviously, it will go back to the other place, and we are disappointed that the government does not support it.

Motion carried.

Amendments Nos 13 and 14:

The Hon. M.D. RANN: I move:

That the Legislative Council's amendments Nos 13 and 14 be agreed to.

As advised in the Legislative Council, this amendment, which provides that any policy that is varied should be published, is supported. That is openness; that is accountability. Amendment No. 14 requires a notice in the *Government Gazette* of the adoption of any policy under clause 14 and that copies are reasonably available for inspection. Again, there are already provisions in the legislation requiring the minister to publish any policy developed under this section. Nevertheless, the amendment can be accommodated in the spirit of openness and accountability.

Mr HAMILTON-SMITH: The opposition was happy to support the Australian Democrats with both of these amendments which, as the Premier has pointed out, are in the interests of openness and accountability. It is a shame that the government is selective about how open and accountable it wants to be.

Motion carried.

Amendments Nos 15 and 16:

The Hon. M.D. RANN: I move:

That the Legislative Council's amendments Nos 15 and 16 be agreed to.

The government supports these amendments. The government supported amendment No. 15 in the parliament as adding 'entity' will allow for inclusion of state government and local government entities. Also, amendment No. 16 provides that the government is obliged to take steps to achieve sector agreements with its own agencies. As advised in the Legislative Council, this can also be supported. The second part of the amendment provides for a report on the outcomes of action taken to achieve the sector agreement and this can be supported, again, in the spirit of bipartisanship, openness and accountability.

Mr HAMILTON-SMITH: These provisions, in particular amendment No. 16, relate to state government business enterprises making sector agreements with the likes of SA Water and reporting on outcomes of the same. We were happy to support these propositions put by the Greens in the other place, given that, during an agency briefing by the executive director of the Office of Sustainability, it was advised that SA Water was not included in such government documents as the South Australian Strategic Plan and this might help to deal with that concern. It gets back to the issue that I raised earlier, that one needs to look at the impact of these targets and the provisions in this act upon South Australia and its community, and that includes through government agencies and sectors.

It is quite apparent that the government has not done its homework and modelling. It has not researched what the impact of this will be, so we will introduce the bill and then work our way through the issues in the years ahead and maybe do the science and economic modelling as we go along. We probably should have gone to these government sector businesses before we introduced the bill to examine what the impact might have been before we brought it in here. But we have not done that; we have the cart before the horse. Having said that, we are very happy to support the two measures.

Motion carried.

Amendment No. 17:

The Hon. M.D. RANN: I move:

That the Legislative Council's amendment No. 17 be disagreed to.

The government opposes this amendment. I am sure that members opposite will be aware of the view of Business SA in relation to this amendment as well. What appears to be motivating the opposition in the upper house is to have some form of report before the next election during March 2010. Such a report will occur under amendments agreed to in this house anyway. That report will include consideration of the operation of the act, including how the state is performing against targets as set in the legislation.

This clause, which the council has sought to amend, concerns a review of the act. That review will principally deal with whether or not the framework of the act is still relevant and, in particular, whether targets need to be modified or made mandatory. It is clear that the opposition wants to move toward mandatory targets prior to 2010. It is the government's view and that of the representatives of the business

community that it would be premature and would create uncertainty. Business investment and planning decisions could be seriously adversely affected. Voluntary sectoral agreements are pivotal to bringing change to industry. To review their efficacy in such a short time span would be setting them up to fail.

In addition, clause 21(2) of the bill currently provides that the review must address the extent to which additional legislative measures are considered necessary, including the introduction of performance standards and other mandatory requirements. By bringing forward the review of the legislation, it is bringing forward the time that mandatory measures could be introduced from July 2011 to December 2009. That is clearly what the opposition wanted to do, to bring forward the time that mandatory measures could be introduced from July 2011 back to December 2009. This is not something that would be welcomed by the business sector, which has advocated in particular for a voluntary approach in dealing with climate change.

The fact that Business SA wants a voluntary approach to dealing with climate change does not mean to say that it is not committed to it. In fact, it would be really unfair for the Leader of the Opposition to make such a suggestion. The opposition leader cannot say today that he wishes to look at setting interim targets after more work is done next year and, at the same time, try to institute a review of this legislation to occur in 2009 after the legislation has been operational for only 2½ years. Industry should be given four years, not 2½ years, to adapt to sustainability initiatives.

I have a letter from Business SA dated 1 June and signed by Peter Vaughan, which states:

> Business SA is also concerned with the reporting requirements of the Bill. Reports are essential in confirming the effectiveness of the Bill, as well as the various impacts on the economy, society and the environment. However, as the legislation will be introduced by the beginning of 2008 at the earliest, a report due in 2009 will not be able to demonstrate the efficacy of the legislation.
>
> This will be a waste of resources and taxpayers' money. Business SA firmly believes that the first report involving the CSIRO or alternate independent entity should not be undertaken until the legislation has been operating for at least four years.

He goes on to say:

> I believe the difference between both targets and the new reporting requirements are important to both the South Australian economy and my members. In particular, Business SA recommends the following.
>
> 1. Withdraw Part 1-3(1)(a)(ia) which will allow the inclusion of the provision to set an interim target.
> 2. Withdraw amendment Part 1-3(1)(b)(ii), which would allow the development of various interim targets adding more uncertainty to the business community.
> 3. Withdraw amendment Part 3-7(4), which would require the minister to table a report by 2009.

Mr HAMILTON-SMITH: This amendment really draws the government out, does it not? It exposes their real intentions with this bill. This bill is a pedestal bill. It is a good term, 'pedestal bill'; we might have to adopt that more broadly across the parliament. Up on top of the pedestal is the Premier—

The Hon. M.D. Rann interjecting:

Mr HAMILTON-SMITH: —like that: muscles bulging. It is a pedestal bill; we know it has no mandatory provisions and we know it is all about symbolism. Do not ever get between a Labor politician and a bit of symbolism; do not ever get in the way—you will get crushed in the stampede. That is what it is all about. With this amendment we see that the Premier does not want any sort of review of the effectiveness of the bill any time before the next election. No, no, no, we wouldn't want that, would we? We wouldn't want to be held to account. We wouldn't want anyone looking at whether this bill has achieved anything at all before March 2010, would we? So let's oppose the amendment put by the other place to require such a review to occur. That is the reality of it.

The Premier, incorrectly and untruthfully, mentioned in his contribution earlier that we on this side want mandatory targets. He knows that to be wrong, but he said it anyway, so I will correct the record. He made a number of other comments—as he is apt to do—that were incorrect and untruthful, but that is all right; we will go through them one by one and we will clarify them on the record. But that is not true. The fundamental reality of this bill is that, when you as a nation or a state set a long-term aspirational goal for reducing carbon emissions, you need to access very carefully detailed economic modelling to ensure that the impact of any target on the South Australian economy in this case, and on South Australian families, is sustainable. That is what you have to do. That is really what should be tested by this clause.

What really should be tested by this amendment that has been put forward in the other place—and a very wise amendment it is—is that very economic modelling. What we should be looking at is not only how is this bill operating in terms of containing greenhouse emissions, but we should be asking how much pain has there been on families, on small businesses, on enterprises and on farms? Is that achievable as well?

The Premier does not want to have anything like that, does he? He does not want to have any onus to report back, or for any outside entity to have any sway over the bill in terms of saying to the people of South Australia that this is working or it is not; so why do we not just disagree with this clause? It really exposes the whole bill. It is a pedestal bill designed so that you can scamper up there, stand on top and shout as loudly as you can, 'I'm a hero. Aren't I fantastic! Look at what I am doing about global warming and greenhouse emissions. None of it is mandatory, none of it is compulsory and none of it has any real meaning. And, by the way, I haven't done any homework, I haven't done any science—I've got no idea, but I want you all to try to achieve this aspirational goal. By the way, I don't know if you'll wreck the economy or put yourself under undue hardship along the way. I don't know if your business will go broke or whether you'll finish up causing people's bills to increase. I don't know any of that. I haven't done any of that. I did ask Sir Humphrey and he told me that it would all be okay. But when asked by the opposition in the parliament, "Can you table the economic modelling?" I couldn't do it. I just said, "Look, trust me, it'll be all right." By the way, under amendment No. 17, I really don't want anyone telling anybody whether this is all working by the end of 2009.'

This is the last amendment we are dealing with. It really just raises the question about the real intent of this bill and whether the Premier really intends to do something meaningful, or whether it is all about posturing. I get back to the point: we will consider the aspirational goals that the Premier has set. We are more than happy to do that. We can resolve that between now and when it is dealt with in the other place if only the Premier could provide us with the economic modelling and the facts and science to back it up.

Similarly, on this amendment, we would like to see that economic and environmental modelling used as a basis upon which to report on progress—by reviewing the achievements

of the bill by the end of 2009. I cannot see why you would want to resist that. Obviously you are not going to support the amendment. We are insisting on it. It will obviously go back to the other place. It is a shame that you have decided not to have a review.

The Hon. M.D. RANN: There is genuineness written all over the Leader of the Opposition's face! We can all see that—the genuineness of the Cheshire cat smile! He is saying that we should reject Business SA's advice; we should reject the advice of the business community. Let me repeat what Business SA says:

> Business SA is also concerned with the reporting requirements of the bill. Reports are essential in confirming the effectiveness of the bill, as well as the various impacts on the economy, society and the environment. However, as the legislation will be introduced by the beginning of 2008 at the earliest, a report due in 2009 will not be able to demonstrate the efficacy of the legislation.

Peter Vaughan goes on to say—apparently totally opposed by the Leader of the Opposition, so he is totally at odds with Business SA:

> This will be a waste of resources and taxpayers' money. Business SA firmly believes that the first report involving the CSIRO or alternate independent entity should not be undertaken until the legislation has been operating for at least four years.

Clearly, because the Leader of the Opposition has not read this legislation at all, what he does not realise is that in fact there are three reporting arrangements: the annual report of the department; the two-yearly report, which will be assessed by the independent CSIRO; and the Climate Change Council report. He wants more and more reports. I think the independence of the CSIRO goes without saying, and I think that Business SA is acting responsibly, whereas you are acting politically.

On Thursday 12 April, in one of his first interviews as Leader of the Opposition, he adopted this politically driven policy position on an unachievable interim target. Now, eight weeks later, he has been forced into making a major backflip. He has been told by the Prime Minister, and others, to pull his head in and start acting like an alternative premier of the state. He made the decision, of course, about this very strong stand. He made the decision to take up the bull in the china shop strategy and to rush out and support his position without doing any homework whatsoever. He talks about the impact on power prices and yet he was prepared to support nuclear power that would cause a 100 per cent increase in the wholesale price of power. He was also prepared to support an instant desalination plant without an environmental impact assessment on what that would do to water prices in this state. We need a responsible Leader of the Opposition. You cannot be an alternative premier if you just shoot from the hip without doing the work, finding out the facts and at least talking to the business community in South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It is quite clear that there is a measure of disappointment around about the Leader of the Opposition. Remember what happened? *The Advertiser* wanted to get rid of Rob Kerin and put in Iain Evans before the last election. That did not work out. Then what happened is that *The Advertiser* got their man and now there is a degree of disappointment around the place about—

Mr HAMILTON-SMITH: I have a point of order.

Members interjecting:

The CHAIR: The leader has a point of order?

Mr HAMILTON-SMITH: The Premier has clearly moved right off the subject and is going on with a whole lot of piffle and dribble that has nothing to do with the subject.

The CHAIR: Order! Resume your seat. Premier.

The Hon. M.D. RANN: It does have a lot to do with the subject. Because you were caught out this morning on radio—because you have been told to pull your head in by the Prime Minister and by Business SA—you have gone from saying that what we were suggesting was too weak to now saying that it will destroy the economy, that it is going to be the Rann recession. You cannot have it both ways. As I said at the outset, the government is approaching this groundbreaking legislation in a constructive light. We are prepared to accept 14 of the 17 amendments put forward. If you want to be taken seriously by the business community, then start acting seriously rather than playing games.

Mr HAMILTON-SMITH: Madam Chair, I gather that we are still on amendment No. 17 and that you will give me the same leniency that you have given the Premier.

The CHAIR: Only a little.

Mr HAMILTON-SMITH: I will just inform the Premier of something: the Prime Minister has actually given no direction on this matter; in fact, I doubt that he is even aware of this bill. I will tell you what—

Members interjecting:

Mr HAMILTON-SMITH: Well, I can assure you, then, that he does not lie awake at night worrying about it. He and I have never discussed your bill. I would not waste his time, because nothing in it is mandatory; nothing in it is meaningful. It is a pedestal bill. We have not discussed your bill. There have been no instructions issued to anyone. I did read with great interest the task force report that the Prime Minister tabled last Friday. The Prime Minister—one of the greatest Prime Minister's this country has ever seen, leading one of its best governments—is a Prime Minister whose judgment I really value. In addressing the issue of climate change, he will deliver something meaningful in the way of a carbons trading system. He is doing this—and this is something that the Premier needs to be aware of—when the global influences on climate change are spiralling almost out of control.

The combined CO_2 emissions from plants in China and India will be five times the total reduction in CO_2 mandated by the Kyoto accord. Yet the Labor Party is impervious to this reality. You really have no idea how this is spiralling out of control. It is a global problem. What we do here in South Australia is really just tinkering on the edges. I have made the point, which the Premier has ignored, that things have changed in the last eight weeks: they are changing all the time on climate change. New information has come to light. I bared all before the Premier. I have simply said, 'Yes; we are no longer insisting on an amendment that we imposed in the other house some time ago. Things have changed.' In a way, I am recognising the point that he is making, that we can now see that one does need to do one's economic homework before insisting on any aspirational target.

The Premier is quite happy to criticise the aspirational target that we are not insisting upon today, but he gives no evidence to back up his own aspirational target: 'Listen; I don't like your aspirational target but, here, I've got one over here; try mine.' It is a bit like cigarettes in the playground, isn't it? 'Here, have a cigarette.' He has no evidence to support his own aspirational target. He has done no modelling to support his own proposition. He does not have a clue as to what impact it will have on South Australians, but he is still

happy to throw it out there. We are happy to consider it, Premier; just show us the money, show us the evidence, show us the modelling, show us the hard work you have done to prove that it will not be crushing on South Australian families.

You are happy to criticise us for our target, but you have no evidence to support your own. You can show it to me this afternoon, tomorrow, before it goes to the other house. I will rush up there; we will have a meeting, and we will try to convince ourselves to embrace it. We are open; just show us the evidence, show us that you have done the work. The Premier has gone on with all the other piffle, trying to assert his authority over the new Leader of the Opposition and suggesting that I have said this, and now I have said that. I freely admit that I was not the minister responsible for this matter when it first came through the house. I was not even the Leader of the Opposition then. But, do you know what I do, Premier? I deal with issues as they come before me and as I see them.

I deal with them, not based on emotion or a desire to grandstand, pump myself up and convince people that I am a hero for this, or a hero for that. I actually deal with issues based on the science, based on the facts, based on the economic research and modelling. That is what I have consistently sought from you, and that is what you consistently refuse to provide. I simply say: show us the evidence. You will find no-one in this house more committed to the need for action on climate change than I. You will find no-one more determined to move the political agenda towards meaningful action on climate change than I. I am very determined. It is a very serious problem. I agree with Stern that it is probably the greatest economic challenge facing the world community this century—no question.

We need to find real and meaningful solutions, and that is what we on this side of the house will do. I commend the Greens and the Democrats for their commitment to it, and I commend those in the Labor Party who are genuine about their commitment to it. However, it has to be more than grandstanding; it must be meaningful action.

The Hon. P.F. CONLON: On a point of order, I have listened patiently, but this is amendment 17. He does need to address himself to amendment 17, not take a grandiose tour of the world about his views.

The CHAIR: I uphold the point of order. I have been waiting for five minutes for the Leader of the Opposition to address amendment No. 17.

Motion carried.

STATUTES AMENDMENT (REAL ESTATE INDUSTRY REFORM) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 5 June. Page 327.)

Amendment No. 9:

Mr PISONI: Thank you for the opportunity to add to the comments I made yesterday on this clause. I would like to reinforce the view that I have, and obviously the majority of the Legislative Council, of the government's understanding of business. We do not believe the government understands business and that is why it is, in fact, being so unreasonable about this clause. It does not understand that the real estate industry is being singled out in a buy and sell relationship; it has been singled out in a wholesale-retail relationship; and it has been singled out in a business sense, simply because it is not necessarily the most popular kid on the block. As I said yesterday, the evidence of this is the headline of the press release that came from the minister's office last week. I think she described the real estate industry as 'robber barons'. Then, of course, I was very interested to hear that the minister described this amendment as a 'get out of gaol free card' for the real estate industry. She went on to say that they have actually been breaking the law in not returning rebates at the moment.

I would like an answer when I have concluded my remarks on this. My question to the minister is: how many investigations have there been of real estate agents by the Office of Consumer and Business Affairs about breaking this law; and how many attempted prosecutions or successful prosecutions have there been of real estate agents who have not returned the rebates they have received to their clients? If it is a problem and, as the minister said yesterday, they are doing it now and it is illegal that they are doing it, I think it is an outrage that the Office of Consumer and Business Affairs has sat on its hands while the minister has been fully aware that real estate agents have been breaking the law.

So perhaps the Office of Consumer and Business Affairs is operating in a similar manner to the police under the advice of minister Zollo in the other place before the hands-free telephones in cars situation when she said to use commonsense. She was actually giving the police directional instructions on doing their work. Perhaps that is what the minister was doing in this instance and the minister told the Office of Consumer and Business Affairs not to prosecute these real estate agents. But the fact is this is not a get out of gaol free card, because real estate agents are not criminals, despite the fact that the government likes to paint them as being so, for its own political goals.

The Hon. M.J. Atkinson interjecting:

Mr PISONI: Robber barons, Attorney-General. What does that put in your mind, Attorney-General, robber barons? It is a very derogatory and disrespectful term to use about an industry in this state that employs thousands of people and that everyone turns to at least once in their life when selling and buying a home. So, I think it is an outrageous fear and scare campaign. It is based on ideology and ignorance of business and ignorance of how things work in the real world—and that is understandable, because there is not a single person around the cabinet table who has business experience. So, it is understandable that they can make that assertion. It is very interesting how they can make that judgment when they have no experience themselves in business.

Some comments were made about advertising. The minister thought it was outrageous that coloured advertising would be used.

The Hon. J.M. Rankine: No, I didn't say that at all. Don't misquote me.

Mr PISONI: The minister said, 'Why would they go for a small black and white ad when they can talk someone into full colour? Why would they do that?' Perhaps we should talk to David Jones and Harvey Norman and all the other companies that put out the colour brochures. The fact is that colour works, colour is cheap, and colour is part of technology. It is the way businesses have moved in the last five to 10 years in particular. I can remember, in the very early days when I was in the furniture industry, that there were hand drawings of furniture in magazines and newspapers—newspapers, in particular, because the print quality for

photographs was not very good. The real estate industry did the same thing. There were hand drawings of homes. It was a common thing. I think there are one or two agents now who have decided to continue to do that because it is an image that they are portraying. The sort of people who like their homes and the choice of stock they have are drawn to that sort of advertising and that works for them. That is the free market. That is how it works. The free market does not need the government in its pocket threatening a $20 000 fine because of perhaps an accounting error.

I have heard time and again, from people in the industry who have contacted my office, that the rebate is a negotiating tool. It is one of the levers they use to determine what they can charge their customers by way of commission. What is wrong with building a brand in business? Brands help people recognise a product; brands help reward. A person gets a good brand when they run a good business, and they get repeat business.

The real estate industry is one of those industries that builds brands and has a lot of referral business. People who attempt to sell their homes privately think that they can do the job of a professional real estate agent. They try to advertise their own house, and they get stuck with a little advertisement at the back of the real estate pages, which is not terribly appealing. They do not have the skills to attract the right clientele. Why is it that, after they attempt to do that for several months, they end up going to a real estate agent and saying, 'Look, I obviously don't have the skills to do this. I don't know how to get my house out in the marketplace. I don't know how to attract the correct clientele. I don't know who wants to buy my house. You guys have had lots of experience, and your—

The ACTING CHAIR (Hon. S.W. Key): I remind the member that this is not a second reading contribution; it is a question on an amendment. I would like the member to bring himself back to the question as soon as possible.

Mr PISONI: Thank you, Madam Acting Chair. My questions to the minister are: how many investigations have there been; what resources does the Office of Consumer and Business Affairs have to investigate these illegal practices that are currently happening; and how many prosecutions have been attempted or achieved?

The ACTING CHAIR: Member for Unley, I will allow you to ask all those questions so we can get on with business.

The Hon. J.M. RANKINE: The answer to the question is that it is a criminal act and falls under the jurisdiction of the Criminal Law Consolidation Act. It is a matter for the police to investigate, not the Office of Consumer and Business Affairs.

An honourable member interjecting:

The Hon. J.M. RANKINE: I am answering the member's question. I have not finished yet.

An honourable member: I thought you were going to sit down.

The Hon. J.M. RANKINE: At what stage did I indicate that?

An honourable member interjecting:

The Hon. J.M. RANKINE: So, if I move I am sitting down? I have not finished. Let me make it perfectly clear. It is true that I have described the Hon. Nick Xenophon's legislation as a 'get out of gaol card'. I said that it provides the robber barons of the real estate industry with a get out of gaol card. I could hardly describe them as Robin Hoods. They are not taking from the rich and giving to the poor. The government has been accused of having popular policies. This is popular: it is popular with every home owner here in South Australia who wants their just entitlements and who wants to be treated fairly.

The member for Unley said that the government does not understand business and that we have singled out real estate agents. That simply is not true. The Hon. Nick Xenophon's amendment allows them to keep the money, as long as they say where they are getting it and how much they are getting. The opposition wanted to delete 'source and amount' and just have 'source' in the legislation. So, the opposition just wanted to tell home owners where the land agents might be getting a benefit, not how much they might be getting. That is contrary to the code that has been adopted by the Real Estate Institute. So, they wanted to go back even further. I urge the opposition and the Hon. Nick Xenophon to reconsider this matter. This is about fairness; this is about an entitlement that is already there under the law, and what the Hon. Nick Xenophon is doing is significantly watering that down.

Mr PISONI: How many police prosecutions and police investigations have there been with respect to real estate agents who have not been returning the rebate?

The Hon. J.M. RANKINE: I cannot give the member a figure, but I would venture to say not many, simply because most home owners did not know it was happening and did not know they had an entitlement.

The Hon. R.G. KERIN: I want to ask the minister whether or not she will apologise for some of her comments yesterday, and I will outline why in a moment.

The ACTING CHAIR: Does this have anything to do with amendment No. 9?

The Hon. R.G. KERIN: Absolutely. It is to do with the minister's comments with respect to amendment No. 9 about practice. By her comments yesterday about robber barons, and so on, she basically put every real estate agent into the same book. If she reads *Hansard*, she will see that that is exactly what she did. Some of her comments were totally inappropriate. One of the things the minister said was:

> You do not have to be a rocket scientist to know what an agent is really keen about when he is talking to his client in relation to advertising. I have no doubt that one of the major topics is about the amount of advertising needed because it is in their interests to sell as much as they possibly can.

That is an accusation that the minister has made against every agent, by the way in which she put it yesterday. It is totally incorrect. There are a lot of very good people in the property industry, and that type of accusation is inappropriate. It is typical of this government. That is why today in the yellow pages the message has come out loud and clear that business in this state has lost confidence in this government.

I will further point out to the minister her lack of understanding about the way in which this industry works. She said it was put to her that one agent does not care whether or not he sells a house, because he is making $10 000 a week. He does not care whether he sells a house! The annual wages each week of the sort of agent who would receive that sort of rebate would be way above $10 000. It is a ridiculous statement to say that an agent would not care whether or not he sold a house. How sustainable would his business be? It shows a lack of understanding of what business is all about.

Furthermore, the minister made an accusation about one particular agent who printed an editorial. If an agent chooses to take out space in a newspaper for an editorial that is his business. He can run it, he can charge the householders for their part of the ad and he pays for the editorial. The

minister's accusation was totally different than that. She said, 'None of this information is about how to prepare your property for sale, what to do with your garden, what the process is that you need to go through or what you need to check. It is all self-promotion, and the poor old home owner is actually paying for that.' I think the minister needs to apologise for that accusation because it would not be correct. The minister is saying that they have loaded that back onto home owners. I think that is totally incorrect, and it is an accusation that she absolutely should not have made.

The other thing the minister said (which, again, shows a total lack of understanding) is that this amendment helps support small agents. Well, they are the people who will be significantly disadvantaged.

The Hon. J.M. Rankine interjecting:

The Hon. R.G. KERIN: They will not be? Well, think it through.

The ACTING CHAIR: Members must not have a conversation across the chamber.

The Hon. R.G. KERIN: The minister said yesterday that larger agents receive up to a 40 per cent rebate. She also said that the smaller agents receive a rebate as low as 5 per cent. In addition, she said that the average advertising bill to sell a house was about $2 000, which basically means that a small agent will be disadvantaged by $700 when they quote. If, in fact, the rebate has to go back, then the advertising on what is currently $2 000 will be $100 back from a small agent versus $800 from a large agent. So, this will disadvantage small agents, because they will have to charge $700 more for the advertising. That is a significant disadvantage for the small agent. Will the minister apologise for her comments yesterday and correct them?

The Hon. J.M. RANKINE: At no time have I intentionally included all land agents in relation to this because, as I have said on numerous occasions, I have talked with a number of land agents. A number have contacted our office to outline their concerns in relation to the Hon. Nick Xenophon's amendment and urged the government to proceed with the bill as it was presented in this place. The member for Frome raised a range of issues based on nothing. I stand by the information I was given yesterday with respect to the advert. That information has, again, come to us. Members only have to look at some of the adverts in the newspapers to see that real estate agents do have large editorials. It might be about a new real estate agent who is working for them. They top and tail. Real estate agents themselves have said that these adverts are as much about selling the real estate agent as they are about selling the house.

I do not know where the $700 stands up. The simple fact is that small real estate agents do not get the same level of rebate. In circumstances where large agencies are getting the 40 per cent rebate, they have a $1 million contract. That is $400 000 they have got coming back to help offset costs that should be met through their normal course of business, through their commission setting. The small agents do not get that benefit at all. If one wants to sustain an uneven playing field, the Hon. Nick Xenophon amendment is the way to do it.

The ACTING CHAIR: I am not sure, but I think this will probably be the member for Unley's last question because he has already asked a number of questions on this clause.

Mr PISONI: Thank you for your advice. Is the minister able to tell the committee whether the rebate will be based on the column centimetre rate for a whole page or a double-page spread if the vendor's advertisement is only a 10 by two centimetre section of the newspaper, which in actual fact is a different rate charged by the newspaper? Will real estate agents be required to run a tape measure over each page to determine which areas of the purchased advertising space are used for promoting the business and which areas are used for promoting the properties, and what formula does the minister suggest they use to ensure that they are not hit with a $20 000 fine if they get it wrong?

The ACTING CHAIR: I think that was another three questions, so the minister can answer as she sees fit.

The Hon. J.M. RANKINE: They apportion the rebate according to the size of the ad. They apportion the rebate they get from the advertising agency to their clients. They can work out now how much they charge their client. All they have to do is discount it by the rebate they receive. It is that simple. As I said yesterday, real estate agents have said that a year 1 accountancy student can do it.

The committee divided on the motion:

AYES (26)

Atkinson, M. J.	Bedford, F. E.
Bignell, L. W. K.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Foley, K. O.
Fox, C. C.	Geraghty, R. 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.
Rankine, J. M. (teller)	Rann, M. D.
Rau, J. R.	Simmons, L. A.
Snelling, J. J.	Stevens, L.
Weatherill, J. W.	Wright, M. J.

NOES (13)

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

PAIR(S)

White, P. L.	Evans, I. F.
Piccolo, T.	Pederick, A. S.

Majority of 13 for the ayes.

Motion thus carried.

Amendment No. 10:

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

That the Legislative Council's amendment No. 10 be agreed to.

This amendment provides for an independent land evaluation in certain circumstances prescribed by regulation. Again, we think this is unnecessary, nevertheless, in the interests of progressing the bill, the government accepts the amendment.

Mr PISONI: The opposition supports the amendment.

Motion carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be agreed to.

This amendment makes it an offence for a person to hinder or disrupt an auction. The government believes that this amendment is unnecessary. We have not received any evidence to suggest that the disruption of auctions is a problem in this state, nevertheless the provision is unlikely

to create any new problems and so the government is prepared to accept it.

Mr PISONI: The opposition supports the amendment. A very colourful description was given of where this has been a problem previously. I would suggest that, with the tightening up of the auction system, this is a very good provision to include because it could very well circumvent intimidatory type practices that may be used against bidders by agents trying to get around the rules that have been put in place. The opposition supports the amendment for good reasons.

Motion carried.

Amendment Nos 12, 13 and 14:

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

That the Legislative Council's amendments Nos 12, 13 and 14 be agreed to.

The effect of these amendments is that three vendor bids will be allowed at auctions instead of the one vendor bid proposed by the government. The aim of the restrictions on vendor bidding is to discourage agents from recommending properties for auction where there is a risk that there will be very few, if any, genuine bidders. There are agents who will concede that it is often in the interest of the agents to recommend that properties be sold by auction because it minimises their work and maximises revenue from advertising and marketing. As long as scope is left for misleading bidders by allowing vendor bidding, there remains an incentive for agents to recommend inappropriate properties for auction. Moreover, where a genuine bidder increases their bid after a vendor bid, there is a risk that they do so without understanding that, effectively, they are bidding against themselves. This lingering potential for confusion is another reason why vendor bids should be restricted. Although the government would prefer only one vendor bid, we are prepared to accept the more relaxed limit of three vendor bids up to the reserve price.

Mr PISONI: The opposition supports these amendments. The minister failed to mention that these were declared vendor bids. I am not sure that anybody in their right mind would be bidding against a declared vendor bid if they were the only bidder. If the real estate agent says, 'I will put in a vendor bid here' (they can only bid up to the reserve), as he is required by law to do, and there are no other bidders, it would be an extraordinary situation for someone to say that they will bid against the vendor bid, because the last bidder would be invited to come in and negotiate privately with the agent. Vendor bids are simply a tool to indicate to the crowd that the reserve price has not been hit, the seller is not prepared to sell at that price and, consequently, if they want to keep the auction going they have to get serious. If they want to buy the property they have to put their money where their mouth is. Three vendor bids is better than unlimited disclosed vendor bids, but it is still a compromise, but we are prepared to accept the compromise position put forward by the Hon. Mr Xenophon.

Motion carried.

Amendment No.15:

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

That the Legislative Council's amendment No.15 be agreed to.

The effect of this amendment is that some of the reforms introduced by the bill, including the disclosure, bait pricing and auction provisions, must be reviewed within two years. No doubt the changes made by this bill are significant changes that need to be monitored and reviewed. The government intends to keep a close eye on the reforms and is open to receiving submissions from industry and other interested parties on the effectiveness of the reforms. Although a two year review period is somewhat arbitrary, the government is prepared to accept this amendment. We believe it will not interfere with our ongoing commitment to monitor the effectiveness of the reforms.

Mr PISONI: The opposition supports the amendment; we think it is a good idea. A lot of new things are happening in this legislation, and it would be a great opportunity to review the legislation with the view to improving it if need be, making changes or amendments if need be. We are all here to make life as easy as possible for the community at large, whether they be business people or consumers, and consequently the opposition is happy to support the review.

Motion carried.

CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

PSYCHOLOGICAL PRACTICE BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 14, page 11, after line 7—Insert:

(ga) to examine whether there are opportunities for enhanced competition, in the public interest, in the provision of psychological services, or any unnecessary impediments to such competition, and provide advice to the Minister;

No. 2. Clause 14, page 11, line 8—

After 'Minister' insert:

on any other matter

No. 3. New clause, page 23, after line 2—

Insert:

35A-Restriction on administration and interpretation of certain psychological tests

(1) A person must not personally administer or interpret a prescribed psychological test unless-

(a) the person is a psychologist or psychiatrist acting in the ordinary course of his or her profession; or

(b) the person administers or interprets the test under the direct supervision of a psychologist or psychiatrist; or

(c) the person administers or interprets the test with the approval of the Board. Maximum penalty: $75 000.

(2) An applicant for approval under this section must, if the Board so requires, provide the Board with specified information to enable the Board to determine the application.

(3) The Board may, before giving its approval under this section, require the applicant to obtain qualifications or experience specified by the Board and for that purpose may require the applicant to undertake a specified course of instruction or training.

(4) An approval under this section may be subject to such conditions as the Board thinks fit.

(5) A person must not contravene, or fail to comply with, a condition of the person's approval under this section. Maximum penalty: $75 000.

(6) If a person contravenes, or fails to comply with, a condition of the person's approval under this section, the Board may, by written notice to the person, revoke the approval.

(7) In this section—

psychiatrist means a medical practitioner registered on the specialist register under the *Medical Practice Act 2004* in the specialty of psychiatry.

No. 4. Clause 46, page 29, line 26—

Delete '3' and substitute:

4

No. 5. Clause 46, page 29, line 28—
Delete paragraph (b) and substitute:
(b) 2 will be members who are psychologists.

ADJOURNMENT

At 5.53 p.m. the house adjourned until Thursday 7 June at 10.30 a.m.