HOUSE OF ASSEMBLY

Thursday 18 October 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 10:30 and read prayers.

WATERWORKS (WATER MANAGEMENT MEASURES—USE OF RAINWATER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 July 2007. Page 672.)

Mr VENNING (Schubert) (10:35): I commend the member for MacKillop for raising this matter, because it is very much an issue of common sense, particularly when South Australia is experiencing the worst drought ever known in its history. I have just had a conversation with the shadow minister, who informs me that Port Augusta is, at this moment, out of water. They have had a pipe burst and there is no reticulated water operating in Port Augusta today. I certainly hope they can fix that problem quickly and without fuss so that the people of Port Augusta can have water. A lot of the houses up there, as you may or may not know, sir, do not have any water other than what comes through the pipe. This is all the more reason for this motion and how important it is that, first, we encourage people to catch the water that runs off their roof into a tank. That tank can be of galvanised iron, as they have always been, or today you can have fibreglass or poly tanks. Poly tanks are popular because they are cheap, they do not rust and you can put them anywhere—they can even be buried.

The point of this bill is to make the government encourage people to use more rainwater. That process should begin with an education program to let people know what can be achieved in relation to the water that can be saved. I think the nub of this bill, and the reason the member for MacKillop brought it in here, is to change the regulations so that people can plumb a rainwater tank into the existing plumbing in their house. There has always been some problem with this. Before I came to this house I was a self-trained expert in plumbing and I did a lot of plumbing. I am fully conversant with the equipment, particularly the device called a non-return valve, which today is almost totally failsafe. The reason they did not want to allow householders to plumb rainwater into the household system in days gone by was because they feared that rainwater may get back into the mains and therefore pollute the system.

Back then the only way you could do it was to provide an air gap; in other words, you had a pipe in the air so that it was impossible for there to be any blow-back or suck-back by somebody using a pressure pump. Over the years, whilst it was uncommon and illegal, people have put pumps onto the main in order to maintain the pressure in their irrigation system and house, particularly with multi storey houses. I believe that it is illegal or it is certainly frowned upon. When you had somebody sucking the main, it meant that somebody next door could lose water; in fact, it could suck the rainwater from next door into the main. So, that is the reason that was put in place years ago but, today, with the modern return valve, it is practically impossible.

I think the government has to look at this and say, 'It's common sense that we ask people to put in a rainwater tank' and, for the sake of convenience and to promote the use of rainwater, it has to be so that they can go outside and flick a valve or a switch to switch the house from mains water onto rainwater. As part of that, they have a triple system whereby you have your house either running on mains, or running fully on rainwater, or running partly on mains—that is, your toilet and everything else—and the drinking water and the kitchen water is rainwater.

It is not all that complicated; it just means that there are three valves outside the house and you can switch them on and off, as long as you have it so that you cannot overload or put high mains pressure into your rainwater tank because you might blow up your low-pressure lines. But that is not a problem with the government or SA Water; that is a problem with the people who own the property, because it is their facility that would break and not the public's. So, I think it is a great idea and, in these times, I think it is common sense that, first of all, the government should support this bill and then go through an education program about what can be achieved. Not only does it save water, but also it is better for your health.

All our houses are on rainwater and they always have been. You can certainly notice the difference when you are having a shower because you get a beautiful lather, it adds to our quality of life, and it is cheaper. I also believe that the government should assist people in the purchase of rainwater tanks because you could spend about $2,000 or $3,000 for the equipment and then probably another $300 to $500 just to have it installed. I believe the government ought to be

looking at that in order to help people, making sure that any stamp duty that might be on it is removed. In fact, there ought to be bonuses on certain things like that, particularly when it comes to toilets. There is no reason at all in these times why, if they have plenty of rainwater, people should not use rainwater in their toilets because that would save the system a lot. I was talking to some people last night about dual flush toilets and, as I have said in this house many times, I am amazed that there are so many public buildings in this state still operating on single flush toilets. It is all right for us blokes because we don't have to flush it every time but women do. Every time they go to an old single flush toilet—

The Hon. M.J. Atkinson: Oh, Ivan!

Mr VENNING: It is just a matter of anatomy, common sense and hygiene. I believe there are other ways to cut the expense. You do not necessarily have to buy a dual flush toilet because you can put a weight on the plunger inside the toilet which means that water will only flush while you have your finger on the button.

Mr Pengilly: You put a brick in it.

Mr VENNING: As soon as you move your finger off the button, the water stops—a very cheap way of doing it. That could be included in an education program so that people know that, by putting an object on the plunger, that is what will happen. Then, every couple of days, you just quickly jab the button and that is all that is required. Also, as the member for Finniss just said, you can put a brick in the system, which can do two things: first, it leaves less water in the system because the brick takes up some of the volume and, secondly, the brick can be put under the float so that the float does not fall to the bottom. That also saves water. There are lots of innovative ways to consider during these dire times of severe drought. I commend the member for MacKillop for bringing this bill to the house. This is another commonsense bill. I hope there is no politics in this because it will not grab headlines but I think it is a very commonsense thing that people are encouraged to buy a rainwater tank and to have it correctly plumbed into the house so that they can enjoy the convenience of rainwater throughout their home. I commend the bill introduced by the member for MacKillop.

Mr GOLDSWORTHY (Kavel) (10:43): I, too, am pleased to speak in support of this piece of legislation that has been introduced into the house by the member for MacKillop, the opposition spokesman for water security issues. It is a sensible piece of legislation and a sensible approach that the member for MacKillop has introduced to the parliament. As the member for Schubert accurately outlined in his contribution, it allows for the plumbing of rainwater via a non-return valve into the mains water system and the mains water lines into individual residences. I, along with most of my colleagues who grew up in the rural and regional areas, lived in a household that survived on rainwater because, in the early days, the mains system had not been laid past our property. When it was installed, it was a fairly poor quality.

I always remember my mother reminding us as young children not to waste the rainwater, because we would have to go on to the mains. It took me a little while to understand what she actually meant by those instructions. When my wife and I built our home, which is in the same district as where I grew up, the first thing that we installed after the house was constructed was a 45,000 litre concrete rainwater tank. The mains water had been laid at that time, but it had not been filtered. Thanks to the outstanding initiative of the previous Liberal government, we saw the acceleration of water filtration projects around the state come to fruition. Our particular district, I think in 2000 and 2001, had nice clean fresh filtered water delivered by the mains system to our and other districts in the Adelaide Hills.

As I said, this is a really sensible, commonsense approach to a really serious issue that the state is facing in terms of managing its water resources. It is well known and documented that, in an average rainfall year, there is sufficient rainfall on the Adelaide plain to meet all the fresh water needs of the Adelaide metropolitan area. Any initiative to utilise the water that falls from the heavens for free—no cost to the government whatsoever and no cost to the individual residents apart from installing a rainwater tank and plumbing into your home (that is a given)—is good. There is every sensible reason to utilise that free resource, given the crisis that we find ourselves in given the lack of water available to irrigators, farmers and residents alike.

I am calling on government members—and we have heard it on the side of the house plenty of times—to take a bipartisan approach to this piece of legislation, and support it through this house and through the other place to see that this measure is introduced. I call on government members to support this bill, unlike what we have seen historically when government members knocked out legislation because they had the numbers. One striking example is the very legislation

that the member for Schubert introduced concerning driving while under the influence of illicit drugs.

We saw the government try to grandstand politically on that issue, and it knocked out the member for Schubert's well conceived, well thought out, and well introduced legislation. The government knocked it for purely political purposes; yet in the ensuing months it introduced a similar piece of legislation. That just goes to show how cynical government members are when it comes to turning a really commonsense approach into a political point-scoring exercise. We look to the members on that side of the chamber—the government members—to see this legislation pass through this place in an unhindered manner. We look forward to seeing what comes of it when this bill is put to a vote.

That brings me to other issues. It takes an opposition member to introduce legislation such as this—an important piece of legislation. What have we seen from the government in relation to managing our water resources? We hear a lot of talk and see no action. We have seen the opposition leader go out into the public arena and introduce a 19-point plan to manage our water resources. The most crucial issue before the state at the moment is water. What is the government doing? Just more and more talk—

Mr Pengilly interjecting:

Mr GOLDSWORTHY: Yes, and it really takes us back to third world standards, where you take your bottle, your bucket, or whatever you like to the well in the middle of the township, which has been put there by some overseas Rotary or Lions club. Rotary International has put money into that village to sink that bore. The villagers have to take their buckets and their bottles, or whatever, to that village resource to get the water. That is where the government wants to take us. It wants us to line up for bottled water. It was in the paper last Saturday—headlines in the Saturday *Advertiser.* They have been talking to the spring water industry to supply the Adelaide metropolitan area with spring water. Is it just for drinking, or is it for washing as well?

Mr O'Brien interjecting:

Mr GOLDSWORTHY: The member for Napier sees the ridiculousness of the notion. He has a grin on his face. He sees how ridiculous that initiative is. What are we meant to do? We have to set up a bit of a structure in our bathrooms where we tip that five litre bottle of water over us to have a shower in the morning. You would get a pretty good lather out of that!

Mr Venning interjecting:

Mr GOLDSWORTHY: The member for Schubert talks about a lather from rainwater in your shower. I think that you would get an even better lather using spring water as your washing water. That example highlights how absolutely out of touch this government is in dealing with the serious crisis in our water resources in this state. They are making a joke of themselves in looking to introduce such an initiative. That is in stark contrast with the approach of the opposition, led by an outstanding leader who shows some real courage, real conviction and real leadership—not like the government. He is showing some real leadership, coming up with a 19-point plan to manage our water resources, not only now but into the future, so that our children and our children's children can benefit.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (10:53): I rise to support the bill as presented by the member for MacKillop. Essentially it enables householders to access and use rainwater and be exempted from the rules that currently restrict the alteration of pipes, fittings and plumbing to dwellings. That restriction under this bill would be exempted provided the fittings that were used to allow rainwater onto the relevant land for use on the land did not interfere with those operated by the corporation (SA Water); that the fittings be the ones that are prescribed; that it be a separate pipeline; and that it have a backflow valve, to which other members have referred. Of course, that is an important initiative because it overcomes previous criticism by SA Water and those who wish to maintain its monopoly on the provision of water to South Australia, in particular its approval process and the role it plays in regulating this area. There was and has been a genuine concern that, if water were introduced along the same pipeline, it would have adverse health effects, perhaps not just for the occupants but also for anyone who accessed the water.

This is an important initiative, and it is one that I invite the government also to support. We have had a myriad of proposals made by the government which, essentially, have gone nowhere in the five years we have faced both drought and water management issues in this state that have been exacerbated by the drought. So far, we have had the proposal to build a $20 million weir,

which was determined to be an ecological disaster. We have since had the proposal to expand Mount Bold, which we all know is completely useless unless there is rainwater to put in it.

We have had the announcement of a possible commitment from the Premier that we are to have a desalination plant, but it has been qualified by the Treasurer in the last week saying that we might have one but that it is reasonably certain. Yesterday, the government announced the appointment of the former premier Dean Brown. It has taken a Liberal to come to the rescue and try to assist them in this financial and human disaster. I applaud that initiative because it means that we will have someone who might know what should be done, instead of a myriad of coordinators with money being thrown at them, but they are not even on the ground yet.

The absence of any genuine proposal that has a real effect on supporting the regional community, which does not have access very often to SA Water, concerns me. Members covering the north and west of South Australia will tell us how obstructive SA Water is to allowing those services. Most of my electorate of Bragg is serviced by water and infrastructure provided by SA Water. We have very little stormwater benefit, but, through local government, detention pools have been developed for water in a number of parks, such as the Glenside Hospital campus, Hazelwood Park and Tusmore Park to give just a few examples.

Quite a component of my electorate in the Skye area, north-east of Wattle Park, does not have access to mains water, as we have discussed. They rely almost exclusively on bore water (at significant cost, I might say) and what they can capture in rainwater tanks. I think it is very important for those who do not have access to mains water, unless they pay an enormous cost (and we are talking about tens of thousands of dollars to be linked up) to have an opportunity to use their rainwater, especially as the bore water they have to pay for from a private well is not only expensive but also completely unpotable. It is simply not suitable for human consumption.

I think that this is a very important initiative and one that will genuinely assist householders, whether or not they have access to mains water. At the moment, in a genuine attempt to help with water under the restriction regimes we have had, and as critical as people have been of those, people in my electorate have been prepared to go out and acquire rainwater tanks. The fallacy of how useful that can be, or the restriction on how useful it can be, is evidenced by the fact that, when the rains come and the rainwater tank fills up, if you use it only for drinking and you cannot plumb it somewhere, other than to run it out onto your garden with a pump, the volume of water held in the rainwater tank simply reduces a tiny bit during the time that there is an abundance of water, whereas it could be used for household purposes, and toilet services, laundry services and the like, which seem the most obvious.

As to the question of financial support, reimbursement or rebate as a result of making a contribution, I think that there is some merit in that. I say this: SA Water charges a very significant fee for sewerage rates based on the value of property. It is something that has come under criticism by a number of consumers, especially in my electorate, particularly those who are retired or on fixed or pension incomes, and they are looking for some relief. They are prepared to help—they have always been prepared to help. We have a very high level of commitment in the electorate. Hundreds of people turned up to a water forum held at the Burnside Town Hall. Subsequently the Burnside council has promoted ways that water can be saved and measures that will assist in this area. I have an electorate that is keen to run with this, use this opportunity and access this position to enable us to reduce the demand on the general public water, if I can describe it as that, that is currently harvested and distributed by SA Water, some of it via its contractual partner, of course, United Water.

I urge the government to support this. I see this as a much more important initiative, if there is any funding or rebate to be offered, than spending $40 million-plus on the refurbishment of a building in Victoria Square, which of course will be the new rented headquarters of SA Water. In my view that would be a much better application of funding than to have this huge upgrade. I notice that even the Attorney nods at that, because when you visit the Supreme Court you understand the frustration they have at the lack of their development.

They look out and see the brand new building, which is going to be $43 million worth of fittings for SA Water, and then they watch the new tram drive past, which cost another $30 million, while they are sitting in squalor. It would be little wonder if they are not really questioning why this government's priority has to be for fittings for a new headquarters for SA Water when pipes are bursting, or why we have to have a new tram up to the casino when they are having to work in circumstances which are not only shabby but also third world.

So, I ask the government, if it is generally serious about adopting measures that are going to be helpful dealing with this issue of water management in South Australia, to take this legislation, adopt it, implement it and ensure we have access to it across the board as soon as possible.

Mr PEDERICK (Hammond) (11:02): The lack of water supply is certainly a very serious issue in this state and I do not think it has really hit city dwellers, especially after we spoke about the drought for a considerable time on Tuesday and it was not picked up at all in the city media. I think the only time Adelaide really realises we have a crisis is when the water is salty or just not coming out of the tap. We will see emergency measures, because nothing has been done, of trucking in water or contracting it all to spring water companies.

I applaud this legislation, but I believe it should be taken even further in the longer term and it should be legislated down the track that every new dwelling should be built with a 45,000 litre tank or bladder under the house as part of the construction site. Plenty of people want only a courtyard dwelling, and it could be put into the original proposal. Certainly, the state government could make the incentive scheme a lot more worthwhile and give a lot more incentive for people to put in rainwater tanks. I think the rainwater should be plumbed right throughout the home. I was brought up on a property with over 300,000 litres of storage, and we never ran out of rainwater. It was plumbed right through the home. We would drink it, and it obviously did not affect my growth.

The Hon. M.J. Atkinson: What about your teeth? Come on, show us your teeth.

Mr PEDERICK: No, I have ground them away with all the stress, Attorney. People are concerned about the so-called health risks of rainwater. What do they think the birds do in the dams? They do not exactly fly over the top and not drop anything into the dams and river, etc. There have been studies done where people have worried about nutrient build-up in the river—

The Hon. M.J. Atkinson: But we can treat that.

Mr PEDERICK: Yes, you can, and you can also put carbon filters on your rainwater tank for a couple of hundred of dollars. If the Attorney-General really likes his water super-filtered, he could put in two or three filters.

The Hon. M.J. Atkinson: I like to have a bit of earth.

The Hon. R.B. Such: He likes a shandy.

Mr PEDERICK: Okay, we might top up his tank when we put the kerosene on the top to kill the bugs. We might put in an extra dose, just for a bit more taste.

An honourable member: Paraffin.

Mr PEDERICK: Paraffin, okay. But you certainly need to be careful when you are killing the bugs in your tank because you only have to overdose it a little bit and you get that taste. I urge other members, if they wish to speak to this motion, to do so in a little while. There is plenty of advice on what we can do with our rainwater.

I think after 24 November when the Howard federal government is elected for a historic fifth term we could really move this further and lobby to have rainwater tanks in the city included as a tax deduction, as you can on a farm in country areas. I think we need to work right across the board. I know that, in the scheme of water use measures, when compared with things such as desalination and pumped supply from rivers, rainwater is about the third most expensive system. However, in reality, people need surety of supply, and there is nothing better than having your own tank or tanks plumbed into the house.

I have recently heard of some other water-saving initiatives in Japan concerning cisterns, and they have had them for 12 or 24 months now. They have the hand basin built into the top of the cistern so you have instant reuse of your handwashing water. That is an fantastic development, and I think it should be instigated world wide. This beats what even dual flush can do by far, because you wash your hands and the water goes into the cistern and is reused instantly. It is a fantastic design. I saw it at the Greenhouse 2007 conference in Sydney the other day.

Mr Venning: You went, did you?

Mr PEDERICK: Yes; absolutely. I think the state government would be better off investing in some of these schemes such as providing incentives to install rainwater tanks, than all the millions of dollars that have been spent investigating whether a weir can be built at Wellington.

Mr PENGILLY (Finniss) (11:07): I also support the very sound commonsense and practical bill put forward by the member for MacKillop. I think that this goes across the chamber

and it is a commonsense solution. It has been mentioned before, but I am quite serious in saying that we should take the politics out of this and think of it as a lateral solution to an endemic problem in South Australia. After all, it is a simple matter to put a back-flow valve in the mains and allow rainwater to be plumbed into the house. As other members have said this morning, we have also used our own supplies of rainwater on our properties over the years. We have never had to rely on other sources of water. You learn to use water carefully; you learn to be smart about water.

Many a good lady, a farmer in the bush, or someone living without water services has saved the water from the daily washing and put it on the garden. You save water all the time. If you are fair dinkum about doing something about this problem in South Australia, we should be moving ahead on it. I support the member for Hammond who suggested putting large rainwater tanks or bladders in new developments. It is commonsense to me. It is as simple as putting in wide verandahs, instead of all this nonsense we have in architecture these days where you have houses with no verandahs and limited eaves which do not generate energy savings. It is too easy these days to put up a house with no eaves and verandahs and have a thumping great airconditioner which you can turn on whenever it is cold or hot. It is just silly.

I am not being self-righteous about it, but we live in a house which has 18-inch thick stone walls. We shut up the house in summer. We shut up the house in the morning and open it up at night, and it stays cool for four or five days. We do not even have to have an airconditioner. Likewise with water, we have about 250,000 litres of water containment on our place that we use regularly. The member for MacKillop is suggesting putting in this system whereby people can gather the water falling from the sky—and heaven forbid that the government should start taxing it. It has been talked about in various places, but I have never heard so much nonsense as taxing what falls from the sky in all my life.

I believe that we should be supporting the honourable member's bill and putting it into place so that, in the future, we return to practices of the past of saving rainwater and plumbing it into houses. The fact is that we are rapidly running out of water in the metropolitan area and all the areas serviced by the River Murray—from the Mallee to Whyalla and all places in between. Quite simply, you cannot keep dragging off the Murray all the time. We do have to put in a desalination plant. It is an errant nonsense to suggest that we do not need one—and there would appear to be some sort of war in the cabinet about whether or not we will get one, and I guess that will take its course.

Through the leader, we have put forward a program to ensure South Australia's water supply. What the member for MacKillop is suggesting is a sound, practical, commonsense solution and it should be picked up and supported by the government. I urge government members to speak on this matter. We have heard various rantings coming from the other side of the chamber, but this is the opportunity for members opposite to get to their feet and support the member for MacKillop's bill. Get on with it. Do something sensible for South Australia and something that future generations will respect. Unless you happen to be the member for Stuart—most of us will not be here for that long—I think it is important—

The Hon. M.J. Atkinson: I do not know about that. Certainly not you.

Mr PENGILLY: We will see about that, Mick. The Attorney can interject and carry on, but since 2002 he has failed to get Barton Terrace opened. He cannot even get his cabinet colleague the member for Adelaide to assist him on that. He sits there and rants and raves and throws interjections across the chamber. I could not give two hoots about his interjections. Quite frankly, if the Attorney is fair dinkum about the future of South Australia, he will support this bill and do something useful. He can practise the conservation of water. He cannot practise law apparently, but he can practise the conservation of water. He can speak to this bill and support the member for MacKillop. I will support him all the way, if he speaks on this bill next and backs this bill.

Mr HANNA (Mitchell) (11:13): The Liberal opposition is bringing forward a bill to facilitate the plumbing of rainwater tank water into houses. I think it is a very good idea. This is against a background where we have a privatised water corporation which is in the business of making a profit like every other business. There are limits to the way that SA Water can charge, and the government has just recently approved another round of price increases, but I think it is very short-sighted not to look at the structuring of water pricing. Take away the supply charge and introduce something more like a proportional water charge or, in other words, something closer to a user pays system, with increased percentages of payment for those who use excessive volumes of water in the household context.

These sort of reforms are part of the solution. The initiative of facilitating rainwater use in the home is part of the solution. The problem is that it will not be driven by a corporation which has the profit motive, and the government needs to divorce itself from that. It needs to back reforms which will mean that less water comes through the mains. This is one way of doing it and that is why I support this legislation.

Debate adjourned on motion of Mrs Geraghty.

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 13 September 2007. Page 812.)

The Hon. R.B. SUCH (Fisher) (11:15): I would like to make a brief contribution. This topic has been discussed for quite a while in South Australia. I am not convinced that we need an independent commission against crime and corruption. I have not seen any evidence that would warrant establishing a standing commission. That is not to say that, from time to time, we do not have crime and corruption. You would be naive to think that we are somehow immune from that. Before I indicate what my approach would be, I think it is fair to say that South Australia has a very good record in regard to the behaviour of public officials and MPs, and that includes other elected members in local government. We have a very good record in terms of people in public office behaving in a very exemplary manner. Now, whether there is something special about South Australia that has given rise to that, I do not know, but I think the reality is that, over the time we have been established as a state, we have a very enviable record of a high standard of ethical behaviour by public officials; and, as I say, that includes elected members.

The approach of having a standing commission in my view is not warranted on the evidence that I have seen thus far. The cost would be significant. The way you can achieve the same goal is to have some independent mechanism whereby you can trigger an inquiry if there is a prima facie case for investigation. We have already seen in the inquiries conducted—for example, by Dean Clayton QC and Tim Anderson QC—that you can draw qualified people from the bar to carry out investigations. What we need is a mechanism which enables people from the independent bar to be commissioned to carry out an investigation into alleged crime or corruption and give them the powers of a royal commissioner to investigate whatever the allegation is. Clearly, you need a filtering system which does not negate genuine independence and does not negate the opportunity to investigate thoroughly, but you need to negate people who are going to engage in frivolous and vexatious claims.

The areas which are most likely to come under scrutiny are likely to be in local government. I say that because there is more temptation in the area of local government, I guess, in respect of things such as development applications; there is more temptation for inappropriate behaviour by elected or appointed officials. That is not to say that our local government is a hot bed of crime and corruption—it is not. The local government sector in South Australia is outstanding in terms of being one which, in the main, is focused on issues which reflect highly on its integrity. I am not suggesting that local government is in any way a hot bed of intrigue, crime and corruption; I am just making the observation that I think you are more likely to get a temptation there to do something inappropriate in regard to behaviour than in many other areas of official life. That is not to say it cannot happen in other areas, but I think it is less likely. My view is that I would like to see this bill progressed.

However, as I indicated previously, I am advocating an alternative and less costly mechanism whereby an investigation can be triggered, and then you call upon someone from the independent bar with the powers of a royal commissioner to investigate the allegation or allegations without necessarily spending $10 million, $20 million or $30 million a year to keep a standing commission in place on the off-chance that you might have some crime and corruption that needs investigating. I think the intention is good, but I do not believe it is necessarily the way to go. I believe it is quite an expensive option. I stand to be influenced by the member for Mitchell if he can demonstrate that there are grounds for having such a commission in South Australia. However, at this stage, I am not convinced that a standing commission is necessary or justified.

Mrs REDMOND (Heysen) (11:20): It is my pleasure to rise today in support of this motion of the member for Mitchell in relation to the commencement in this state of an independent commission against crime and corruption. I thank the honourable member for being so prompt in getting a bill to the parliament. Of course, we on the Liberal side have already made public our intention to establish a commission in this state. We are still settling exactly what form that commission should take. We are looking at the various commissions around the place. There are

three, of course, in Australia already—in New South Wales, Queensland and Western Australia. Although I would have to say that generally in Australia we are less inclined to expect corruption in public office, it would just be burying our heads in the sand to suggest that in fact corruption does not occur in this state as it has already been found to do in other states and in other places overseas. Of course, members would be aware that in other countries there may be even a culture of corruption where it is their expected mechanism for achieving things, for instance, that one would bribe public officials.

In spite of the fact that we generally expect proper behaviour and everything to be above board, to expect that those things do not happen in my view just beggars belief. Indeed, I think that since our announcement there was a case in either Sydney or Melbourne of a local government officer who was taking all sorts of financial and other inducements in relation to the continuation of brothels.

I certainly am very confident that our police force here is really a very good one in terms of the uprightness of its members and its lack of involvement in corruption. I would expect that, just as in any other profession, there will inevitably be some bad eggs that get into the system. But I remember in Sydney, as quite a young person, seeing corruption that was so actively practised in the police there. I remember being in a pizza bar one night when police officers came in to collect their pizza, and not only did they not pay for it but they got handed money, a significant amount of money, with their pizza from the operator of the pizza place. I remember also seeing a very drunk driver that we had followed down a hill and he was pulled over by the police, and the next thing the policeman was getting things out of the boot of the car of that driver, who was then allowed to drive on in spite of the fact that he was clearly so inebriated that he could barely stand up, because we actually followed him from the pub.

So there was no doubt in my mind that, in those days anyway, the New South Wales police were very open to corruption. But, that said, I also knew many, many police officers in Sydney who were absolutely beyond reapproach in their behaviour. So, as I said, it is largely a matter of setting up systems to ensure that those who do behave properly are not tainted by the problem of the inevitable one or two who get through the system and who do not behave according to the rules. At the moment, of course, people will argue that we have the Police Complaints Authority, and so on, but the public perception is that the Police Complaints Authority in effect involves former police officers investigating police officers and they will never ever be seen to be separate enough from the Police Force for the public to have sufficient confidence that they are in fact independently investigating the corruptions. So, unlike the member for Fisher, I actually think it is a good idea to have a separately funded independent organisation that would take over that aspect.

I notice in the bill proposed by the member for Mitchell he gives the commission various powers, firstly to investigate allegations or complaints which might imply corrupt conduct; to communicate the results of their investigations to the authorities; to instruct, advise and assist people on ways in which they could eliminate corrupt conduct; to educate the public about corruption, and the need for there to be a public understanding that corrupt conduct is not acceptable in any form; to enlist and foster public support for combatting corruption and organised crime; and to make findings and report those; and so on. So there is a whole series of things that are included within the member's bill.

As I said, the Liberal Party has already decided that we would support an independent commission against corruption. We are still settling what form that would take, but in the meantime we believe it is appropriate to progress this bill on the basis that if it is successful we might in due course seek to put some amendments in place in order to bring it into line with the model that we think is the most appropriate. That is obviously a matter for negotiation. But there are clearly some common elements, for instance that element about educating the public, because it is important, and the more watchdogs you have the more efficient your system is going to be.

One of the reasons I believe that such an independent commission against corruption has generally been resisted by parliaments over the years is that MPs, of both persuasions, feel that they will become subject to unnecessary investigation by such an organisation if one is set up. And that may be so. That certainly could happen. My view is that if you are an MP and you take on public office and you are being paid out of the public purse in relation to your career then you should be prepared to withstand that scrutiny and make sure that your behaviour is such that the scrutiny does not lead to any finding of corruption against you. I certainly would not look forward to having an investigation but recognise there could be an investigation against me of some allegation. I am not aware of having ever done anything which would give rise to the suggestion

that my behaviour has ever been corrupt, but I recognise that that probably for most MPs is a downside to the introduction of legislation of this sort.

As I said, that is in my view one of the reasons why it has generally been resisted. But my view is that, firstly, we have to be prepared to be absolutely accountable. Once upon a time MPs did not have to file notices with the parliament every year declaring what their interests were. We take that as a matter of course these days. We are subject to scrutiny by the media and by other people who raise questions from time to time. What this does is simply put in a formal mechanism so that if there is a suggestion that our behaviour has actually been corrupt then that would be addressed via an investigation by an appropriate authority. So in my view the argument does not hold water that they should not support it simply because it would lead to investigation of certain people like that.

There is just one other thing I wanted to mention in relation to an independent commission against corruption, and that is that a member of the judiciary spoke to me recently, and in just an unsolicited comment happened to remark that in his view the most likely fertile ground for corruption in this state is in fact in local council. I do not want to suggest that our councils are corrupt, but certainly the lack of audit or scrutiny processes over local government in this state does lead us open to the possibility that people, either elected members or officers of the council, could be subject to offers of bribery to approve certain developments or not approve certain development, and so on. So, there is a real question in the public mind about the scrutiny that is applied to those processes. I believe that it is appropriate for there to be a commission against crime and corruption. As I said, we may not necessarily agree, ultimately, with the model which is proposed by the member for Mitchell, but it is the pleasure of the Liberal opposition to lend its support to the member for Mitchell in seeking to have such a crime and corruption commission introduced in the state of South Australia.

Debate adjourned.

WATER SECURITY

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (11:31): I rise to make a simple point, and the simple point is that this government, and the Premier, have completely failed to lead this state through its current water crisis and the worst drought on record. The Premier, as leader of the government, needs to be soundly condemned for his failure, after six years, to see this coming—other premiers have seen it coming—and for his failure to take the necessary actions to avert what could become a state of crisis as soon as June next year, if not sooner. The government has had six years. During that time revenues have exploded, property taxes have gone up by 75 per cent, total revenues to government have gone up from $8 billion to $12 billion, or more, with more money rolling across the counter.

How has that money been spent? It has not been spent on securing our water. It has not been spent, as it has been in Western Australia, on building a desalination plant. It has not been spent, as it has in other states, on building stormwater infrastructure or wastewater infrastructure. In fact, as the house has heard, Prime Minister Howard offered money three or four years ago for projects that have been left languishing on the table and only picked up in the last few months as the crisis has deepened. Where has the money gone? It has gone on tramlines down King William Street. A sum of $22 million has gone on yacht marinas down in the Treasurer's electorate of Port Adelaide. It has gone on $100 million opening bridges, again, down in Port Adelaide. It has gone on a big fat, lazy government that has grown by 12,000—10,000 positions unbudgeted.

The Auditor-General has raised the alarm about the cost of government: wages growth, the number of public servants, ICT management, government savings initiatives. This government has had six of the easiest years in this state's history to be in government. A primary school student could have run a budget for the last six years, it has been so easy. The Auditor-General has confirmed it. He has said that unforeseen windfall benefits have been received that have saved the budget year after year. The Treasurer and the Premier have set targets for spending and have consistently blown their budget every year—$2.5 billion spent, more than budgeted, on expenses. Their excuse is: 'Well, there are cost pressures. Things are expensive.'

Anyone who runs a household budget knows that there are cost pressures, but you must cut your cloth to suit your income and you must get your priorities right. In Western Australia, as just one example, they looked at the rainfall patterns, they looked at flows into dams, they looked at the situation they faced with regard to water and they made decisions early. They are doing the same thing in Queensland, New South Wales and Victoria, but here it has caught the government by surprise, so much by surprise that it cannot even make up its mind, even now, on what it wants

to do. By contrast: on this side of the house, we have been out there for nearly a year saying 'build a desalination plant'. We have put out a 19-point plan of action to solve our water crisis. We have come out with 10 action points for the Riverland. We have got our policies out there. Where are your policies? The glossy brochures are apparently still being printed.

I make this important point: a year ago ministers were saying that a desalination plant to provide more water for Adelaide would be ruled out. *The Advertiser* reported that on 14 October. Minister Hill, acting administrative services minister, said, 'We don't believe a desal plant is necessary for Adelaide.' That is what he said. The water security minister scotched the idea, 'not needed' she said. Then we have, facing spectacular pressure from the public, the amazing revelation by the Premier that we would build a desalination plant. In fact, under public pressure he cracked and he said, 'We are going to have a desal plant'—it had all built up—'I promise you we will have a desal plant.' There was just one little problem: he said at the time, 'I have the Treasurer and the cabinet right behind me on this. They are right behind me. I am promising you a desal plant and they are on the wagon. They are with me 100 per cent.'

Look at the media quotes on the day. There is just one little problem: the Treasurer was overseas. He was not in town when the big backflip occurred. Suddenly, the Liberal opposition's idea for a desal plant was back in vogue with the Premier. So, a couple of days ago, the Premier went on ABC Radio and said, 'If we build a desalination plant...We have made no firm commitment yet.' Even yesterday in response to questions, he said, 'This has not yet been agreed upon by cabinet.' I am glad the Premier has made the decision, because we need some action—we need a desal plant—but the problem is the processes of government on that side of the house are exactly as the Auditor-General reports them. They are a shambles.

We have the Premier coming out with a $1.4 billion promise before he has it stocked away with his Treasurer, before he has talked to his cabinet about it and before he has sign-off from cabinet. He has just scribbled out a cheque for $1.4 billion—not a problem, plenty more where that came from. Now we have the Treasurer backpedalling so fast because he wants to get out of that desalination plant and row his canoe as far downstream as he can get. He was here yesterday saying, 'We have not agreed to it yet.' Who has agreed? Has the Premier agreed? Has the Treasurer agreed? Has the cabinet made a decision? Do we know what is going on? Could somebody please turn on the lights? What is going on with this state government?

Of course, it is not the only backflip, confusion or nonsense we have heard from the government. Prime Minister Howard was out there with money on the table to recycle waste water from Glenelg back into Adelaide three years ago. They turned it down. He was out there with money for the extension to the Bolivar-Virginia pipeline program years ago, but where were they? Nowhere to be seen. He was out there with money for waterproofing the South. Where were they? Nowhere to be seen. Suddenly, now, they have woken up and, over a champagne and bacon and eggs breakfast one morning, they have said, 'My heavens! There is a water crisis. We had better do something.' I can tell you, Mr Speaker, it certainly is a crisis.

They have no plans of their own, and I am very tired of hearing them ask, 'What are your plans?' Well, here they are; you had better read them. There are 19 of them, and you had better start work on them. You have no plans of your own. Get out there. Form a Premier's Water Council. Take immediate action on a desal plant. Think your issues through. Not only that, your Premier and his other Labor premier friends have, in my view, deliberately set out to destroy and sabotage the Prime Minister's $10 billion rescue package for the Murray. That money could have been improving irrigation infrastructure and buying back unallocated licences all this year. Bracks was seen as the dark horse and the spoiler, because we would not want that money on the road reflecting well on a federal Liberal government, would we? You have played politics with Kevin Rudd over the lives and the futures of South Australian farmers and irrigators—that is what you have done.

We moved an urgency motion in this house earlier this week to focus the government's attention, and its reaction was instant: a reannouncement of a few million dollars to help with a range of rural programs.

The Hon. K.A. Maywald interjecting:

Mr HAMILTON-SMITH: Well, we welcome that—the appointment of a Liberal to help them sort out the mess. When you get into trouble, call a Liberal. Good on them. Maybe that will help and I hope it does; I am sure it will. Maybe some common sense will be delivered to the government. But I say to South Australians: it is neglectful, shameful and inexcusable that, for six years during the most buoyant economic times while awash with money, this state government has

not only not seen this crisis coming—although water restrictions were introduced years ago; the drought started a long time ago; all the warning signs were there—but also they have abjectly failed to do anything about it. Of course, they thought they were being very smart by appointing a National Party friend into the Labor Party camp to act as water security minister. Hasn't that been a big booming success! I can tell you that the Riverland irrigators are not very happy. Again, not content to simply oppose and criticise, we on this side of the house already have out there a 10-point plan of action.

The Hon. K.A. Maywald interjecting:

Mr HAMILTON-SMITH: It is about water, or money for water, minister. You need to get more money to the irrigators. Sure, we know that we cannot make it rain—we all know that—but we can manage the scant resource better. We can also assist with low interest loans for irrigators to better engage in the market. There are ways we can help. We can fast track desalination. The minister wants to do this in five years. We wanted you to start work in months, not years. We can provide support to families, create jobs in the regions and help with tax relief. There are things we can do to help people. But I have a shocking and startling bit of news for our failure, the Minister for Water Security: it is going to cost some money. Sorry to tell you that but, when you are faced with a crisis, and you are the government and you have windfall revenues, you may have to spend some money on the crisis. I know this is a startling realisation for the current government.

We have seen the glossy brochures such as Waterproofing Adelaide again and again. We have had the announcements and the re-announcements. No doubt, the glossy brochures are being printed now and staff are being sent down to West Beach to reconnoitre a sandy patch for the Premier to squeeze the sand between his toes as he gives out glossy brochures to the media in a few weeks or months time to tell them that they have finally made a decision. It is like giving birth to quads. It has gone on for years, and you just do not know what the outcome is going to be when it finally happens. And when you do, it is a big surprise.

It is a case of a negligent and reckless government that has failed South Australians so miserably. The government did not see it coming, it failed to invest in ameliorating its effects. Even now that the crisis has developed into a state of emergency, the government still does not know what to do. We have the Premier out there making promises based on who knows what research, which he has not even taken to cabinet, in response to pressure from the opposition and the public calling for action. We have the Treasurer up here disagreeing in parliament with his own Premier, virtually saying to him, 'Look, we haven't signed on; there's no cabinet agreement.' Do not be surprised if after the end of the federal election we get a backflip. Do not be surprised if the Premier's promise turns out not to have been a core promise. Maybe we will get a $2 million desal plant at Port Adelaide and not what we were told we would get some weeks ago.

I say to the house: it is a disgrace that the Premier's leadership has failed on water security. If this drought does not end, there will be more to come, and it could get very ugly for families, for Riverland producers, and for our dry acre farmers. The Premier's leadership on this warrants the closest security, and it is a time for action.

The DEPUTY SPEAKER: Order! Leader, I understand that the Speaker was very indulgent and allowed you to speak despite the fact that you failed to move the motion. Is the motion formally moved?

Mr HAMILTON-SMITH: I move:

That this house—

(a) notes that the Premier's failure of leadership on water security in South Australia has exposed the people, businesses and families of South Australia to extreme hardship and risk;

(b) condemns the Premier for persistently misrepresenting in parliament the indicative cost estimates obtained by the opposition for the construction of a desalination plant in South Australia, which were based upon construction costs of existing or proposed plants elsewhere in Australia;

(c) notes the Premier has had six years of easy government to resolve the water security crisis in South Australia; and

(d) expresses concern that the Premier refuses to take personal control of the water security portfolio and that he still does not know what must be done, how it will be done, where it will be done, how much it will cost to do it or when it will be done.

The DEPUTY SPEAKER: Thank you. Is that seconded?

An honourable member: Yes, madam.

The DEPUTY SPEAKER: Any further speakers?

An honourable member interjecting:

The DEPUTY SPEAKER: Member for Schubert, I heard that comment. It is important that the proper standing orders of this house be implemented, whether by the leader or any other member.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (11:47): I rise to oppose this motion for the nonsense that it is, and put on the public record for the purposes of this debate the work that the government is currently undertaking in regard to water security into the future. We are in the grips of what is the worst and most extreme drought ever on record in this state. The South Australian government recognises the difficulties that our communities are facing, and we have been working with our communities to help minimise the impact of its extenuating circumstances. We have also been working very proactively with the federal government in order to ensure that we can maximise the relief and benefit that can be provided through federal means also.

In relation to the current drought circumstances, South Australia recognised early last year that the inflows into the Murray-Darling Basin system were not eventuating as we would normally expect, even in a drought year. By October last year we established a senior officials advisory group to advise cabinet at a very high level in regard to what options we may need to consider to secure our supply as a consequence of the drought. The Water Security Advisory Group is made up of eminent people from right round the nation. The Water Security Advisory Group is supported by the Water Security Task Force, which has been established across government. The task force is chaired by Paul Case, and has on its membership chief executives of each of the departments that have responsibility in managing the current drought circumstances. Underneath the Water Security Task Force we have also established a technical group of key experts from across government who are feeding into the Water Security Task Force to deal with the myriad issues that we are facing. We also established the Desalination Working Group earlier this year, I think in February or March, to work through the issues of desalination for Adelaide.

This is on top of the work that the South Australian government has undertaken—extensive work that has been undertaken to develop the Waterproofing Adelaide strategy. The Waterproofing Adelaide strategy was released in 2005, and it is a comprehensive document that looks at water security future for Adelaide. Since the document was released in 2005, we have seen extenuating drought circumstances. The Waterproofing Adelaide strategy was developed on the basis of the 100 years of records that we have for the Murray-Darling Basin system. Up until last year, Adelaide was considered to have one of the most secure water supplies in mainland Australia. This was as a consequence of the fact that, whilst we have only less than one year's supply in our storages in the Adelaide Hills, we are backed up by the very large storages of the Hume and Dartmouth dams, and they have served us well in the past.

In the 116 years of records we have and through the development of the Waterproofing Adelaide strategy, a whole range of scenarios were considered, and in the worst-case scenario planning no-one ever envisaged what we have experienced over the past 18 months. We have seen a complete collapse in the Murray-Darling Basin system like never before. That is the basis upon which we have had to go back and revisit Waterproofing Adelaide. In revisiting Waterproofing Adelaide we recognised that we needed to consider further, as we said in the Waterproofing Adelaide document, that we would need to consider on the basis of need whether desalination should be included as part of the process.

We recognise that desalination takes a long time to deliver. I think that I need to correct the record of comments made by the Leader of the Opposition in regard to the Perth circumstance. Perth started to see a decline in its water supply 30 years ago, not two years ago, and suddenly plucked a desalination plant out of the air, as the leader would have. This occurred 30 years ago. I think that what the opposition—

Mr Pederick interjecting:

The Hon. K.A. MAYWALD: Yes, we certainly have. Have you ever read the Waterproofing Adelaide document? You obviously have not. I think that it is really important that we recognise that, after 30 years of significant decline in water supply, the Western Australian government finally responded, and established a desalination plant, which was opened just recently. They are now looking at building a second desalination plant. They are also investigating

other options, such as underground water. We established the desalination working group because we understand the complexities of these kinds of projects, unlike those opposite, and we believe that we have to do these things properly.

If you are going to have major investment in infrastructure that will be long-lasting and have a cost impost on the community going forward into future generations, you must ensure that you have the work done and that you have it done right. What we are doing, through the desalination working group, is investigating a whole range of options. Knowing that it takes up to five years to build a desalination plant, depending on site selection, environmental requirements and the infrastructure necessary to support such a plant, we commenced an environmental baseline data study for the gulf. This was in the budget, and it will be one of the most important parts of the establishment of the desalination plant in relation to the disposal of the waste brine, which will be required as a consequence of a desalination plant's being established. That work is underway, and it is crucial to ensure that we are able to make the right choices in regard to the engineering solutions necessary to minimise and, in fact, ensure that environmental damage does not occur.

We have also investigated fully the option of increasing storage capacity in the Mount Lofty Ranges to ensure that we can double the capacity from less than one year to two years. There is a reason that that is a very good policy and is supported by the Liberal Party federally for us to investigate these options. The reason that the coalition government federally believes that it is a very important consideration is that we have a 650-gigalitre rolling licence in the Murray-Darling Basin. That means that there is a strong recognition of the variability of supply in the Adelaide Hills catchment area. Historically, Adelaide has drawn upon the River Murray when the catchment—

Mr Pederick interjecting:

The DEPUTY SPEAKER: Order! The member for Hammond can hear that the minister has a very quiet voice; his voice is very loud. Hansard cannot hear when he interjects.

The Hon. K.A. MAYWALD: So, the issue is that historically we have used the Murray-Darling Basin, the River Murray, Hume and Dartmouth as back-up storage to supplement the Adelaide Hills catchment area. Usually, around 40 per cent of Adelaide's supply comes from the River Murray and, in a dry year, it can be up to 90 per cent. That rolling average means that we can take more in the years we need to take more to supplement the supply and, in wetter years, we take less from the River Murray. This year, we have experienced difficulty in the delivery of the water Adelaide is due under the agreement of all states, whereby Adelaide takes less than 1 per cent of the water supply out of the Murray-Darling Basin; 54 per cent comes out in New South Wales; 30-odd per cent comes out in Victoria; and 6 per cent in South Australia, of which only 1 per cent is Adelaide-based.

I think that it is really important to make that point because, if we cannot get less than 1 per cent of the water down for diversion to this end of the river, then our river is in serious trouble. That is why we have strongly supported the national approach to the management of the Murray-Darling Basin. We believe that it is well and truly past time for the national interest to apply to the management of the River Murray waters.

An honourable member interjecting:

The Hon. K.A. MAYWALD: That is incorrect. South Australia strongly supports the $10 billion plan and has continued to strongly support it. I have worked incredibly closely with your federal colleague Malcolm Turnbull on this plan. I have worked very hard with him to ensure that we can get the best outcome. I think that members opposite really need to get on board with this national plan, instead of trying to pull holes in it, which is what they currently continue to do. In fact, what the Liberal Party constantly does is carp, whine and try to denigrate any of the efforts being made by this state to secure water supply.

What Mount Bold, increasing the supply in the Mount Lofty Ranges and doubling the capacity in the Mount Lofty Ranges reservoirs will do is enable us to manage more effectively that 650-gigalitre allocation we have from the River Murray. Currently, we use the Hume and Dartmouth dams as back-up storage to the Adelaide Hills, which means that, in the driest years in the River Murray, we often require more water out of the river. Obviously, if we were able to draw more water out of the river when there was more water in it, and store it in Adelaide rather than the Hume and Dartmouth dams, we could minimise the transmission losses of getting that water to South Australia when it is needed, giving us back-up and insurance in our own backyard rather than in Hume and Dartmouth.

When building a desalination plant—and this is what you have to do when you look at nature infrastructure projects such as this—you need to look at all the components. In building a desalination plant, you need to ensure that, in producing that water, we have somewhere to put it so that we can manage it across Adelaide.

Time expired.

The Hon. R.B. SUCH (Fisher) (11:57): I am more interested in shedding light on this issue than generating heat. I understand the opposition's motion, because that is its job—to put the wood on the government. I think we need to remember that this crisis we face in terms of water supply has snuck up on us like a thief in the night. That is not to say that the present government should not have done more but, equally, you could ask: why did the previous Olsen government not do more, why did the previous Brown government, of which I was a minister, not do more about it, and why have we not collectively been aware of this impending situation?

I think that it is unfair to suggest that this is solely the responsibility of the current government. It has to deal with it, but you cannot put the blame on the current government and ask why it has not done anything. It could have done more, but why did previous governments not do a lot more since the time of Playford? If it were not for Tom Playford, we would be really in a pickle at the moment. As far as I can recall, he is one of the few people in the last 50 or so years who has really done much to increase our water capability and storage. I think that there is nothing to be achieved by playing the blame game. I understand the politics of it, but what we need to do is address the situation and look for solutions.

What is happening with the Murray at the moment that I find staggering is that we are still getting additional plantings for irrigation, to a lesser extent in South Australia but more so in Victoria, mainly of almonds and olives. This is happening at the expense, I believe, of the family farmer, the family based irrigators, who cannot afford to sustain their operations with the current cost of irrigated water, which has increased more than ten-fold in the last 12 months. So we have the MIS (managed investment schemes) run by the Macquarie Bank, its subsidiaries, and Timbercorp and others. They can afford to buy the water at the high price, so we are seeing continued and increased plantings along the Murray despite the fact that we all know we are in a very tight water situation. There is water if you have the money to pay for the licence. As we know, many irrigators are selling their licence because it is more important to them to sustain themselves through selling their water licence than it is to try to maintain their family irrigation allotment. I find that very disheartening and unacceptable.

The other thing that should happen is that we, I believe, as a community are entitled to know who is getting these irrigation licences. I understand this may be revealed under the new arrangements if the Howard plan is implemented, but there is no reason the holders of those irrigation licences should be kept secret. We can find out who owns a particular house or farm in South Australia and we can find out who owns the land on which the irrigation is occurring, but at the moment we are not to know who owns the water licence, and I think we should.

In respect of the management of water (and I have argued this case to the Premier by letter), I think we should have one minister for water. That is no reflection on either of the two ministers; I just think it makes sense to have one minister responsible for above ground water and below ground water because, as far as I know, the water comes from the same source ultimately. As I say, it is not a reflection on each minister, but I think it makes sense to have one minister responsible for only water and nothing else. Water is so important to South Australia, there should be one minister looking after it.

In respect of the desalination plant, people want it to have happened yesterday. We all might want something like a desalination plant, but I am concerned that we get a plant under the appropriate circumstances, with proper costings, in a proper location and with proper regard for environmental factors. It is important if we have a desalination plant that it be in the right spot and properly costed, not just a knee-jerk reaction to the current situation. It is better to take a bit of time and get it right than rush into it and get it wrong. There are various options in terms of location, and one of the things that needs to happen is to look at the alternatives because it may be that a desalination plant does not stack up when you look at the opportunity cost, which is an essential ingredient in any economist's assessment—that is, the cost of not doing other things.

Is it more desirable to have a desalination plant, or could we do the same thing or something similar by treating our stormwater and better using our grey water and rainwater? I agree with the bill put forward by the member for MacKillop: we could do a lot more with plumbed-in tank water. I would hope that the group looking at the desalination plant is not just looking at it in

isolation but also in true economic terms in regard to opportunity cost—the cost of not doing other things which may be better in a whole range of ways (environmentally, economically, and so on).

The minister for the environment who is responsible for underground water has taken some steps in terms of prescribing what can happen in the metropolitan area. I think it needs to go further, because the last water resource for Adelaide is the underground water and, from my reading of history, it has saved the day in the past. Currently, you can suck out as much water as you like in Adelaide to water your lawns, day and night. I have written to the minister recently about it and she says that domestic users do not use a lot. I do not think that is the point. The point is, first, it causes angst because other people who are on restrictions can see their neighbour flooding their place with water drawn from the aquifer; and, secondly, I think it should be kept as an emergency resource.

There should be an emergency resource if Adelaide gets to that desperate point. I think the article about bottled water was an exaggeration. If we got to a point where we needed to rely on spring water from the Adelaide Hills, you might as well play *Dixie*. You could truck or rail in water from parts of the South-East, or elsewhere: it would be a lot cheaper than supplying bottled water. There is plenty of water in Gippsland and places like that. If you had to, you could bring water by rail from the Northern Territory. In fact, they do not have restrictions in Katherine or Darwin. They were proudly boasting to a delegation of MPs recently that they do not have restrictions. They said there are no restrictions because they have so much water. They also made the point they do not want us pinching it, either, and I agree with that. People advocate a pipeline from northern Australia down south. Economically, it is not viable, and also it is not desirable for other reasons.

I think fundamentally the government needs to revisit the issue of a population target for Adelaide of two million people. Before you have a target such as that you ought to have a target to ensure that you have enough water for two million, which I question at the moment. If you have the water, maybe you have an argument for having two million people, but at the moment we do not. We need to interconnect our reservoirs. Myponga, which has been a very good collection area in terms of water, is not fully linked into the metropolitan area—it only links into part of the southern metropolitan area—and that should happen. We should be able to switch water supply more readily. Our hills reservoirs currently hold in excess of about 78 per cent of their capacity, and we should be careful with it, but we are not at the point of absolute desperation yet.

I think the worst thing that could happen at the moment is for it to rain heavily (which, no doubt, it will in due course—I am an optimist), so that people will forget all about the issue of the drought and so on and we will put it on the backburner and go back to sleep again like we have been for the last 30 years or so. I think that would be the biggest mistake of all. We need to look at things in terms of the quality of the Murray water. Salinity is an issue. Sadly, there has been too much bushland cleared adjacent to the river, and we are paying the price for that now.

Even the quality of the water in the Murray is still subject to bad behaviour by some people with their houseboating activities. Most are doing the right thing, but some are not. All in all, the government needs to get on with this: it should have been doing more, but so should have previous governments. We will not achieve anything by blaming people. The issue now is: what is the best solution for a very serious problem which faces us all? I look forward to some positive outcomes from this place, rather than simply engaging in criticism, which I appreciate is the legitimate role of the opposition.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (12:07): In relation to water policy in this state, the Labor Party has a proud history of leadership, and I will take members through it. What has been a feature of water policy in this state has been its bipartisan nature. I will refer members to a little recent history in relation to this parliament. John Hill, as opposition minister for water resources, established the select committee—supported by Karlene Maywald, the member for Chaffey—in relation to the River Murray.

That select committee made a number of recommendations on a bipartisan basis for the protection of the River Murray. It led directly to the establishment of a ministry for the River Murray when the Labor Party formed government in 2002. When we looked at what passed for water policy by those sitting opposite, we found our water authority spending more time worrying about water security in East Java than they were about water security in South Australia. That was the legacy with which we were left. Extracting the water authority from a foreign country was our first step to ensure that it paid attention to the serious water issues that existed in South Australia.

The next step we took was to put in place an extensive process of community consultation, drawing on all the experts across the nation to establish our Waterproofing Adelaide policy, a policy which consistently has been regarded as a first-class water policy. On a national scale, we led the nation in relation to the national Living Murray initiative. The ambition, initially, was for an extra 500 gigalitres of water down the river, increasing to 1,500 gigalitres—an initiative led by South Australia. In relation to the most recent crisis—the one in 1,000-year drought which is now afflicting the Murray-Darling Basin and the subject of so much contemporary debate—we once again led the national response.

We led the national response by brokering an arrangement (which, initially, was scoffed at by other states and territories) for a commission to control the circumstances of the Murray-Darling Basin. We were not prepared to allow the commonwealth government to simply take over responsibility for that important basin for South Australia, knowing, as it inevitably would, it would be taken over and dominated by the interests of eastern states. We were not prepared to enter into any arrangement that did not ensure that South Australia's crucial interests were guaranteed.

There has been a history in this state of understanding the precarious nature of South Australia at the end of this river. South Australia has always adopted an extraordinarily conservative approach to the issue of water. When other states were allocating water hand over fist, we in this state capped our water licences in the 1969 to 1971 period. We have consistently accepted a lower but more secure set of licences out of the Murray-Darling Basin than other states and territories because we always understood the precarious nature of our water allocation from that system. But what actually happened during that period when we capped our extractions from the River Murray in 1969 to 1971 and which have remained capped since—

Mr Williams interjecting:

The Hon. J.W. WEATHERILL: There was, and I acknowledge that conservative governments consistently have taken sensible decisions about the security of our water. What was happening upstream? Upstream conservative governments were overallocating resources from this river to put us in the position that we are in today where the river is hopelessly overallocated by virtue of the responses of New South Wales and Victoria—coalition colleagues of those sitting opposite.

Coming back to more recent history, it is somehow suggested by those opposite that this one in 1,000-year drought should have been anticipated by us and that steps beyond the sensible steps that we have taken to date should have been taken. Let us test the credibility of that suggestion. I noticed in an earlier interjection that the member for MacKillop said that we should have known about this since 2002 because the drought was well known at that time. That was the suggestion. In the most recent election campaigns, when things really count—not coming in here and spraying around a few numbers and a few allegations—when you are obliged to put real promises on the table to try to persuade people to vote for you, we have the Liberal Party policy for the 2006 election.

What was it?—'To convene a high level group to evaluate the alternative water source options so that by 2009 a plan is in place to remove Adelaide's reliance on the River Murray and water restrictions.' That was the sense of urgency that those opposite had in relation to water security. It is absolute nonsense for them to come in here now and somehow get a rise out of the current misery which is being experienced in the South Australian community from this drought and to point the finger at this government to say that it should have anticipated the extent, length and breadth of this extraordinary natural phenomena. It is completely undermined by their policy.

Mr Pederick interjecting:

The Hon. J.W. WEATHERILL: Well, about what we would have built under your policy—a very similar amount. Our most recent response has been to establish all the various elements of water policy under one minister, the Minister for Water Security, the member for Chaffey. As she has just outlined, the minister has been working assiduously on every conceivable policy response—including infrastructure responses—to deal with this crisis. We have been working collaboratively with the commonwealth government. There was an opportunity for those members opposite to behave as sometimes oppositions do to a state or national crisis and to act in a bipartisan fashion. That was available.

However, when you are in such awful strife in the polls and you need to get a rise out of something, you are prepared to behave in an unprincipled fashion. Members opposite are prepared to lean on the misery that this drought has brought and seek to make political mileage out of it, and

that is what we are observing. There was an opportunity for this community to come together by ensuring that both sides of politics saw this as a state responsibility to pull together to promote ideas for the wellbeing of this community. But what we see are the politics of a desperate opposition leader.

I know he spent a lot of time in the Economic and Finance Committee watching ministers Conlon and Foley excoriate the previous government. He tries to model himself on ministers Conlon and Foley. But, you see, he is not as witty, he is not as strong and also he does not stick to the facts. They did have a devastating effect on the previous government but they did it by using the facts. They did it to devastating effect. He watched them and he was slightly envious. He thought, 'I'd like to be like that. I'd like to be big and tough like them and cause as much trouble for Mr Rann as they did for Mr Olsen,' but he is not really in the same league, you see. He tries very hard but he strains and it shows. He cracks a joke and it is not that funny, or he makes a remark about something and it just proves not to be true. So, it will unravel, I predict. He has had a bit of fun taking a rise out of the drought but, in due course, it will unravel.

Mr WILLIAMS (MacKillop) (12:17): The last speaker for the government, the minister, demonstrated that the government's problem is that it has a small grasp of the facts behind the argument and always plays the man. The minister decided that he did not have anything sound to backup his argument (and I will refute the points he made earlier in his address), and he ended up playing the man because that is the only thing the government knows how to do. That is the only thing they know how to do in the Labor Party. They are good at it, I will give them that, but they are not very good at running the state.

The minister tried to suggest that the previous government did not do the right thing, and he talked about East Java, and that sort of thing. As I said in an article that was published in *The Advertiser* a week and a half ago, the previous government turned SA Water from an organisation that used to be subsidised by the taxpayer to the tune of about $50 million a year to an organisation which now underpins a water industry in this state and which turns over more than $500 million a year (it was not there previously), and an organisation from which, in six budgets, the Treasurer has sucked out $1.6 billion.

We did not get from the minister when she was speaking the real reason why the government has not addressed this problem, but we did get it during her interjections when the Leader of the Opposition was speaking. We did get it then. She said, 'Where's the money coming from? How are you going to pay for it?' That is what she said, and that is the real reason that South Australia is in this dire situation. The real reason is because the government is out of control with its budget (and the leader talked about that and I will come back to comment on that in a moment), and it has been praying for rain.

It's only hope is to say, 'We won't make a decision on doing anything. We won't go down the path of desal. We won't go down the path of fixing the water and recycling in the north and from the Glenelg Waste Water Treatment Plant or from Christies,' when the federal government has had the money sitting on the table since 1994. The government says, 'We won't put $1 into that because we don't have the $1. We've wasted it. We've spent it. It's gone.' And that is because we have a school boy running the Treasury—a school boy who does not know what he is talking about.

In question time yesterday when the Treasurer was extolling his virtues, I said, 'Yes, you can balance your budget because you put borrowings in and call them revenue.' He lambasted me and said, 'The shadow minister does not know what he is talking about.' Let me read what he read out of the Auditor-General's Report yesterday in question time. The Auditor-General said:

> One of the government's primary fiscal targets is the achievement of net operating balances every year. This means that revenues are covering expenses, including interest in depreciation.

After question time I got the Treasurer's 2007-08 Budget at a Glance. Page 1 of Budget Paper 1 indicates a net operating budget surplus deficit of $38 million last year and $30 million this year. Net lending was $176 million last year and $428 million this year. They are going in as revenue on his net operating budget. The Treasurer does not even understand what he is doing. The Minister for Water Security says, 'Where are you going to get the money from?' No wonder she says that, because the Treasurer has got no damn idea because he has no idea where the money has gone. That is the problem we have got. That is the problem the government and the Minister for Water Security is facing. They do not have the money and they have wasted the last 12 months praying for rain so they would not have to face this problem. They are praying for rain! The government might have used Monsignor Cappo for something he is good at: it should have had him praying for

rain because it would probably be better than what he is doing. He is an expert at it. They have not even been successful in praying for rain.

What we got from the minister is what we always get from the minister: we get told what we all know, but we do not get told what the minister has known and hopes that nobody else knows. We get told how dry it is and all the statistics and numbers about how much water there is and is not, but we do not get told that the government's own documentation has been warning them of this for years. The Waterproofing Adelaide Strategy of 2005, which the minister herself talked about, highlights the problem. If you turn to pages 14 and 15 of that document (I have read it and, although I do not have it in front of me, I know that there are a couple of graphs on those pages), it shows the difference between Adelaide's water supply and demand. They have two graphs for supply, one for wet periods and one for times of drought. We are in drought at the moment.

How long have we been in drought? Since 2002! The minister cannot claim that she did not know that the Murray-Darling Basin has been in drought at least since 2002. But the Waterproofing Adelaide document says that in a period of drought, by the time we get to 2007 the demand for water in Adelaide will exceed supply. It is a known fact and has been known by this government for at least two years because it is in its own documentation. What has it done? It has prayed for rain, prayed for rain! And it has not rained.

The minister a few moments ago read from the opposition's policy for the previous election. The minister failed to say that the opposition subsequently said, 'Gee, this drought is going on.' We recognised that. The government will make out that the opposition did not recognise that. In November last year I and some of my colleagues went to Perth to look at the desalination plant there. We went to talk to the people who built it and to people in the Western Australian water supply business and said, 'What's behind this, how's this happening, what's it costing, how did you procure this?'

We got that information and came up with a policy because we recognised 12 months ago that that was where we would have to go because the drought was continuing. Oh no, the drought's not continuing, notwithstanding that the Premier has been talking for 20 years about global warming and climate change. He says that we will rely on the River Murray. He said we will build another dam at Mount Bold and pump more water out of the Murray. Yet he has been claiming for 20 years that the River Murray will stop flowing. That is the government's response because it has been hoping and praying, hoping and praying.

The motion is a very important one and it must be taken seriously, in spite of what the Minister for Families and Communities has just said. The opposition has been incredibly responsible and, without the opposition and its alternative policies and putting a bit of pressure on the government, I would be amazed if the Premier had put up his hand and said that we will build a desalination plant. He has only taken that step because of pressure from the opposition. As the leader pointed out, in taking that step he did not ask the question that the Minister for Water Security has asked: how will you pay for it; where is the money coming from? He knows, like his Treasurer knows, that there is no money, the money has been spent, it has been squandered and wasted.

SA Water has returned to this government $1.6 billion in the six Treasurer Foley budgets. That would build a desalination plant for Adelaide on the government's costings: $1.4 billion, plus 10 or 15 per cent underbudgeting, as that is the way it always operates. It would still have paid for it. SA Water could have built it if the government took the right decision at the right time, but instead it said, 'We will take the money and we will squander it on something else.' Therein lies the problem, and that is why South Australia is facing a crisis. I have not even talked about the poor irrigators on the river, who are facing a huge crisis, as are the finances of this state.

Time expired.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests) (12:28): I rise to caution the house about the potential consequences of a debate like this. Obviously oppositions of either flavour dine out on disaster, which is understandable, but we have to be careful that we do not create false hope. I will come back to the fact that we need to be honest and consistent, and I will quote to members what they have said in recent days, which I happen to agree with but which is now totally inconsistent with what they are doing presently. We were lashed with a limp lettuce on Tuesday and I saw some members opposite cringe at some of the things their leader was saying because they were not consistent with what they had been saying earlier in the year. I will come back to that. We all must be careful that we do not say things in here which, read in the hard cold light of day elsewhere,

create false hope. We have farming families and communities in desperate circumstances, much of it beyond our control. There are things we can do together to support these families through this crisis, or we can come in here and play games and exacerbate the problem. Political point scoring and debate point scoring in this place can sometimes be particularly damaging.

Members interjecting:

The Hon. R.J. McEWEN: We all do it, I agree, it is the nature of this place. But I am saying that there are times we need to be aware of the ripple effect of the sport we play in here. I am as guilty as anyone else, absolutely. We understand the game. We understand the role of oppositions. I challenged the leader of the opposition in the other place recently about making phone calls and saying to people, 'Have you got any dirt on McEwen?' His answer to that was, 'That's the sport you are in and you had better get used to it.' Okay, that is the sport I am in, I had better get used to it, but please do not damage innocent third parties and create false hope.

I come back, briefly, to the point that I made in terms of the member for MacKillop's wanting to score debating points on Tuesday by saying that the Premier had dreamt up the idea of the regional drought coordinators, when he was in possession of a letter from one of his own colleagues supporting that very request from the leader of the drought task force on Eyre Peninsula.

Mr Williams interjecting:

The Hon. R.J. McEWEN: I read the *Hansard*. He said he made it up on the spot. He wasn't lobbied. It was something he dreamt up. He dreamt up nothing.

Mr Williams interjecting:

The DEPUTY SPEAKER: Order! Member for MacKillop, you have had your say.

The Hon. R.J. McEWEN: To score a debating point, and fair enough, what the member for MacKillop was trying to suggest was that the Premier had made it up. The Premier had not made it up. It was actually as a consequence of a written request and followed up and supported by the member, and appropriately so. I am delighted that she did that.

The second point is consistency. We must be consistent as, in a bipartisan way, we approach this drought. I compliment those opposite who have, to this point, been consistent. Now we find ourselves very close to a federal election where these issues are going to become political. So, the challenge now is to remain consistent and still find a point of difference. I will put a few quotes on the record, as follows:

> We face a huge challenge in the Riverland, and a lot of that is no-one's fault. A drought is a drought, and this is the grandmother of them all as far as the Riverland goes.

Member for Frome, Rob Kerin. Further:

> I also want to pay recognition to the minister responsible for primary industries in relation to what the government has done for exceptional circumstances applications across the state. The support that minister McEwen and the honourable member for Frome, our previous shadow minister for agriculture, and the support that federal minister McGauran has given to South Australia to exceptional circumstances applications deserves mention.

He is absolutely right: complimenting everybody, getting together, doing this in a bipartisan way, McGauran being prepared to revisit the criteria for EC, and as a consequence of that we can claim that, basically the whole of the state is EC declared. The member for Goyder recognises that he was responsible for that quote and, I might add, has been consistent in his support. I quote again:

> I want to address another good part of the budget, and that is the $18 million in 2007-08 to address the impact of the drought on regional and rural communities, including an extension of state-based concession programs to drought-affected families, increased mental health services, natural resource management levy relief…

I am sure that the member for Hammond recognises that in supporting what we are doing. He was prepared to put that on the record and I thank him for that. Further:

> I appreciate what the minister (Hon. Rory McEwen) said today. The government is being proactive and I congratulate it for that.

That was said by the member for Schubert. Thank you member for Schubert. On the record, I appreciate your bipartisan support in terms of what we are doing. One final one:

> It is very difficult for governments to do anything. In spite of the Premier that we have, I do not believe that he can make it rain; and I am sure that if he could he would have, as all of us would have. But, it is difficult, and there are not a lot of things that governments can do.

I quoted that more accurately today than I think I did when I spoke to the urgency motion on Tuesday, and the member for MacKillop would be aware that that is what he said then, and I know that he believes it now.

Mr Williams interjecting:

The Hon. R.J. McEWEN: As I said, I know he said it then and I know he believes it now. The important thing in this debate, I think, is to recognise the partnership between state governments and the federal government when it comes to drought, and the partnership we have when it comes to natural disaster. The agreement is that states will lead natural disasters, as this state appropriately has in terms of EP fires, the Virginia floods, the Karoonda wind event and the Riverland wind event. Certainly there are plenty of examples where we have led it, and then the federal government has done the right thing in terms of complementing its support financially when it has needed to. In terms of drought, the policy is the other way around.

Drought is led fundamentally by the federal government, and it comes in a number of components, and the state governments complement it when they can as part of that deal. I might add that the state governments are not asked to do anywhere near as much as the federal government, and appropriately so. That is the deal—that is the package—and, if we want to start picking it apart, we need to pick apart the whole thing. McGauran is very good in that regard. He appreciates and accepts the responsibility where he needs to lead and, equally, he challenges us in areas where we need to lead if he feels that we are not doing enough.

It is important in that context to understand and to truly communicate to rural communities what is available. Even the leader, in his statements today, has revealed that he totally misunderstands what ECIRS does in terms of interest rate support, claiming that there should be interest rate support. There is interest rate support: 50 per cent in the first year and 80 per cent in the second year. The Australian Bankers Association had further discussions, I believe, with McGauran this week about some different arrangements, and I understand that McGauran has rejected them.

There will be continuing lobbying around not only managing present debt but also managing interest rates on future debt because more debt will be accumulated as people attempt to manage their way out of this crisis. There will need to be further carry-on finance with interest paid on it, and there will need to be mechanisms where support can be offered for further debt which can be added, I might add, within the interest rate subsidy scheme to present debt in approved circumstances. It is important that everybody understands that and that it is accurately communicated.

The same goes for the Centrelink benefit. It is important that people understand that they have access to a Centrelink benefit without the work test, and appropriately so. It is important that families that have to put food on the table are encouraged to access that. There are a whole lot of other mechanisms out there where we do what we can, at state and federal level, to support businesses, farming families, the farms themselves, the farming businesses and businesses relying on those farms and farming families—and we do as much as we possibly can. We must be doing that and we must be communicating that in a responsible way. We must not be playing politics with it.

The final thing we must do is to be honest and frank that, as a consequence of these business pressures and as a consequence of the drought, some farms will not survive, and there is now an enhanced federal package—and again I say thank you to the federal government—to assist people to move off the farms. We must be communicating that as an option.

Time expired.

Dr McFETRIDGE (Morphett) (12:37): We have heard various ministers on the government side talking about consistency and giving the history of the management of water resources in South Australia. Unfortunately, the history of the Labor governments in South Australia has been one of a lot of talk and not much action, going right back to 1967 in the Mr Drip campaign. Then they ignored Susan Lenehan's '21 Options for the 21st Century' in 1989. What do we see? Waterproofing Adelaide in 2004, which is just a rehash of some of Susan Lenehan's suggestions. There is very little we can do about the drought. As a city member, I have a lot of constituents come in and complain that they cannot water their gardens and I explain to them that we are in a crisis situation. I have a lot of empathy, as a former country practitioner and veterinary surgeon, for my fellow country South Australians because they are doing it very tough and some of

them are doing it extremely tough, particularly with the equine influenza outbreak on top of it and the associated restrictions.

We cannot do much about the drought. Governments cannot make it rain, as we hear and say all the time. I should note that in Susan Lenehan's 1989 '21 Options for the 21st Century', on page 11, the then minister for water resources talked about cloud seeding. I do not know the current science behind cloud seeding; I do not know whether or not it is a feasible option. But certainly in 1989, when Mike Rann was sitting around the cabinet table with Susan Lenehan, they talked about cloud seeding then. So, perhaps you can make it rain. I do not know the latest on this but, if we can do that and if it is not going to have an unreasonable economic impact, that is something that should be looked at.

Let me now return to the issues facing the metropolitan area and what this government has not done. Let's look at what Mike Rann said in the foreword to Professor Peter Cullen's thinker in residence report entitled 'Water Challenges for South Australia in the 21st Century'. On 2 September 2004 Mike Rann, Premier of South Australia, stated (page 5):

> The water situation in South Australia has become critical…I do believe, however, that South Australians are coming to realise that we now need to act with some urgency.

He said that in September 2004—three years ago. He obviously did not listen to the other thinker in residence, Charles Landry, who, in 2003, identified a culture of constraint in South Australia. He said that South Australians were good at talking and less good at doing. He pointed out the tendency for 'rules to determine policies, strategy and vision rather than vision, policy and strategy to determine the rules.' Mike Rann has not listened to Peter Cullen; he has not listened to Charles Landry; and he certainly did not listen to Susan Lenehan back in 1989.

I do not think that Mike Rann was Don Dunstan's press secretary in 1967—I think he came a bit later than that—but he should read *Playford to Dunstan: the Politics of Transition* by Neal Blewett and Dean Jaensch. What did Dunstan do in 1967? Dunstan had a mass media campaign urging voluntary restraint in what was then one of the driest years on record—1967. The authors state:

> With a jingle on the theme 'use the water you need, don't waste it' recorded by a local folk trio; with persuasive rather than didactic advertisements, cleverly conceived and technically accomplished; with practical and effective gimmicks such as a free washer replacement service and a children's water watchers club; with a campaign villain, Mr Drip, a campaign hero, the water-skimping citizen, and a campaign general, the Premier himself—

I am surprised that the Premier has not picked up on this, and become the general—he is more like Mr Drip, at the moment. The authors continue:

> ...the operation was a brilliantly imaginative exercise in governmental public relations.

That is, unfortunately, all that we have had. The thinkers in residence have said that it is public relations, public relations, and public relations. In her 1989 paper entitled '21 Options for the 21st Century', Susan Lenehan states in the forward:

> A responsible government...must prepare for unforeseen circumstances.
>
> What if the River Murray, the backbone of our water supply, was no longer available?
>
> What if there was an inordinate increase in demand?
>
> What about the greenhouse effect?

That was 1989—the greenhouse effect. When you go through all of the options that were put up in 1989 by the Labor government, which they totally ignored, there is everything from cloudseeding through to towing icebergs here, and then we had the Ord River scheme, the River Murray/Morgan-Whyalla pipeline, sealed catchments, and they did talk about sea water desalination. On page 18 of Susan Lenehan's report there is quite an extensive investigation into seawater desalination. Peter Cullen talked about desalination. This government has been all talk and no action. Let us be consistent about that—that is the only thing that the government has been consistent about: it has talked about it but it has done very little.

We see options for 10 years out. Mount Bold has filled only once in the past 10 years; it is just inconceivable. Let us look at what Peter Cullen said in his recommendations, which again have been ignored by this government. This government is consistent in that it is just ignoring all the advice, right back from Mr Drip in 1967 to Susan Lenehan in 1989, and then Professor Cullen in 2004. Recommendation 10 states:

> SA Water should be encouraged to use recycled water as a replacement for potable water in appropriate uses...

But what do they have down at the Bay at Glenelg? They changed from B class water to A class water. They then put up the price 1,600 per cent—1,600 per cent the price went up. We find that people who were using it before do not use it. The recycling use has gone from 11 per cent down to 6 per cent—that is a bit of genius, that is. It is an absolute disgrace that all of that water is going out to sea down there. Recommendation 11 of Peter Cullen's paper states:

> The government should clarify the control and responsibility for stormwater and encourage its use as a commercial resource, as water supply for appropriate uses.

Okay; we have set up the Stormwater Management Authority. It is more about detention and retention rather than recycling. We need to look again at recommendation 11. Recommendation 12—this is in 2004 and it is signed off by Mike Rann saying that we need to adopt a degree of urgency—states:

> The government should develop a state policy towards desalination that addresses planning issues, access to saline water, disposal of brine and management of other environmental impacts. The support government may provide to appropriate proposals could be outlined to encourage innovation in this area.

In 2004 they were talking about that. This government has consistently done absolutely nothing. Rather than talk about it, they ignored Susan Lenehan. They tried to find out what our policies were. We had some good policies back in 2002 and 2006, but the government has come up with nothing, other than recycling its old policies. Don Dunstan came up with a glamour campaign in 1967, and millions are being spent on advertising by this government that should be spent on waterproofing Adelaide and looking after families and communities in distress. What do we get? We get a consistent approach—that is, just ignore the impending crisis and hope that it will go away.

I remind the house that, in my first budget speech in this place, I said that economists were only put in this place to make meteorologists look good. I had to go to the bureau and do penance. In the recent budget, the Treasurer relied on the drought breaking. So, the economists were relying on the meteorologists to make them look good. These are the dire straits this state is in. We cannot stop the drought, although we might be able to help with cloud seeding. Get on with it and do something about ensuring water security. Show us some leadership. Let us do something about water security for this state.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (12:46): I move:

That the motion be put.

The DEPUTY SPEAKER: The member for Enfield was on his feet.

Mr HAMILTON-SMITH: Madam Deputy Speaker, I have moved that the motion be put.

The DEPUTY SPEAKER: The member for Enfield was on his feet. I am obliged—

Mr HAMILTON-SMITH: Madam Deputy Speaker, I have moved that the motion be put.

The DEPUTY SPEAKER: I heard you. The member for Enfield.

Mr RAU (Enfield) (12:46): Thank you, Madam Deputy Speaker.

Mr HAMILTON-SMITH: Madam Deputy Speaker, I have moved that the motion be put. I think that that question needs to be put to the house. The government is clearly filibustering. I have moved—

Members interjecting:

Mr HAMILTON-SMITH: Madam Deputy Speaker, I ask that you get advice from the Clerk.

The DEPUTY SPEAKER: Thank you, leader. Please sit down while I—

Mr HAMILTON-SMITH: I have moved that the motion be put.

The DEPUTY SPEAKER: Please sit down. My decision stands. I looked to the right of the house, as the last speaker was on the left, and I gave the member for Enfield the call before I saw you on your feet. The member for Enfield has the call.

DEPUTY SPEAKER'S RULING, DISSENT

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (12:49): I move:

That the Deputy Speaker's ruling be disagreed to.

The DEPUTY SPEAKER: The leader has brought up his reasons for disagreement in writing. Is the motion seconded?

Mr WILLIAMS: Yes, ma'am.

Mr HAMILTON-SMITH: Madam Deputy Speaker, I have moved dissent from your ruling not to allow the motion to be put. I do so because I rose to my feet. A clear majority of members in the chamber could see I was first to my feet. In my view, the government is filibustering on this motion and does not want it to be put. It is dealt with by standing order 151, that the question now be put, and you would know, Madam Speaker, that that requires that I be given an opportunity to close the debate. The motion speaks for itself: there has been an abject failure by the Premier to show leadership on our water crisis. It is most serious—

The Hon. R.J. McEWEN: I have a point of order.

Mr HAMILTON-SMITH: —and that is why—

The DEPUTY SPEAKER: Order! The minister has a point of order.

The Hon. R.J. McEWEN: We now have a remarkable situation where the Leader of the Opposition is starting to argue the case in terms of closing the debate. This debate is not about that at all. This is a debate about the right of an individual to speak to this motion, which the opposition is trying to gag. Can we at least stick to that debate at this stage?

The DEPUTY SPEAKER: Order! The essence of the point of order was that the leader was entering into debate on the substantive motion rather than the dissent motion, and that is correct.

Mr HAMILTON-SMITH: Thank you, Madam Deputy Speaker. They desperately do not want this motion to be put, because the government has been exposed for its failure to act on our water crisis in the drought. That is why they are trying to nobble debate and that is why they are trying to stop this being voted on. I rise to my feet and call that the motion be put. It needs to be put because the people of South Australia need to understand that Mike Rann and his Labor government have failed them on the drought, and they have failed them on the water crisis.

Mr RAU: I rise on a point of order.

Mr HAMILTON-SMITH: They have produced glossy brochures—

The DEPUTY SPEAKER: Order!

Mr HAMILTON-SMITH: They have nobbled—

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

Mr RAU: The point of order is clear, Madam Deputy Speaker. The member is arguing his case again. We are talking about whether the motion should be put. We do not need to hear all of that other stuff regurgitated. Let us get on with it.

The DEPUTY SPEAKER: I uphold the point of order.

Mr HAMILTON-SMITH: Madam Deputy Speaker, I appeal to you to allow this matter to be put. That is why I have indicated dissent from your ruling. We can vote on that, but the government must be held to account. You cannot avoid voting in the house. Let the people of South Australia know where you stand.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (12:53): What I hope is that I will be heard without the hysteria that has just been going on.

Members interjecting:

The Hon. P.F. CONLON: And off they go immediately. Madam Deputy Speaker, my understanding is that you called a speaker on this motion. The Leader of the Opposition, for what we know was signalled to the media in advance for a stunt, does not want anyone on this side to be heard. I am not surprised by that—not the least bit surprised. I would not mind speaking on it later myself, because some of the nonsense we have heard on this issue from the Leader of the Opposition is simply that—nonsense.

If the Leader of the Opposition is so desperate to argue his case he can do so, but it is not appropriate for him to prevent others answering those arguments. What I know from my many years in this place is that, if there is ever a question of doubt, if there is ever an argument, it should

always fall to hearing the debate, not closing it down. The rules about closing a debate in this place are fairly rigorous. What is absolutely transparent about this is the lack of genuineness. This has nothing to do with informing the public of South Australia and nothing to do with the debate, otherwise they would not be seeking so dramatically to close it down. It has to do with a fellow who does not do well in question time and does not do well in debate and who sneaks into private members—

The DEPUTY SPEAKER: Order! There is a point of order.

Mr WILLIAMS: The question before the house is one of dissenting from a ruling and the minister is straying from the question.

The DEPUTY SPEAKER: The problem that all occupants of this chair have is that, when one person strays from the rules, there is a need to give liberty to another person. I did draw the leader back to the point, not as rapidly as the time in which the minister has had, but I will ask the minister to uphold the standing orders.

The Hon. P.F. CONLON: I will, but simply make the point that, if you want to put on some hysterical childish performance and not follow the rules of debate yourself—

Members interjecting:

The Hon. P.F. CONLON: Listen to them all; what a bunch of children. The truth is, if ever there is a doubt either way, we should always lean towards keeping the debate open and members of parliament being heard. That is why they were elected; they were elected to be heard. If the leader is so angry, perhaps he can bring this debate into the chamber at question time when the frontbench is here, when all of us are here—not childishly sliding away from his responsibilities. After all, this is a man who describes himself as the 'alternate Premier'.

Perhaps in an alternate universe I would say, but he does describe himself as the 'alternate Premier'. Instead of performing stunts in private members' time, can he allow private members to have their debate, which is something we have always observed on this side. Do not gag private members, and if you have a fight to pick, do it in question time when other leaders of the opposition always have.

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Williams interjecting:

The DEPUTY SPEAKER: The member for MacKillop will come to order! Thank you. I am also entitled to make a statement in support of my ruling. The previous speaker was to my left. I looked to my right is, as is the tradition of this parliament, to identify whether there was a speaker on their feet. There was. I therefore acknowledged the member for Enfield and saw the leader only when loud voices called my attention to his being on his feet. The tradition of the parliament is to take speakers from either side alternately. I upheld that tradition. The question is that the chair's ruling be dissented from.

The house divided on the motion:

AYES (12)

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

NOES (26)

Atkinson, M.J.	Breuer, L.R.	Ciccarello, V.
Conlon, P.F.	Foley, K.O.	Fox, C.C.
Geraghty, R.K. (teller)	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, T.	Lomax-Smith, J.D.
Maywald, K.A.	McEwen, R.J.	O'Brien, M.F.
Piccolo, T.	Portolesi, G.	Rankine, J.M.

Rann, M.D.	Rau, J.R.	Simmons, L.A.
Stevens, L.	Thompson, M.G.	Weatherill, J.W.
White, P.L.	Wright, M.J.	

Majority of 14 for the noes.

Motion thus negatived.

Debate adjourned.

[Sitting suspended from 13:03 to 14:00]

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the written answers to questions as detailed in the schedule I now table, be distributed and printed in *Hansard*.

SCHOOL FUNDING

17 Dr McFETRIDGE (Morphett) (9 May 2007).

1. What Science and Information Economy Programs are currently in place to assist students and teachers in the education of science, mathematics and information economy, how much funding has been allocated to each of these programs in 2006-07 and how many forward years have these programs been budgeted for?

2. What programs or grant allocations have been implemented to replace the funding previously allocated to the Australian Mathematics and Science School, Investigator Science and Technology Centre and Technology School of the Future, respectively?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling):

1. The primary responsibility for the educational needs of students and the professional development of teachers is the responsibility of the Department of Education and Children's Services (DECS). The innov8 program, developed by DFEEST's Science and Innovation Directorate, aims to improve community awareness of the importance and impact of science, technology and innovation on the State's economic, social and environmental future. The program funds a number of science awareness initiatives that directly and indirectly impact on student and teacher science education and awareness. During 2006-07, DFEEST provided funding of just over $400,000 for initiatives as diverse as National Science Week, South Australian Science Excellence Awards, the Tall Poppy Campaign, Flinders School of the 21st Century and CSIRO Secondary Education Centre (CSIROSEC), Australian Science and Mathematics Scholarships, the Entrepreneurs Challenge, as well as supporting scientific conferences held in South Australia. In the area of Information Economy, a program specifically relating to student education, is the Electronics Industry Education Initiative (EI)2. For the 2006-07 period, $156,000 was allocated to this program. During 2006-07 DFEEST also supported the Investigator Science and Technology Centre through its decision to cease trading.

2. The Australian Science and Mathematics School received funding from DFEEST for a period of three years commencing in 2003-04. This investment was made through DFEEST's commitment to the SciMaths Strategy coordinated through the Department of Education and Children's Services. The total funding allocated to the ASMS for student scholarships during this three year period was $150,000. This program ceased in 2005-06. To assist current students complete their on-going studies at the ASMS, an additional $14,000 has been allocated for the next two years. Funding for the Investigator Science and Technology Centre ceased in 2005-06, due to its Board's decision to cease trading. DFEEST sought Cabinet approval to redirect this funding and continue using the funds for science awareness programs. From 2007-08 part of the funding ($228,000 p.a.) will be used to increase the current activities of the CSIRO Secondary Education Centre based in South Australia. The guidance of the Premier's Science and Research Council will be sought to assist DFEEST determine how the remaining proportion ($272,000) of the funds will be used. Around $5 million has also been committed to the establishment of the Royal Institution of Australia (Ri Australia), based in Adelaide. The Ri Australia will be located in the Adelaide Stock Exchange Building, and will act as an iconic hub of science awareness activities, connecting scientists, technologists and engineers with individuals, families, students, educators, media,

government and industry. The Technology School for the Future is the responsibility of the Department of Education and Children's Services, not DFEEST.

LOCAL GOVERNMENT DISASTER FUND

171 Dr McFETRIDGE (Morphett) (31 July 2007). How much Government expenditure has been allocated to the Local Government Disaster Fund in each year since 1999?

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): I provide the following information:

The Local Government Disaster Fund is an interest bearing Special Deposit Account held at the Department of Treasury and Finance (DTF) under the Public Finance and Audit Act 1987. Until 2001, a levy of 0.005 per cent was added to the State's Financial Institutions Duty (FID) collections and paid into the Fund ($6.5 million in 1999-2000 and $6.6 million in 2000-01). The FID was abolished in 2001 as part of national taxation reforms.

The payments made by the Government into the Fund since the FID was abolished have been the interest earnt on balances held in the Fund. Since 1999 a total of $15.9 million interest has been paid to the Fund as follows:

- $1.3 million (1999-2000);
- $1.9 million (2000-01);
- $1.7 million (2001-02);
- $1.8 million (2002-03);
- $2 million (2003-04);
- $2.2 million (2004-05);
- $2.4 million (2005-06) and
- $2.6 million (2006-07).

PAPERS

The following papers were laid on the table:

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

Director of Public Prosecutions—Report 2006-07

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Industrial Relations Court of South Australia and Industrial Relations Commission of South Australia—Report 2006-2007
WorkCover SA—Report 2006-2007

By the Minister for the River Murray (Hon. K.A. Maywald)—

River Murray Act 2003—Report 2006-07.

QUESTION TIME

DESALINATION PLANTS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:02): My question is to the Premier. Why did the Premier promise $1.4 billion for a desalination plant without first ensuring that the matter was properly considered and approved by cabinet? On 12 September 2007, the Premier, when asked about his surprise desalination announcement on that day, told the house:

My statement to the house yesterday, as well as in the news conference yesterday, has the total support of the Treasurer and, indeed, the entire cabinet, as you would expect.

But yesterday the Deputy Premier advised the house, 'No cabinet decision has been taken.'

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate

Change) (14:03): I remember that when the Leader of the Opposition, early in the year, announced his support for a desal plant, there were no costings, there was nothing, it was a press release. This is the same Leader of the Opposition who at the last election was part of an opposition that said that it would forge its water policy by 2009—2009, that is how urgent members opposite thought it was.

I am delighted to announce to the house today that we will have two desal plants, one near Whyalla to service the giant Olympic Dam expansion, with a South Australian government and a federal government component which will be there to supply desalinated water to Whyalla, Port Pirie, Port Augusta and parts of Eyre Peninsula; it will probably be the biggest desal plant in the Southern Hemisphere. There will be a second desal plant for Adelaide, as an insurance policy for water security in the future. I know members opposite think the media is having a quiet day, so what they hope to do is to cobble up the emotion of three weeks ago, because the one on Tuesday did not go that well, and hope that they fall for it again. The fact of the matter is this: we are committed to two desal plants—one for the Spencer Gulf and one for Adelaide—because we have a policy and we are not waiting for 2009 like members opposite.

SENTENCING, ARMED ROBBERY

Mr KOUTSANTONIS (West Torrens) (14:05): Does the Premier have any information about whether an appeal will be lodged in relation to the sentence imposed on the so-called overall bandits?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:05): I am pleased that the honourable member has asked this question. The offence of armed robbery is amongst the most serious in the criminal law. Armed robbery is an inherently violent offence. It creates extreme terror in the minds of its victims, including bank and other employees and members of the public who happen to be present when dangerous criminals strike. The impact of their crimes on innocent victims cannot be underestimated. It is not unusual for victims of armed robbers to experience long-term emotional and psychological damage due to the trauma of the armed robbery. Many are scarred for life and some have great difficulty in returning to work. The danger and risk of serious physical injury or even death during an armed robbery is real and, tragically, on some occasions, innocent people are seriously harmed.

I was, therefore, deeply concerned that two armed robbers convicted of multiple offences were sentenced to a non-parole period of just eight years for six armed hold-ups and one attempted armed hold-up, as well as the illegal use of seven cars. The apparent leniency of the sentence has created public concern, and I share that concern. I am particularly concerned that the non-parole period is a mere one-half of the head sentence of 16 years' imprisonment. As a rough measure of the justice of the case, the non-parole period equates to a little over one year for each offence of armed robbery, and then there are the offences of attempted armed robbery and illegal use of the seven cars to consider.

I do not accept that anything in the circumstances of this case reduces the responsibility of the offenders for their criminal conduct. Despite some not unusual personal issues, both appeared to have had the benefit of a good upbringing and sound educational opportunities. I can think of nothing that could excuse such a serious premeditated and deliberate crime repeated over and over. The offenders, who were armed with a shot gun and a .22 rifle, were clothed in overalls and masks. On four occasions the offenders carried a large sledgehammer or an axe into the banks. Both offenders must have presented a menacing and terrifying image to the victims.

The sentencing judge in his sentencing remarks acknowledges the impact on victims including depression, anxiety, fear and nervousness. Many have experienced detrimental effects in their family and personal relationships. A number of the victims still need professional help. The Attorney-General has asked the Director of Public Prosecutions whether he intends to appeal the sentence. Of course, whether the sentence can be appealed in this case is a matter for the DPP. I understand that the Acting DPP has already indicated that the matter warrants close consideration and that an assessment of whether the sentence can be appealed has commenced. I await the outcome of that assessment and any subsequent appeal with keen interest.

I do not wish to pre-empt the outcome of these matters; that will be determined on the basis of the existing law. If, according to law, the sentence is consistent with current sentencing standards, the Attorney-General will undertake a review of the relevant law to ensure that the tariff for such serious crimes more adequately reflects reasonable public expectations. But I think that the public have a right to be concerned about this sentence and I share that concern.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from Burnside Primary School (guests of the member for Bragg).

QUESTION TIME

GOVERNMENT ICT

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:09): Is the Treasurer concerned that mismanagement of the government's ICT projects will damage his budget's bottom line? The Auditor-General has highlighted that mismanagement of information communication technology projects puts at risk the achievement of priorities of the whole of government strategy, including the realisation of benefits expected from the government shared services initiative. The Auditor-General makes the point in his report that the amount of money at risk in these projects is $600 million. Projects of concern identified by the Auditor-General include the TRUMP System, the ATLAS project, the replacement of Revenue SA's taxation revenue management system, and the electronic facilities management system.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:10): No, I am not concerned that the ICT procurement of government will affect the budget's bottom line. In fact, I think my colleague would confirm that the ICT savings to date have already delivered somewhere in the order of $30 million per year. The Ristech system to which the Leader of the Opposition (the alternate premier, whatever he wants to call himself) refers is a replacement program for Revenue SA's tax collection system. It probably does not excite a lot of people, but it excites me that we are getting a new system. It has been longer in coming forward than was intended.

What I have learned from ICT procurement is that they often take longer than first thought. I do not have the numbers in front of me, but that program will see a significant multimillion-dollar improvement in tax collection simply through better technology. From memory, I think probably $5 million or $8 million a year of revenue has been leaking through the system, because we have not had as good an IT system as we otherwise should. So, it will do quite the opposite: it will deliver a real budget benefit to us. He mentioned other programs. The reality is—and this comes from a government that spent, from memory, $150 million on the Y2K bug; you had your minister for the bug—you splashed $150 million up against the wall fireproofing our state from a bug.

The Hon. P.F. Conlon: He doesn't say that.

The Hon. K.O. FOLEY: My colleague says that he doesn't say that. What I have found with the Leader of the Opposition is that you really have to look at what he says in full context, because he is a champion at pulling quotes out of a report and totally misrepresenting the situation. Late yesterday on radio the alternate premier—

The Hon. P.F. Conlon: He loves those words.

The Hon. K.O. FOLEY: He loves it, doesn't he. Keep repeating it; he likes it. The chest goes out, it rises a few inches; he loves it. Unfortunately, before you become premier the word 'alternate' will have to go. But, as long as you want to be known as the alternate premier, good luck to you. He said on radio how he would manage his budget. This question was put to him by Andrew Male on ABC Radio's *CountryWide*:

> ...let's swap places hypothetically for a moment, you're now state Treasurer, you've got all this money coming in, where are you going to put it?

And the alternate premier said:

> I think Kevin's problem is at the expenses end of his budget.

You better believe it. Any treasurer that does not have a problem with expenditure is not doing a very good job.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: Absolutely, and they manage. How come you couldn't balance a budget?

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: I can balance a budget; he couldn't balance a budget. The leader stated:

He's gotta stop giving in to requests for spending and claiming that...it's unavoidable, it's never unavoidable...

There is not a day that goes by when this bloke is not telling me to spend money. There is not a question time when the leader is not telling this government to spend money. How ridiculous a statement is that? But, it goes on and gets better. He states, 'This is what I would do', and says:

He's got to get his expenses under control. Build up bigger surpluses.

And this is how he would pay for his infrastructure. He states:

He's gotta build that surplus up, that's how we'll build the roads. That's how we'll build the health and education infrastructure that we need.

Well, Mr Speaker, we have $1 billion a year capital expenditure. Are you suggesting that you would have another $1 billion surplus? The Leader of the Opposition has to explain what services he would cut and what taxes would go up. He just cannot say, 'GST'.

Mr GOLDSWORTHY: I rise on a point of order. The Deputy Premier is clearly debating the issue. He must answer the question.

The SPEAKER: I uphold the point of order.

The Hon. K.O. FOLEY: I have been clean bowled by the member for Kavel.

The Hon. P.F. Conlon: Not as much as Vickie was!

The Hon. K.O. FOLEY: I think he did pretty well. He knocked over two deputy leaders in one hit. Well done, Mark! I rest my case. I think that I have more than adequately answered the question.

BUSINESS AND PARLIAMENT TRUST

The SPEAKER: I crave the indulgence of the house for a moment. Today we have participants in the Business and Parliament Trust in Parliament House, and I welcome them. The South Australian Business and Parliament Trust has been established with two principal aims: one is to enable all South Australian members of parliament to widen their experience and increase their knowledge of business by spending some time with a local business; the other is to assist business managers to better understand how government is exercised through parliament and the political process. The trust is based on highly successful models operating in many parts of the world, including New Zealand, Belgium, Canada, Finland, The Netherlands, Spain, Sweden and the United Kingdom. A board of management has been established to govern the trust, and Mr Mike Terlet AO and I, as Speaker of the house, have agreed to co-chair the trust, taking over from the Hon. Mr Such. I acknowledge Mr Terlet's presence in the chamber here today.

The trust's study programs will bring businesspeople and parliamentarians together on each other's home ground so that issues can be discussed and information exchanged in the most effective and practical way possible. I thank those members of parliament who have addressed participants in today's program. It is a non-partisan body with the aim of educating and improving decision making by business and parliament. Developing shared understandings between legislators and business has never been more important. I strongly endorse these objectives, and I commend the trust to all my parliamentary colleagues and to the South Australian business community.

QUESTION TIME

PINK RIBBON DAY

The Hon. L. STEVENS (Little Para) (14:17): Will the Minister for the Status of Women remind the house of the purpose of Pink Ribbon Day?

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (14:17): I thank the member for Little Para for her question and acknowledge her very long-term commitment to the health of women here in South Australia. As many members would be aware, Pink Ribbon Day is to be held next Monday. This is a national event that raises money for the National Breast Cancer Foundation to contribute to breast cancer research, provide support for services to patients and educate women to be aware of the importance of prevention.

Breast cancer is the most frequently diagnosed cancer and also the leading cause of cancer death for women in Australia. It is extremely concerning that about one in 11 South Australian women will get breast cancer before the age of 75. The Minister for Health and I are committed to prevention, early detection, improvement of treatment options and positive outcomes for women with breast cancer. BreastScreen SA provides a free, government-funded service that provides screening mammograms to women aged 40 and over across South Australia. In fact, BreastScreen SA has to date provided more than 950,000 free screening mammograms for South Australian women. In addition to metropolitan-based services, BreastScreen SA has mobile clinics that visit 27 country regions in South Australia.

Early detection is just so important. A national report released in June this year, entitled Efficacy of Population-Based Screening in Australia, indicates that women participating in mammography screening reduce their risk of dying from breast cancer by more than 41 per cent. One of the co-authors, Professor David Roder of the Cancer Council, said that better technologies were detecting more cancers earlier and improving survival rates through early intervention. He said, 'This has shown that BreastScreen SA is working, and it's working better than we would have ever expected.'

I recognise and applaud the commitment and hard work of the wonderful community members and workers who continue to care for, inform and educate South Australian women and their families. Organisations such as Survivors Abreast are an example of a wonderful organisation providing support and healthy activity through dragon boat racing for women with breast cancer, and there are volunteers everywhere doing their very best to raise funds and promote the importance of awareness and early detection.

Finally, I want to recognise the many women and their families who live with breast cancer. Their survival is a demonstration of their enormous strength and courage, and I encourage all my colleagues to do their bit in ensuring that they get this important message out about breast screening. We never know when it is going to touch our lives, as some in this chamber could attest. I can remember that not long after we were elected, the member for Reynell was very concerned that a close and dear friend of hers had contracted breast cancer. I was very sad to learn just a while ago that Maureen Bickley has passed away.

SHARED SERVICES

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:21): Will the Treasurer assure the house that his shared services savings targets will be met? The Auditor-General has expressed concern about the government's ability to deliver its shared services savings in his report. He states:

> Lack of clarity in roles and responsibilities and outcomes leads to failure to control systems, and the potential for non-achievement of benefits realisation.

The Auditor-General goes on to observe that each year since coming to office the government has exceeded its expenses budget by amounts ranging from $184 million to $487 million per annum, an overspend of $2.5 billion on budgeted expenses since the Rann government came to office. The Auditor-General further observes that the integrity of the budget over the next two years depends completely on the government meeting its savings targets and expense control measures.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:22): Mr Speaker, the—

An honourable member interjecting:

The Hon. K.O. FOLEY: Out of control, okay. Coming from this lot that has never balanced a budget in their life. We have done six.

An honourable member interjecting:

The Hon. K.O. FOLEY: They never did. The Libs have never balanced a budget in the state's recorded history. But Labor delivers six balanced budgets. Labor delivers a AAA credit rating. Labor is the clear party of choice for South Australians when it comes to financial management. Let me repeat that: the Labor Party in South Australia is the party of choice for South Australians for financial and economic management.

Mr Williams interjecting:

The Hon. K.O. FOLEY: The member for MacKillop, who somehow thinks borrowings are revenue, is waving a bit of paper to say we borrowed to balance our budgets. That is nonsense.

Mr Williams interjecting:

The Hon. K.O. FOLEY: I do not know what you are referring to. Are you referring to net lending, or net operating balance? Anyway, I do not know why I am bothering with the member for MacKillop. He does not understand the terminology. The budget is in balance—strong balance—with a surplus.

Mr Williams interjecting:

The Hon. K.O. FOLEY: For goodness sake! This government does not borrow to meet its recurrent expenditure. It never has, and never will as long as we are in government. It does not borrow to meet its recurrent expenditure. It borrows to invest in capital. And, if you cannot understand that from reading the budget papers, member for MacKillop, you do not know how to read a budget paper.

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I do not know why I am bothering, sir. Someone said last night that apparently I let the opposition get under my skin when they question my budget. The shared—

The Hon. I.F. Evans: Take the Paris option.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! That is enough. Members will not interject and the Treasurer will not respond to interjections.

The Hon. K.O. FOLEY: Thank you, sir. The shared services reform program (being very well managed by Treasury and the Minister for Finance) is a bold reform of this government in public administration. There has been and will be no more significant reform of a public administration in this state than our shared services reform agenda. No, it will not be easy. Yes, it will be a program that will have its problems. You cannot reform an entire way a government is administered without its being a difficult task.

I do not have the exact numbers—the Minister for Finance may have a better brief than me—but there may be 150 various centres where we have payroll, procurement, human resources and various other corporate functions. They will all be rolled into one centre where we will have at least 2,000 (probably more) public servants who are in scope. We have already said that we will be seeing a significant reduction in the number of FTEs who are responsible for these functions. This is reform on a grand scale. We have learnt much from mistakes made by other governments. We are not investing upfront heavily in an IT program, which I think the WA government did and got itself into serious trouble. To start with, we are going after the lower hanging fruit, and then we will roll out a more intensive program to achieve these savings. We have set ourselves a very hard task. Am I—

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: Sorry?

The SPEAKER: Order! The Leader of the Opposition will not interject and—

The Hon. K.O. FOLEY: The leader says that I had better make it. Yes, you are right, I had better make it.

The SPEAKER: —and the Treasurer will not respond.

The Hon. K.O. FOLEY: Thank you; sorry, sir. We have set ourselves a very hard task. Can I guarantee that we will get there? No, I cannot. Am I confident that we will get there? Yes, I am. The whole idea is to achieve significant efficiences, reform and savings within the government sector. It is a sort of bold reform that Labor governments have been able to do in years gone by. That is why, as I said, we are the party of choice when it comes to financial management because—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —we are prepared to take the hard decisions to reform the way we administer public services and deliver more money to be able to provide better services in this state.

GOVERNMENT ICT

Mrs GERAGHTY (Torrens) (14:27): Will the Minister for Transport advise whether the Auditor-General's Report has indicated support for the government's actions on ICT procurement?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:28): I am more than happy to answer this question from the member for Torrens, particularly in light of the quite spurious, shall I say, allegations made by the Leader of the Opposition in an earlier question in which he challenged that we were at risk—$600 million—as a result of this. Unfortunately, no reasonable reading of the comments of the Auditor-General can lead to that conclusion.

I want to advise the house of what the Auditor-General has said about ICT procurement. He says that, in earlier reports, he had identified as a weakness (and conversely a potential strength) the appointment of a chief information officer for government. He notes in this report that we have appointed a chief information officer for government. He then goes on to point out that we needed an overall government strategy for procurement in this fast-moving area, and he points out that one has now been delivered by the new chief information officer—one tick; two ticks.

The question of the Leader of the Opposition referred to the TRUMP System and said that this was one of the things identified as the big risk. The Auditor-General, last year, identified a lack of adequate reporting to cabinet and he identifies in this report that that has been fixed—another tick. He talks about the ATLAS system, and he identified this last year as not having had changes reported to cabinet. He now identifies that that has been fixed—another tick. This is the terrible disaster that is looming.

The fact is that we have done what the Auditor-General has recommended and he agrees with it. However, one has been a failure, and it is identified in the Auditor-General's Report. It is the Electronic Facilities Management (EFM) system. It was abandoned and money thrown away. This was a decision taken by the previous government to develop a system for a certain cost before we came to government. They struggled with it and found it was impossible to implement in the budget that had been forecast by the previous government and that to proceed further would be a waste of money. It was a failure—one we inherited. In every other aspect the Auditor-General's Report is a tick for the approach to ICT. He quite properly points out dangers—in particular, dangers if we cannot get compliance—with a government strategy. I would have thought that that was the role of the Auditor-General.

Of course, the other thing the Leader of the Opposition did was to confuse the shared services policy with ICT procurement, which I can understand because it is a complex issue. But to come into this place and suggest, as he has done today, that the Auditor-General's Report has somehow identified some great risk, merely means one of two things: either that the Leader of the Opposition is prepared to say anything; or, in fact, he cannot read. Now I have given him the benefit of the doubt. I believe that we have got a very good education system, and I assume he can read. I assume that once again he is saying and doing anything he can get away with, just like, I point out, his comments last Friday, I think it was. This is what he said about South Australia. This is the sort of thing—

Ms CHAPMAN: I rise on a point of order, Mr Speaker. The minister is clearly debating the matter now. I ask that you rule on that, sir.

The Hon. P.F. CONLON: It's all right, sir.

The SPEAKER: I have not heard what the minister was going to say; but, in any case, he has finished his answer.

ELECTION ADVERTISING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:32): Does the Premier support Kevin Rudd's proposition, made in Adelaide on 10 October 2007 with the Premier standing beside him, that the government of the day should not spend taxpayer funding on advertising in the three months leading up to the election without the express agreement of the Leader of the Opposition?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:32): Can I just tell the house that it appears that what the Leader of the Opposition is suggesting is that in the lead-up to an election—and, by the way, we have fixed terms in South Australia, which is a thing he seems to have forgotten even though he was in government at the time—we are somehow to suspend road safety advertisements? Are we also to suspend advertisements warning people of the dangers of bushfires? Let me tell the leader this: I do not support the taxpayers paying for political advertising at all. I think it is wrong, and therefore I agree with Kevin Rudd. However, I do agree that government information advertising is essential, as the leader has acknowledged in the past.

ELECTION ADVERTISING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:33): As a supplementary question: given his answer, will the Premier apply the same standard to his own government in the three months leading up to the March 2010 election, namely, that unless the Leader of the Opposition agrees, all taxpayer-funded political advertising will end?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:34): Yes, I can announce today—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: No, no, no—breaking news—a total ban on government funding of political advertising before the next election. I will make sure that there is none.

GOVERNMENT SERVICES

Ms BREUER (Giles) (14:34): Will the Minister for Transport advise whether government services in South Australia can be equated with those in Bangladesh?

Members interjecting:

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:35): There we go, there's another Liberal claiming that we are like Bangladesh.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Mr Speaker, I am not surprised that the Liberals do not want anyone to be heard on this subject. I have got to say that I was watching television the other might and Mr Hamilton-Smith—sorry, the alternate premier—came on and said this, and frankly it was one of the most astounding things I have ever heard. He said, 'This is the sort of thing you expect in Bangladesh. Mike Rann and Karlene Maywald are single-handedly turning Camelot on the Torrens into Bangladesh.'

Members interjecting:

The Hon. P.F. CONLON: Then they say, 'That's right.' They are all saying that, sir, 'That's right.' They're joking about it. Let me say this, in all sincerity as a migrant to this country: every morning I wake up I am grateful to live in the greatest place on earth, in the greatest city on earth. Let me give you the comparison that he draws between this place and Bangladesh, where people live in abject poverty. In Australia the average per capita expenditure on health is $3,123; in Bangladesh it is $64. The probability of dying under five years of age per thousand live births is six in South Australia; in Bangladesh it is 73. The healthy life expectancy at birth for a male in Bangladesh is 55; in Australia it is 71. To take lightly such tremendous good fortune I think is a disgrace. The gross national income in Australia per capita is $30,610; it is $2,090 in Bangladesh. Some 56 per cent of the population of Bangladesh are literate; 47.5 per cent live below the poverty line, and 25.1 per cent live below the extreme poverty line.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: You should quit while you are a mile behind, can I tell the alternate premier. From the encyclopaedia it says this—

Members interjecting:

The Hon. P.F. CONLON: This is a joke for him, and that's what I find most offensive. It says:

> The urban areas, especially the capital Dhaka, and major industrial cities such as Chittagong, Khulna and Rajshahi, enjoy a better quality of living, with electricity, gas and clean water supplies. Still, even in the major cities, a significant proportion of Bangladeshis live in squalor in dwellings that fall apart during the monsoon season and have no regular electricity. These Bangladeshis have limited access to health care and to clean drinking water. The rural population, meanwhile, often lives in traditional houses in villages with no facilities associated with even the most modest standards of living.

To compare South Australia to Bangladesh is to do two things. It is to be utterly scornful of the tremendous good fortune we have to live here, and it is utterly disrespectful to the abject poverty those people live in. Let me say this by way of an invitation to the alternate premier: if he reckons it is better in Bangladesh, and if they will take him, please go there.

RAIL CONTRACT MANAGEMENT

Dr McFETRIDGE (Morphett) (14:37): My question is to the Minister for Transport. I will just give him a moment to calm down. Can the minister assure the house that all key performance indicators for rail contract management, in particular for rail vehicle inspections and rail and public safety, are being met, and guarantee the public that appropriate quarterly audits and assessments will be undertaken in the future?

Members interjecting:

The SPEAKER: Order!

Dr McFETRIDGE: In the Auditor-General's Report (part B of volume 5, page 1,397) the Auditor-General states:

> The audit identified gaps in the performance assessment for the TransAdelaide contract in relation to rail vehicle inspections. Audit found that the PTD [Public Transport Division] does not test this KPI as part of the quarterly audits...no assessment was undertaken.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:39): Once again we have the opposition trawling through the Auditor-General's Report to find—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I am prepared to pitch my reading skills against the Leader of the Opposition's any time, any place, under any test. Can I just make that clear for him in case he makes that silly remark again. I am happy to pitch mine against his, any time, any place. We can even do a spelling bee, if he wants. Would you be in that, a spelling bee? Of course, I do not spend as much time reading great French philosophers like Albert Camus, but I can read. I loved that book. What was it? *L'Etranger*; that was a great one. I do not think he has read that one.

The matter referred to by the Auditor-General, I am advised—and I will provide further detail as these matters are examined in the Auditor-General's report—is that it is not a question of examinations; it is a question of examinations that meet the KPI. My advice is that the examination of buses meet the key performance indicators in the contract, but the examinations on rail cars are, in fact, different but better than the KPI and the approach that is likely to be taken out of this is, in fact, a change to the KPI. I can assure you that these—

Members interjecting:

The Hon. P.F. CONLON: Members opposite are always disappointed when I get things wrong. You would think, out of the great experience that they have had of getting things wrong, that they would be less disappointed. We are talking about inspections, and I will provide greater detail. I understand, after getting some hysterical misinformation from the Leader of the Opposition in a letter inviting him to a briefing, he has decided not to come but to send the member for Morphett.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: I see, he is the shadow minister, but when he thinks there is a bit of a political goal he does not remember the shadow minister, does he? He is always out there on his own. The poor old shadow minister does not get much of a look in with the alternate premier on the job, does he? He is going to send the member for Morphett for a briefing. I am quite happy to explain the system of inspections to the member for Morphett.

Members interjecting:

The Hon. P.F. CONLON: I am a nice fellow. Members opposite should not dislike me so much and interject so much. Once you get to know me, I am a very nice fellow. Mr Speaker, I am trying to be good but—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson: How long was it before I realised you were a nice guy?

The Hon. P.F. CONLON: I am a nice fellow, and don't you forget it! The inspections that are referred to are things like inspections of seats, cleanliness and hygiene, attesting to the contract. I am absolutely assured today by Heather Webster, the head of the Public Transport Division, that these are not matters associated with safety. As I said, the buses are inspected according to the KPI. My understanding is that the train carriages are inspected at least equal to the KPI, so probably in a superior fashion. As I said, my advice is that it is likely that they would seek to change the KPI, but I will get further details. I will make sure that when the member comes for the briefing that we offered the Leader of the Opposition—who is the one who was out there making all the misinformed statements—we will make sure that he is fully briefed on these inspections as well.

ASSET SALES

The Hon. I.F. EVANS (Davenport) (14:43): My question is to the Minister for Education and Children's Services. Why did the government sell approximately $7 million worth of education department assets for just $1.7 million, around $5.3 million under value? The Auditor-General's Report indicates that proceeds from the disposal of assets over the last year was $1.703 million, the value of the assets disposed was $7.046 million, a loss of some $5.3 million. Can the minister explain why?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (14:44): I thank the member for this question about asset sales. I do not have those details to hand but I will get back to him.

EDUCATION BUDGET

The Hon. I.F. EVANS (Davenport) (14:44): My question again is to the Minister for Education and Children's Services. Why does the minister keep running her department in deficit? The Auditor-General's Report indicates that last year's deficit was reported to be $21 million, and this year's deficit is $12 million.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (14:44): I believe that over the last four years we have run a very tight budget. We have had a massive investment in education in this state that has redressed an extraordinarily underinvested period over about a decade. We have invested money in infrastructure investment, super schools, new programs and smaller class sizes. We have invested in extra teachers, both in junior primary and primary schools. We have invested in a senior secondary reform package, including a new SACE system.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: We have had an extraordinary turnaround in the number of enrolments; in fact, the department should be very proud of its achievements and, in terms of coming in on budget, we have come very close over the past four years.

RODEOS

The Hon. G.M. GUNN (Stuart) (14:45): Can the minister representing the Minister for Environment and Conservation—and I know it is a difficult task for the minister—explain to the house why the government is proposing cumbersome requirements on people conducting rodeos such as fees, permits and reports—

An honourable member interjecting:

The Hon. G.M. GUNN: If the member thinks it is funny, she might like to explain it.

The SPEAKER: Order!

The Hon. G.M. GUNN: The largest rodeo in the world, the Calgary Stampede, is not required to get any licences, permits or other bureaucratic requirements as is proposed by this government. I point out, by way of explanation, that even though the Deputy Premier obviously does not like people running rodeos they are all volunteers doing things for the community.

An honourable member: Yes, they love it.

The Hon. G.M. GUNN: They love it. There are 1.2 million people who attend the Calgary Stampede, and they come from all over the world, and it is run by volunteers. So, why do we have to be the odd people out?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:46): I thank the honourable member for his question. I know it is something he is very passionate about and, as the former minister for the environment, I have experienced some of his passion over the years in relation to these issues. I did not actually hear everything he said, but I got the vibe of it all. I understand the issue that he has raised. It is always a balancing act in relation to these kinds of issues between the interests of the animals and, of course, the interests of those who are running the event. I guess the government's role is to try to make sure that the balance is placed appropriately. The Hon. Gail Gago in another place, the minister responsible, has brought down some regulations which created that line in a particular place. I am happy to get a report from her on why she put it in that particular place.

POVERTY

Mrs GERAGHTY (Torrens) (14:47): My question is to the Minister for Families and Communities. What has the state government done to assist people who are caught in the poverty cycle?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:47): This is Anti-Poverty Week this week which aims to strengthen public understanding of the causes and consequences of poverty and hardship around the world and within Australia. Poverty, of course, is a relative concept—Bangladesh aside. We have people within this country who cannot participate in the activities that many of us take for granted. The Australian Council of Social Service estimates that two million people in Australia live in poverty (one in 10 Australians). So, it is critical that we continue to highlight that many people in South Australia—families, in particular—are living in poverty with all of the stresses on families that poverty brings. I think we are seeing real evidence of that within our child protection system alone, with a massive growth in the number of families that cannot cope and an extraordinary number of children coming into care.

It is important that we also highlight these issues because it seems that some of our leaders in this country are out of touch with the effect that this is having on families. In fact, we have none other than our Prime Minister saying that his view is that working families have never been better off, and it is no surprise that, whenever people are reminded of that remark by the Prime Minister, it causes great anger because there are many South Australians (indeed, many Australians) who are finding it more difficult than ever and who are having difficulty coping.

One of the key determinants of poverty is housing insecurity and, without stable and affordable housing, escaping the poverty cycle is extraordinarily difficult. Indeed, the HIA/Commonwealth Bank affordability report for September has found that housing affordability for Australian families has hit a new all-time low, showing the impact of John Howard's broken promises on interest rates over the last few years. Nationally, first-time home owners are spending 31.7 per cent of their total income on mortgage repayments—up from 17.5 per cent in September 1996, 11 years ago. For first-time home owners we have this jump from 17.5 per cent of income to 31.7 per cent of income in 11 years of the Howard government. As most members would appreciate, it is extraordinarily difficult to deal with the stresses and strains of modern living if you do not have secure and stable housing from which to work.

In South Australia we have been involved in a range of measures to increase the supply of affordable housing. We are begging the commonwealth government to partner us in that exercise, and we are hopeful of being able to work with an elected Rudd government to progress some of these initiatives. But we are not waiting for that; we have already decided to act. Our Affordable Housing Innovations Program has made commitments to 14 capital projects, which involve partner

organisations committing to constructing 205 houses in metropolitan and regional areas. Using this partnership approach, a house can be built and an affordable rental outcome achieved for less than 50 per cent of the cost of a traditional public housing investment.

We have also seen with our new Statutes Amendment (Affordable Housing) Bill in South Australia the capacity for a 15 per cent affordable housing target. Many metropolitan and regional councils are now working with us to make that work. We are improving access to affordable housing through innovations such as our property locater website, which has had 6,402 hits since its launch in August, with almost 50 properties taken up under that scheme. Our properties in the supported tenancies scheme have increased from 977 to 1,082, and the Disability Housing Program has gone from 196 to 257 in the last year.

The private rental liaison program also provides support for disadvantaged households to access private rental. Finally, an impressive achievement against the national trends: homelessness (rough sleeping) actually fell in South Australia between 2001 and 2006 when in every other jurisdiction it rose, the national average being 19 per cent. South Australia has a long and proud history of housing innovation. What we need is a willing commonwealth partner to take us further.

SA AMBULANCE CALL DIRECT SERVICE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): Will the Minister for Health assure the house that the SA Ambulance Service call direct service, which provides 24-hour advice and emergency monitoring service to the elderly, will continue, and does the government propose to sell all or any part of this service or privatise it?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:53): The call direct service is a commercial activity that was created by the ambulance service a number of years ago as a way of raising funds. I believe it was created when minister Brown was the minister for health; certainly in a period during the last government. The idea was to see what commercial opportunities might exist and how the ambulance service, by creating this service, could bring an income into the agency. I understand that it actually gives a return of $1.5 million a year to the ambulance service; so that sounds pretty good. Except, when you work it out, it costs $3 million to generate that income. That is the nature of the service that we have that was created by your party when in government. So, it is actually causing a loss to the ambulance service. It is taking money out of ambulance services in order to have this commercial opportunity explored. Quite sensibly, the ambulance—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: I hear a voice from the past. The ambulance board—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: As members would know, under current arrangements, the ambulance service is run by its own board. The ambulance board—

Ms Chapman interjecting:

The Hon. J.D. HILL: Just calm down, Victoria. The ambulance board is going through the process of analysing what to do with this commercial operation set up by the Liberals, which is losing money. We want to be mindful of the persons who are currently subscribers to it so that today they are not inconvenienced in any way. They are looking at all the options at the moment to see what is the sensible thing to do.

YOUTH ARTS

The Hon. S.W. KEY (Ashford) (14:55): Will the Minister Assisting the Premier in the Arts outline the support that is available to youth arts in South Australia and, further, tell us how the business community has responded to government calls to back initiatives such as Come Out and ASSITEJ?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:55): I thank the member for Ashford for her question, and I acknowledge her great interest in youth affairs, particularly as a former minister for youth affairs in South Australia. I am delighted to answer this question.

As members would know, South Australia has an enviable reputation for the strength of its youth arts sector. Traditionally, it has been difficult to raise funds for youth arts from the corporate sector, but this year I am very pleased to say that we have tremendous support from this sector. I am pleased that members from the corporate sector are in the gallery today. Next year, South Australia will host the Olympics of youth arts when the 16th ASSITEJ World Congress and Performing Arts Festival for Young People will take place here in South Australia between 9 and 18 May. Yesterday, I was pleased to announce generous corporate sponsorship for ASSITEJ, and I would like to inform the house of its sponsors and how much money they are putting in. National Pharmacies is the main sponsor and has committed $150,000 to this event; IGA (Independent Grocers of Australia) is committing $100,000 to the event; and BHP Billiton is committing $75,000 from its Youth Arts Fund. Altogether, that is $325,000 from corporate sponsorship for ASSITEJ.

ASSITEJ 2008 will be the culmination of three years of planning from the time South Australia won the right to hold the event in Montréal, Canada, in 2005. The planning will result in a brilliant major event in the world of theatre for children and young people. I am also pleased to announce that, besides the state government's core funding of $875,000 for ASSITEJ, we have also been able to provide $70,000 through the Department of the Premier and Cabinet and the health department to make much of the festival's program free to many participants, especially young indigenous South Australians. The Department of Health is delighted to partner with ASSITEJ and will use this unique opportunity to target key health messages about fighting obesity and promoting physical fitness to young people. In addition, the Public Transport Division of the Department of Transport, Energy and Infrastructure is providing 2,500 student daytrip Metro tickets, worth about $9,500, for school groups attending ASSITEJ festival events.

South Australia's sponsorship partnerships in youth arts are winning recognition. Port Adelaide Football Club and the Australian Festival for Young People won the National Australia Bank's small to medium enterprise award at the recent South Australian Business Arts Foundation (ABAF). In Sydney on 25 October they will compete in the National ABAF awards. BHP Billiton and the South Australian Youth Arts Board will also contest the National ABAF awards. They are finalists in the Australia Council Arts for Young People award category for their four-year partnership, worth $1 million, which I have been told is the most generous sponsorship for youth arts ever in Australia.

Individuals are helping youth arts, too. Last month, on Wednesday 19 September, I was at Carclew where generous people supported a fundraiser for Urban Theatre of Youth by bidding a total of $8,500 at auction for artworks by professional artists and others who were not so professional—a bidding war even took place between two citizens keen to buy a painting by our Premier. It was an outstanding piece of work, and it went for $1,600. It was a magnificent piece of work with a red background and a yellow foot. It had deep symbolic meaning.

The Hon. M.D. Rann interjecting:

The Hon. J.D. HILL: 'Putting one's foot in it,' as the Premier says—and it was, in fact, the Premier's foot. I also look forward to providing more information to the house on next year's exciting international festival, ASSITEJ, in the months to come. I wish the best of luck to our ABAF finalists for the national awards. I also inform the house that the famous Australian actor Hugh Jackman is the proud ambassador for ASSITEJ.

TOUR DOWN UNDER

Mr PENGILLY (Finniss) (15:00): Can the Minister for Tourism advise the house if the reduction in 'other income' in the Auditor-General's Report on the South Australian Tourism Commission of $1.2 million is the amount of sponsorship withdrawn by the Orlando wine company as the former principal sponsor of the once-titled Jacob's Creek Tour Down Under? The sudden and major withdrawal of the Orlando company sponsorship left the South Australian taxpayer to pick up the can for much of the cost. Information made available to the opposition is that the Orlando company refused to be bullied by the Rann government into doubling its sponsorship and, accordingly, withdrew this major cash injection from the race.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (15:01): I thank the member for his question, but point out that his attack on one of the best businesses in South Australia and one of the most loyal sponsors in the private sector does him no credit. Over many years we have had a long relationship with Jacob's Creek. It is one of those businesses, through Pernod Ricard, that is an all-out star, not just in this state but nationally and internationally. It has brought extraordinary commitment to the tourism sector by supporting not just major events, and a whole

range of them, but also investing in the cellar door/restaurant outlet at their own winery. Its investment has been very significant, because it has supported the industry both within the Barossa and Adelaide. The reality is that we are still in a strong relationship with Jacob's Creek because it is still a sponsor. In fact, the officers who operate out of South Australia regard the relationship with the SATC in good part, and we respect their support for our industry.

It is a pity that those opposite would want to talk down tourism when we have the highest bed occupancy on record, consistent growth year on year, and bed nights from our major events; and the AHA is supportive of the occupancy levels and the number of events. We are bringing new events, ranging from the Guitar Festival to the Rugby Sevens; making events annual instead of biennial; and increasing the Tour Down Under to a Pro Tour event and, in the process of that, getting massive extra sponsorship. Those opposite of course know that specific sponsorship deals are very often commercial in confidence, but I can assure those opposite that our relationship with our sponsors is as strong as ever and we will continue to work with Jacob's Creek. We are still in negotiations with the company over various sponsorships, and that is as it should be—because Jacob's Creek is a strong supporter of South Australia, as is Pernod Ricard, and we hope that continues.

TOURISM, WINE AND FOOD

Ms CICCARELLO (Norwood) (15:03): My question is to the Minister for Tourism. How is the state government promoting South Australia as a wine and food destination?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (15:03): I thank the member for Norwood for her interest in this matter. She, of course, represents the great wine and tourism centres of Norwood where food and wine is part of the culture. This week, we are celebrating the 10th year of Tasting Australia, which is occurring in both Adelaide and the regions. It is a perfect time for visitors to recognise our brilliant blend of events. This biennial Tasting Australia event showcases South Australia's produce and rich culinary tradition. It features countless opportunities to indulge, blended with informed discussion and cooking demonstrations by many of the world's great chefs. Tasting Australia this year has something for everyone, with 73 events taking place over eight days.

Thousands of people took the opportunity to spend a day at the Lifestyle Food Channel Feast for the Senses, which was held over two days at Elder Park. This time, for the first year, it started on Saturday afternoon and we had an extra day of the event in order to capitalise on the nearly 10,000 Masters Games competitors who were in town on Saturday afternoon and could enjoy the event by the banks of the Torrens. There were 75 exhibitors featuring gourmet South Australian food, fine wine and premium beer.

Today, the James Squire Food, Beer and Wine Writers Festival started at the SA Museum. This is a free event, featuring 50 national and international food, drink and travel authors, TV presenters and chefs, who will entertain audiences with a variety of gastronomic topics. In addition, there has been a food summit, again discussing fine food but with a bias towards youth health and nutrition. The Adelaide Food Summit (which finished yesterday) focused on these areas of concern for the health portfolio, as well as the education portfolio but, in particular, worked with primary industries.

Every event that has been running over the past week has had media involvement and for this, the 10th year, over 100 local, national and international media guests have been here from Belgium, Canada, China, France, Germany, Hong Kong, India, Ireland, Italy, Japan, Malaysia, Northern Ireland, New Zealand, Singapore, South Africa, The Netherlands, the UK and the United States. In 2005, Tasting Australia attracted more than 2,000 event-specific visitors, generating $4.1 million in economic benefit to the state, and we anticipate this year's event will be an even bigger boost to our economy and see South Australia figure in some of the best print and visual media around the world, because there will be so many journalists taking back vignettes and articles about the fine food, wine and beer in South Australia.

PAEDOPHILE REGISTER

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: I wish to inform the house that the Governor in Executive Council this morning assented to the Child Sex Offenders Registration Act, which, as a result, will come into force immediately. Under this act, South Australia Police have a powerful new tool to monitor child sex offenders. Police will have access to the offender's address, what car they drive, if they change their appearance in any way and if they have any affiliation to any club, society or community organisation with child membership. Should any of these circumstances change, then the onus will be on the registered child sex offender to inform police of that change.

I realise there are some who have criticised the government for introducing this legislation and have described it as draconian. However, I make no apology for attempting to prevent the sordid activities of these offenders. The protection of children is my paramount concern. There are two classes of offender covered by the registration. Offenders will be placed on the register for 15 years for a class 1 offence which includes:

- Murder of a child occurring in the course of sexual intercourse or indecent assault of a child;
- rape of a child;
- unlawful sexual intercourse;
- kidnapping;
- incest; and
- persistent sexual abuse of a child.

Offenders will be placed on the register for eight years for class 2 offences, which include:

- indecent assault of a child;
- procuring sexual intercourse with a child;
- production or dissemination of child pornography; and.
- possession of child pornography.

This register will work retrospectively from today, thus catching those already convicted of child sex offences.

Furthermore, this register will include paedophiles who have been convicted of an offence in an overseas jurisdiction. Those who commit their crimes in, for example, South-East Asia will not escape the full force of this law by coming back to South Australia. Fifteen years is a long time to have one's activities so closely monitored, but there is a further sting for these offenders. If any class 1 registered offender commits a repeat offence, they will remain on the register for the rest of their life.

The South Australian register will also be part of a national database. This is important because I want offenders to know that no longer will paedophiles be able to move freely between states safe in the knowledge that their past will not catch up with them. The Rann government has pledged to deliver a safer society to the people of South Australia and to protect the safety of children. Since coming to office in 2002 we have:

- increased child pornography maximum penalties fivefold;
- made it an offence to procure and groom a child to engage in sexual acts;
- criminalised the filming of a child for prurient purposes, regardless of consent;
- significantly increased the funding of SAPOL's paedophile task force after the removal of the statute of limitations that prevented sex offenders from being prosecuted for offences that occurred before December 1982; and
- given courts the authority to classify and deal with a child sex offender as a serious repeat offender after two offences.

GRIEVANCE DEBATE

GRAIN MARKETING

Mr PEDERICK (Hammond) (15:10): The matter of grain marketing has been high in the minds of farmers across South Australia. The argument about the Australian Barley Board's (ABB)

and the Australian Wheat Board's single desk has been a major topic around the state's markets and pubs. Permits for domestic sales of grain existed until the early 1990s. Several years ago, AusBulk merged with the ABB to take full control of the grain handling system at the state's ports. This year we saw the beginning of deregulation of the barley export market and the introduction of the Barley Exporting Bill, which caused much debate. During this debate the ABB lobbied heavily to get part of the future deregulated wheat market. The proposed increases in storage and handling charges is the reason why the SAFF Grains Council did not support the A class redemption event. Growers should not have supported it either until there was some guarantee that ABB could not hike up charges. In hindsight, it was very foolish for growers to give up the only control they had left.

Because ABB was given monopoly control on storage and handling in this state without any regulation or control over its charging or behaviour, it will continue to use its position to its advantage to charge monopoly rent. It appears that silo-to-ship charges are proposed to increase by nearly 50 per cent. The following might be some of the reasons why ABB has done this:

- Drought and increased costs will be its excuse, but why a 50 per cent increase in costs in an export state where we must use ABB?
- Perhaps it is using it to crush the competition. It costs a minimum of $5,000 just to be a buyer and list your price. Small traders cannot afford this. To post cash prices at all sites means that buyers must pay $25,000 to be an ABB client.
- Has the ABB sold forward with losses like growers? Is it trying to recoup this through the storage system?

ABB has lost the barley export monopoly so it is extracting profit from its remaining monopoly in storage rather than pools. If the storage system receives 4 million tonnes, an increase in charges of $10 to $15 a tonne equates to $40 million to $60 million of growers' money. These increases appear to be designed to make it virtually impossible economically for any competition to operate in the marketplace in this state. The trade will not absorb these costs and so will pass them on to growers, making it expensive to accumulate grain in this state compared to other states. Western Australian costs have not risen like this.

With $10 cheaper 'free-on-board' cost in Western Australia, the market will chase the cheapest source of supply leaving South Australian growers at the mercy of ABB as they used to be. With lessened competition in the marketplace a trader such as ABB with monopoly control of the storage system can allow prices to drift lower without competition. This will have the effect of lessening the price it pays to accumulate grain stocks, especially at non-strategic sites where there is a penalty to buyers. ABB's 2007-08 storage and handling fees have only just been finalised.

With harvest already started for some growers and the buyers not having had a storage agreement to sign it has been impossible until today for other traders to post prices. This is an anti-competitive practice, and growers are absolutely disgusted with this sort of behaviour. This is why there is a need for regulation of the storage and handling system in this state. Not only do we need port access regulated but also regulated port costs which the monopoly cannot use to manipulate the whole system. The only other way is to have competition duplicating the system, which we should not need to pay for again. Building on-farm storage will not stop these costs for the grower as we are an export-dominant state and the domestic market will pay only slightly more than export. Export values will be depressed as these storage and handling costs go up, so all grain prices will diminish.

Victoria, under its Essential Services Commission, has regulation of its ports to stop any anti-competitive pricing behaviour. In South Australia there are now over 30 fees described in schedule A of the ABB's 2007-08 handling and storage charges, which have only today been placed on its website. As an example, a grower in Lameroo can now expect to pay up to $70 a tonne in fees and charges to export his barley. Unfortunately, many growers are unaware or do not understand what has happened. That is why regulation of storage and handling pricing is the only way to protect growers against this type of voracious behaviour.

COUNTRY REGIONS, PROFESSIONALS

Ms BREUER (Giles) (15:15): I want to talk today on a matter which is becoming more and more of a concern to me, and it was highlighted by an article in the *The Advertiser* today regarding the shortage of pilots in regional airlines. There was quite an extensive article there about regional flights having to be cancelled because there are no pilots to fly those flights, and, of course, consequently regional areas do suffer. The Airport Owners and Pilots Association blames the lack

of federal government support for flight training. I believe there are not enough young people being trained, or not enough people being trained as pilots. Also, I believe there is a considerable amount of poaching from the regional airlines by Virgin, Jetstar and Qantas.

This is symptomatic of what is happening in regional South Australia. There is a real problem in attracting and retaining professionals, of all kinds, in our country regions. We hear a considerable amount about lack of obstetric services in country regions. Why? It is because there is a lack of obstetricians and also anaesthetists, which are required if you want to provide obstetric services. There certainly is a major problem with a lack of doctors in country towns. I am told that with the population base we have in Whyalla we should have approximately 22 GPs, and we have, varying, between 12 and 14. I know that the Whyalla Hospital has been trying for almost three years to get a physician for our town and is still unable to attract one to come and work there.

There is a shortage of dentists, teachers and police officers everywhere in regional Australia. I know that we certainly cannot fully staff many of my country police stations, including Roxby Downs, Whyalla and Coober Pedy. There is a crisis about to occur in the mining industry because we will not have a work force available, both skilled and unskilled workers. The better paying industries are poaching from other industries. For example, the aquaculture industry is finding it very difficult to attract workers now and retain those workers, because they are unable to pay the equivalent of the mining industry in wages.

What are the reasons we cannot get people; why can't we get people into our regions? I believe there has been a massive failure by the federal government to provide sufficient university places for many of our professions. I believe that the TAFE system has certainly accomplished a lot in our regional areas and provided training, but the universities certainly have not followed suit. There is a particular lack of interest by professionals to move away from the city. They cannot fathom country life, the thought of country lifestyle, and they certainly do not appreciate the benefits of a country lifestyle.

I think there is also a lack of sufficient incentives to move to country regions, and we really have to have a serious look at this, in all professions. We need to look at financial incentives to get people to move there. However, for example, there is no point in saying to a young teacher, 'We will pay you $5,000 extra a year,' when there are other commitments on their time and money. Also, if we look at offering them tenure, 10 years or whatever, they are not particularly interested in that at that age.

I think we need to look at things like rent and power subsidies for many of our country regions, particularly at the moment with the increases in rent in my part of the state because of the mining industry. It is very difficult for a young teacher or young police officer to be able to afford to pay the sort of rents that apply. So we need to look at other financial incentives apart from money, such as power and rent subsidies. We also need to look at offering fares for people to come back to the city when they want to. If you are living in, for example, Coober Pedy and you want to get back to Adelaide it is going to cost you a considerable amount to pay for your petrol. If you want to fly you are looking at a $600 or $700 return flight to go back to Adelaide, and young people cannot afford to do that on their first or second year wages.

I think we need to have better access to tertiary education for our country students, and this has been an ongoing issue for me for many years. We need to look at change in the Austudy provisions and make it easier for our country people to be eligible for Austudy when young people go to Adelaide. I think we certainly need to look at distance education and providing courses in regional areas, and, as I said, I think TAFE has done considerably well in this but the universities have not followed suit. I think they have to learn to not be so protective and so elitist about their city campuses and start to realise that there is a world out there and that the world has changed and go to the people rather than make the people come to them.

I also believe we need to have a serious look at migration. Currently we have 457 workers in Whyalla. I think if we can bring in workers—and I was appalled at the federal government's decision to stop Sudanese migration. We would welcome these people in our areas for our skilled and unskilled work.

Time expired.

TRADE SCHOOLS

Mr PENGILLY (Finniss) (15:20): I am pleased the member for Giles has been talking about tertiary opportunities because I want to pick up on the announcement by the Minister for Education and Children's Services, a few days ago, on some trade schools around the state, and

relate that announcement back to my own electorate. As members in this place would well know, since I have been in here I have been agitating and grumbling long and hard about the failure by the Rann government to provide a new TAFE facility in my electorate, a TAFE facility which was in the budget of the Liberal government in 2002 and which was chopped off at the knees by the Rann government when it came in some five years later. We still have not got it and the government has now failed to supply my electorate with a trade school.

I find it to be absolute neglect, quite frankly. The minister was on the radio talking about the fact that they were having a trade school at Christies Beach. Well, whoopee! Fine. I have no problem whatsoever with a trade school at Christies Beach, in fact I am sure that it will be advantageous to those young people in that area who wish to use it. However, it is simply not accessible for students from my district, particularly the Goolwa/Victor Harbor area. There is no public transport. It is a nightmare for young people to get to Adelaide and back, to attend TAFE courses which they wish to progress or, indeed, to attend trade schools. They have to leave their homes and families and travel up to Adelaide. Even if they can stay up during the week, if they have got somewhere to stay, it is an enormous expense. Nine times out of 10 they have not and they have to flat, which without much income is difficult.

So it is totally ludicrous to suggest that the trade school at Christies Beach will be of much use to those on the lower Fleurieu, it is just not. I have constant complaints about the fact that there is no public transport on the South Coast back to Adelaide. So, it is hardly surprising that I wring my hands in despair over the fact that five years down the track we have got no TAFE. The minister and I have had long conversations about that subject, and will continue to. The announcement on the trade schools and the lack of facilities for young people down in the South Coast area is most disappointing. There are a multitude of young people down there who would like to do trade school type activities. They would like to be mechanics; they would like to be plumbers. They have to come up to Adelaide for all of those things. They have to come up because the trade school is in Adelaide. So, once again, the apprentices have to do all this.

If we had a trade school facility down there they could stay at home, they could actually go home at night. They would not be faced, on miniscule incomes, apprenticeship wages, with having to travel to Adelaide and stay. As a parent myself, and with one of my children doing an apprenticeship, I know that apprenticeship wages are not great. At the end of it they do develop a trade, but we are constantly supplying our younger son with money to get him through, and I am sure that that is no different from many other parents, possibly in this place. However, I think the government has missed the boat on this. It had the opportunity to do something. It had the opportunity to advance the cause of youth in the Southern Fleurieu Peninsula and to give those young people the opportunity to develop their skills, based at home—stay at home and be involved. But no, they have dropped that.

I know that the minister responsible for TAFE is supportive of the new TAFE facility at Victor Harbor, but I think he has been dudded a couple of times and I am very hopeful that we can get this thing over the line in due course. It is with a great deal of disappointment that these announcements were made earlier this week and the forgotten people of the Southern Fleurieu Peninsula—in this case, the young—are simply forced to find large amounts of money to go to the metropolitan area to continue their studies, their trade school courses, and to go to TAFE to advance their skills to be useful members in the local community of the Southern Fleurieu and to continue their chosen profession.

Time expired.

INFRASTRUCTURE SPENDING

Mr KENYON (Newland) (15:26): I would like to comment on the remarks made over the last few days by the Leader of the Opposition and his view of spending on infrastructure. It is an interesting view on life in saying that basically you should fund all your infrastructure spending from savings that you make in the budget, so you should be able to shell out all your infrastructure spending just from cash that you have lying around.

Mr Pengilly: That's nonsense.

Mr KENYON: It is a nonsense, as the member for Finniss says, and I am glad he agrees. I am glad that he has said that because the whole concept that that is how you pay for infrastructure is a nonsense.

For the benefit of the Leader of the Opposition and members opposite, I will explain how it really should work. You can go about it a couple of ways. You can, as the Leader of the Opposition

suggests, just pay for it out of the money you have lying around, and that tends to mean that you have to have very large surpluses, which constrains the amount of money that you can spend on everyday things. So, generally, in a budget, you would be spending on everyday stuff—namely, wages, services, buying cars that you might need for PIRSA, for instance, where officers might need a four-wheel-drive to go out and do their mining inspections—then, ideally, you would be paying back loans, and you use loans to buy infrastructure that is long lasting. Anything of a day-to-day nature you pay out of your budget and anything that you expect to hang around for 50 years or 100 years is generally when you borrow and pay it over time.

The reason you do that is because you are trying to get people who are using the services to pay in general terms and for immediate services that are provided—for example, public servants, all the equipment and tools that public servants might need—and you pay them out of your budget because you use them every day, and people who are here and now and paying taxes are using those services. You pay for infrastructure over a longer period because a lot more people will use it. If my children will be using the Bakewell Bridge or the underpass, their children will probably be using it as well. You need some sort of financing arrangement that is going to stretch out the payments over time so that everybody who uses that underpass pays for it; that is why we have it.

So this ridiculous notion that the Leader of the Opposition has come up with, that you should pay for all your infrastructure completely out of your budget, is unfair and not only is it going to place enormous burdens on the budget and not only does it mean you have to have massive service cuts out of the budget, it also is unfair. I would really like to know, and perhaps the Leader of the Opposition can explain it some time, precisely what he plans to cut from the budget? What services will he cut? Which hospitals and schools will he close? Who is going to suffer and how many? In what time frame are people going to have their services disrupted? I think there is the challenge for the Leader of the Opposition to come here, first, to learn how budgets should work and, secondly, in the event that he chooses not to go about them in an effective or fair way, to explain what he is going to cut.

ANTISOCIAL BEHAVIOUR ORDERS

Mr HANNA (Mitchell) (15:29): I speak today about ASBOs. When I say very clearly and strongly that we should stop ASBOs coming into this country, I am not making a statement about immigration: I am referring to a phenomenon in the legal and civil society in Britain called the antisocial behaviour order or ASBO for short. Its genesis was in the late 1990s when the Crime and Disorder Act 1998 was brought into being, and the ability of community members to go to a magistrate and have antisocial behaviour orders taken out against their fellow neighbours and fellow citizens was created. The ASBOs were designed to protect communities from annoying, harassing, distressing behaviour which might not actually have been criminal at the time.

There are several types of ASBOs. They can relate to either civil or criminal matters. There can be interim ASBOs as well. They can apply to adults or children, and, indeed, many have been applied to children as young as 10. Over the eight years that ASBOs have been applied in Britain, about 5,500 have been brought into being—just under 800 per year—but the rate is rapidly increasing. Nearly 900 were granted between January and March of 2007. The breach rate at the end of 2003 was 42 per cent; so, people do not seem to be able to keep to them very well.

By 2005, 55 per cent of adults and 46 per cent of youths who breached their ASBO were taken into custody immediately. One of the fundamental objections is that we are talking about behaviour initially which is not criminal, and yet it can say readily result in incarceration. The burden of proof has not been proof beyond reasonable doubt; it has been judged on the civil standard of behaviour. Generally, one person's say-so can be enough to have someone receive an ASBO and therefore be a risk of breach and hence incarceration. There are considerable concerns in New Zealand about the targeting of racial and religious subgroups. There are also huge sentencing discrepancies across the country. For a example, in Manchester there were five times more ASBOs issued than in Liverpool and London. Camden issues eight for every one that its neighbouring borough of Islington issues. We do not want this sort of thing here.

Let me give a couple of examples. There was a chap called David Boag, who liked to watch the movie *An American Werewolf in London*, then jump around his living room howling or dancing with his Christmas tree. He breached an ASBO that said he should not howl, and got locked up for four months. There was also a prostitute who was issued with an ASBO which had stated that she should not carry condoms, and the punishment for being caught with one could be five years in prison. There was a 27 year old woman who received an ASBO for answering her

front door in her underwear. This offended her neighbours; they were also offended by her gardening in her backyard in a bikini. I wonder why they were looking over the fence.

There was also a Bristol publican, Leroy Trought, who received a two-year ASBO for a sign that said 'The porking yard' after local Muslims found the reference to the flesh of swine objectionable. There was also an 87 year old man who earned an ASBO for using sarcasm. When it was it was alleged that he had breached the ASBO, the magistrate fortunately found that the breach was not sufficiently serious to warrant incarceration—or perhaps he was not being sufficiently sarcastic.

It is almost fantastical. You can not believe this sort of thing is happening in a society which generally has some regard for human rights and due process under the law, but it is a fact in Britain. And we do not want it here. I sound today this note of caution. I am sure that articles or proposals have come across the desk of the Attorney-General. Please do not be tempted, I would say to any member, to entertain thoughts of having that sort of rubbish in Australia. It would be a backward step.

PIERSON, MARGARET

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (15:34): Monday, as everyone in this chamber is aware, is Pink Ribbon Day. Amongst other things, it is a process by which people show their support to fund quality research and support to women suffering from breast cancer. Today, I was fortunate enough to be granted a pair to attend the funeral of a very dear friend of mine who, four years ago, was diagnosed with cancer. She was a constituent of mine but, more importantly, she and her husband are very dear friends. I first met Margaret Curnow, as she was then, over 30 years ago when we were still together at school. To Annabel and I, and to many other friends, Margaret was Margie or Marg. She grew up in her family home at Fulham, the daughter of Tom and Bib and the older sister of Helen. As I said, she has been a dear and lifelong friend. Four years ago, she was diagnosed with cancer and, since that time, she has put up the most amazing, tough, uncompromising, courageous and dignified battle against what we all know in this chamber is such an indiscriminate and insidious disease.

Margie was married to Andrew, and they have two most beautiful children—Matthew, who is about 19, and Melissa, who is a few years older. They are very popular people within the community I represent. Andrew and Margie have remained together since they first started trotting out together some 30 years ago when, as I said, we were all at school. At 5 o'clock on Sunday afternoon, Margie passed away after a fight that was an example to everyone who provided her with support throughout her illness; in fact, she set an example of how to conduct yourself when confronted with such an illness.

I remember that, not long after she was first diagnosed—in fact, it was probably a little after she had started her second round of treatment and the cancer had extended—I asked her, 'What's going to happen, Margie?' She said, 'Well, Paul, I'm going to die.' It was an inevitable outcome, and she was matter-of-fact about it, but what she did say was, 'I'm not going to die until such time as I have seen my kids grow up.' She has two amazingly talented and gifted children who are a credit to her.

Another thing I mentioned to her, and I certainly mentioned to Andrew, her husband, a good friend of mine and a very significant man within our community at Henley Beach, that had it been he or I who had been confronted with the same illness as Margie, there is no doubt that we would have both been dead some time ago. She was, without doubt, one of the toughest women I have ever known. She has instilled that toughness into her children.

Throughout her trials, she set an example to others. It was her attitude to life and her attitude to fighting this insidious disease that set an example to so many people and, indeed, provided support to those who, in turn, provided support to her. It was mentioned at the funeral today, and I am sure that she would like me to acknowledge, the support and the work of those at the Western Hospital, the oncology section, the nurses and the network of support.

To Andrew, Melissa, Matthew and all members of the Pierson, Curnow and Eckert families and the extended family, I know that I speak on behalf of my community when I say that our thoughts are with you at this time. Margie Lee Pierson was a credit to all women who fight cancer and who battle cancer. My thoughts, and those of Annabel and my sons, are with her family.

LIQUOR LICENSING (CERTIFICATES OF APPROVAL) AMENDMENT BILL

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:40): Obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:40): 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 Liquor Licensing Act 1997 gives the licensing authority (either the Liquor and Gambling Commissioner or the Licensing Court) the power to grant or refuse applications for new liquor licences for premises or proposed premises.

In the case of a premises that is not yet completed ('proposed premises'), it is open to the licensing authority to refuse an application and instead grant a 'certificate of approval'.

A certificate for a new licence is issued under section 59 of the Act. A certificate for removal of an existing licence to different premises is issued under section 62 of the Act.

Both sections 59 and 62 require that a certificate may only be issued if the licensing authority is satisfied of the following:

- any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the premises or proposed premises for the sale of liquor have been obtained.
- that any approvals, consents or exemptions that are required by law for the carrying out of building work before the licence takes effect have been obtained.

The current legislation requires that both planning and building consent be obtained before a certificate is issued.

In 2000, the Act was amended to require that all relevant approvals be obtained prior to the issue of a certificate. At the time, the reasons for the amendments were given as follows:

The Bill deals with the current difficulty posed by the provision, in s59 and 62, for the licensing authority to issue a 'certificate of approval' for premises which have not yet been built. The licensing authority requires full information about the proposed premises before deciding whether a certificate of approval, which paves the way for a liquor licence, ought to be granted, and until recently it had been the practice of the authority to require this. However, it has been held by the Supreme Court that the Act does not require the applicant to have obtained development approval before applying for a certificate.

This result is undesirable. It is intended that applicants obtain development approval before obtaining approval for a liquor licence, because any conditions which might be attached to development approval could be relevant in determining whether a liquor licence should be granted. For this reason, the Bill amends sections 59 and 62 of the Act to make clear that, before a certificate of approval can be granted, the authority must be satisfied as to the matters as to which it is required to be satisfied in granting a licence, or in approving a removal of licence. These matters, set out in sections 57 and 60, include a requirement for any approval required under the law relating to planning.

In the matter of the Redlegs Club Inc, His Honour Judge Beazley suggested that the Liquor Licensing Act 1997 be amended to restrict the requirement that approvals be obtained at the certificate stage to provisional development planning approval.

His Honour Judge Beazley has highlighted a potential problem for applicants for certificates.

In almost every application for development approval, building consent is dealt with subsequent to planning consent. The costs involved in obtaining building consent can be significant and may take many weeks to months. In addition, plans and building specifications may change

before they can be considered by planning authorities, and conditions of approval set, before the licensing authority can consider the licence application.

Applicants are reluctant to spend money on building consent until planning consent is obtained from the Council and licensing approval for the eventual grant, or removal, of licence has been obtained from the licensing authority.

It is proposed that the Act be amended to permit a certificate to be granted upon the applicant satisfying the licensing authority that he or she has obtained planning consent, as opposed to planning and building consent (development approval).

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Liquor Licensing Act 1997

4—Amendment of section 59—Certificate of approval for proposed premises

Currently, section 59(1) provides that the licensing authority may, instead of granting a licence for proposed premises that are uncompleted, grant a certificate of approval approving the plans submitted by the applicant in respect of the proposed premises if the licensing authority is satisfied as to the matters as to which it is required to be satisfied for the grant of the licence. Those matters as to which it must be satisfied are set out in section 57(2) and are—

- that any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the premises or proposed premises for the sale of liquor have been obtained; and
- that any approvals, consents or exemptions that are required by law for the carrying out of building work before the licence takes effect have been obtained; and
- that any other relevant approvals, consents and exemptions required for carrying on the proposed business from the premises have been obtained.

It is proposed to delete subsection (1) and substitute a new subsection that will provide that a certificate of approval may be granted in respect of proposed premises if the licensing authority is satisfied that any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the proposed premises for the sale of liquor have been obtained.

5—Amendment of section 62—Certificate of approval for removal of licence to proposed premises

Current section 62(1) is similar to current section 59(1) except that it relates to the granting of a certificate of approval in relation to an application for the removal of a licence to proposed premises. The matters as to which the licensing authority must be satisfied for the purposes of current section 62(1) are set out in section 60(2). As in the previous clause, it is proposed to delete current subsection (1) and substitute a new subsection that will similarly provide that a certificate of approval may be granted in respect of proposed premises if the licensing authority is satisfied that any approvals, consents or exemptions that are required under the law relating to planning to permit the use of the proposed premises for the sale of liquor have been obtained.

Debate adjourned on motion of the Hon. I.F. Evans.

PRIVATE PARKING AREAS (PENALTIES) AMENDMENT BILL

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:42): Obtained leave and introduced a bill for an act to amend the Private Parking Areas Act 1986. Read a first time.

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:42): 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 amends the Private Parking Areas Act 1986.

The Bill proposes to increase the maximum penalties for parking offences under the Private Parking Areas Act 1986 from $200 to $1,250. This will enable the Private Parking Areas Regulations 2001 to, in turn, be varied so that the expiation fee for parking in a disabled persons parking space without a permit under this Act can become consistent with the expiation fee for a similar offence under the Road Traffic Act 1961.

In 2005 the Department for Transport, Energy and Infrastructure undertook a review of the disabled persons parking permit scheme relating to the level of compliance with, and enforcement of provisions of the scheme. One of the recommendations was to increase the expiation fee for the offence under the Australian Road Rules of parking in a disabled persons parking space without a valid permit. Consequently, the expiation fee under the Road Traffic (Miscellaneous) Regulations 1999 was increased from $72 to $210. This increase came into effect on 16 March 2006. The expiation fee has since been increased to $227 due to the annual adjustments to fees and charges.

As a result, there is now a significant inconsistency with the expiation fee for the same offence committed in a private parking area under the Private Parking Areas Regulations 2001, which is currently $78.

It has not been possible to increase the expiation fee for parking in a disabled persons parking space without a valid permit as provided for in the Private Parking Areas Regulations 2001 to bring it into line with the fee under the Road Traffic (Miscellaneous) Regulations 1999, because the maximum penalty for parking offences under the Private Parking Areas Act 1986 is $200. This penalty has not been increased since the Act was passed in 1986. Clearly an expiation fee cannot be greater than the maximum possible penalty.

The Government has approved amending the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999 to increase the maximum penalty for parking and stopping offences under the Australian Road Rules from $500 to $1,250.

The impact of the proposed increase (to $1,250) in the maximum penalty that a court might impose under the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999 and the Private Parking Areas Act 1986 is expected to be minimal because few parking or stopping offences are prosecuted. The vast majority are expiated.

It is desirable that maximum penalties and expiation fees for comparable offences be the same irrespective of the piece of legislation applicable. Accordingly, this Bill provides that the maximum fine for parking offences under the Private Parking Areas Act 1986 be brought into line with those under the Australian Road Rules.

Following the passage of this Bill it is intended that the Private Parking Regulations 2001 be varied to make the expiation fee for parking in a disabled persons parking space without a permit under this Act consistent with the expiation fee for the same offence under the Road Traffic Act 1961. The Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999 will also be varied thus making the maximum fine under both pieces of legislation consistent with the other.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Private Parking Areas Act 1986

4—Amendment of section 6—Offences

This clause amends section 6(2) to increase the maximum penalty for the relevant offences to a fine of $1,250, up from the current $200.

5—Amendment of section 8—Offences—driver and owner to be guilty

This clause amends section 8(9) to increase the maximum penalty for the relevant offence to a fine of $1,250, up from the current $200.

6—Amendment of section 15—Regulations

This clause amends section 15(2)(b) to increase the maximum penalty for an offence under the regulations to a fine of $1,250, up from the current $200.

Debate adjourned on motion of the Hon. I.F. Evans.

STATUTES AMENDMENT (ADVISORY PANELS REPEAL) BILL

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:44): Obtained leave and introduced a bill for an act to amend the Building Work Contractors Act 1995 and the Plumbers, Gas Fitters and Electricians Act 1995. Read a first time.

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (15:44): 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 will repeal the mandatory requirements for the establishment of the Building Work Advisory Panel (BWAP), Electrical Advisory Panel (EAP) and the Plumbers and Gas Fitters Advisory Panel (PGFAP) under the Building Work Contractors Act 1995 and the Plumbers, Gas Fitters and Electricians Act 1995.

When the Building Work Contractors Act and the Plumbers, Gas Fitters and Electricians Act were introduced in 1995, it was essential to develop appropriate licensing criteria, policies and procedures. To facilitate this, the relevant Acts provided for the Minister to establish advisory panels representative of industries. Apart from the Commissioner for Consumer Affairs, panels consisted of members drawn from industry associations and other stakeholder organisations.

Panels performed an advisory function only, on matters such as licensing criteria, policies and procedures. They tended to focus on operational and technical issues rather than broader policy or legislative reform and were asked to provide advice in relation to these matters. Initially, panel meetings were held bi monthly to expedite this process. However for the preceding three years, each panel had only met twice a year.

When appropriate licensing criteria, policies and procedures had been established, the Office of Consumer and Business Affairs (OCBA) referred fewer issues to the panels for advice. Advisory panel meetings changed from a forum where day to day licensing matters dominated discussion, to a reporting forum where OCBA presented statistical data and highlighted relevant achievements.

While broad policy issues were sometimes raised in panel meetings, they were normally dealt with outside the panel forum through formal discussion papers and targeted meetings held out of session. OCBA also holds regular meetings with a number of the bodies represented on the panels. OCBA is able to achieve the same outcomes using a combination of alternative and ongoing communication strategies.

It was anticipated that some industry organisations and some unions would argue that the licensing systems risked falling out of step with industry needs and that the Government would implement change without an appropriate level of consultation and that Government would become less accountable. In seeking to allay such concerns, OCBA has committed to alternative communication strategies, which will ensure that industry continues to have a voice and that their needs will be taken into account.

Explanation of Clauses

Part 1—Preliminary

1—Short title

The Bill may be referred to as the Statutes Amendment (Advisory Panels Repeal) Bill 2007.

2—Amendment provisions

This clause is formal and provides that this measure amends those Acts referred to in the following headings.

Part 2—Amendment of Building Work Contractors Act 1995

3—Repeal of Part 6

This clause repeals Part 6 of the Building Work Contractors Act 1995 which requires the Minister to establish an advisory panel in accordance with the regulations and sets out the functions of the panel.

Part 3—Amendment of Plumbers, Gas Fitters and Electricians Act 1995

4—Repeal of Part 5

This clause repeals Part 5 of the Plumbers, Gas Fitters and Electricians Act 1995 which requires the Minister to establish advisory panels for plumbing and gas fitting and for electrical work in accordance with the regulations and sets out the functions of the panels.

Debate adjourned on motion of the Hon. I.F. Evans.

ENVIRONMENT PROTECTION (SITE CONTAMINATION) AMENDMENT BILL

In committee.

(Continued from 17 October 2007. Page 1124.)

Clause 11.

The Hon. I.F. EVANS: I have reread the *Hansard* from last night. I want to ensure the minister understands the point I am trying to make. In response to one of my questions last night the minister said:

> So, if what was done on the land 20 years ago was consistent with what the land was used for then, as I understand it, it would not now be considered to be site contamination by that previous person.

This is the nub of my question. The minister answered it in the context that the use of the land was going to change. I understand what happens when the use changes. The point I am trying to establish is: what happens if it does not change and then contamination is found? The way I understand the legislation, it goes back to the previous owner. That is what I want clarified and that my understanding is correct. I should clarify that neither the bill nor the act gives the previous owner an out by saying 'it was the practice of the day'. Nowhere in the act or the bill is that excuse provided to the previous owner, which is the context in which the minister answered it last night.

The Hon. J.D. HILL: I have been given a note which I hope clarifies this for the member for Davenport. I recognise that this is incredibly complex stuff, but let me just read this. Last night the honourable member raised a question as to who was liable for contamination in certain circumstances that relate to current ownership as against ownership at the time the contamination occurred. The honourable member raised a number of hypothetical situations. He considered, first, rezoning a farm, then just the farm land and finally builder's yards or other activities. I would like to commence by explaining how liability is determined. I would add before doing so that dealing with site contamination is always going to be difficult as we are dealing with historical pollution, and that is why the legislation is retrospective. In terms of the honourable member's suggestion in debate and in committee that the buyer should beware, that is just not so. Society moved well beyond that notion sometime ago. As I indicated yesterday, this bill provides a clear hierarchy of liability for site contamination.

If the honourable member turns his mind to what the bill says he can apply the framework to any scenario he wishes. Turning to his farm example, the honourable member can substitute any other activity he wishes, such as a builder's yard. So, if a person farmed the land (he may have owned the land or he may have just leased it), under the bill that person was the occupier of the land. If the farmer had a sheep dip or he dumped farm chemicals and other materials on the site and has caused either the site contamination or contributed to site contamination by placing the chemicals there, as the occupier the farmer is responsible for the contamination. The bill also deals

with multiple occupancy over time. I now use three situations to explain to the honourable member how the bill works. First, the farmer still owns the land. Residential development now abutts this land. The sheep dip on the farm may now be posing a risk to the health and safety of the nearby residents. I think that is a key point. It is the risk to others that becomes the issue.

The EPA then determines whether an assessment order should be served. As the person who caused the contamination, under section 103C he or she is served with the order. In the second situation, if the farmer has sold the land and the EPA determines that an order should be served, that order is still served on the person who has caused the contamination—the farmer. Finally, if the order cannot be served on the original farmer because he or she has died or for other reasons as listed in section 103C(3), then the order is served on the current owner of the site subject to the test placed in this provision by the amendment of the Hon. Mark Parnell in the other place. Keeping in mind the simple hierarchy, the test for liability can be applied to any situation.

I repeat what I said: this is not ever going to be an easy process. The original polluter always remains the target. The question about whether something is site contamination very much depends on the context. As I understand it, if the pollution is controlled and not in danger of escaping or causing harm to any other person there is not a problem. If the land is to be developed for some other purpose, that triggers the notion of site contamination. I am trying to get some definitions for the honourable member. I think it gets down to what was lawful or unlawful practice at the time.

In relation to polluting activities that occurred in the past that may never have held an environmental authorisation, and arguments pertaining to the lawful operation of such activities, I am aware that arguments exist that an original polluter should not be held responsible if they were acting lawfully at the time. Regarding these arguments, it is important to remember that prior to the EPA (Environment Protection Act) other principal standards or laws were in force that created offences for polluting activities. Examples include the following. Common law principles state that a person cannot create a nuisance to others or impact others in a harmful way.

Under the 1873 Public Health Act offence, including penalties, provisions existed in relation to conditions endangering human health and of creating nuisance effects from many of the activities currently licensed by the EPA. Similarly, the Health Act of 1935 created offence provisions for causing insanitary conditions of land or waters as it related to public health. Part 3 of the 1987 Public and Environment Health Act provides for the protection of human health under various provisions, including pollution of water, discharge of waste in a public place, offence in relation to insanitary conditions of premises, and control of offensive activities.

Therefore, in the context of the laws mentioned, it is unlikely that many past activities were ever lawful. In this context it is wholly appropriate that the original polluter be accountable for making good now damage done in the past. In addition to this, it is widely accepted and recognised that those who derive benefit for a particular activity should also bear the cost of any associated damage from the benefit derived. To do otherwise is extremely inequitable. However, in recognition that some activities may have been lawful, the EP Act under section 104(2(b) may by way of regulation exempt classes of persons or activities from the application of the act or specify provisions of the act.

In relation to site contamination, this provision may be used to exempt a person's liability for site contamination. In relation to issuing such an exemption, the government will decide if regulations are required. Currently, no regulations are proposed at this time. If any particular activities were to be exempted under this process there would obviously be consultation with key stakeholders. So I hope that clarifies it.

The Hon. I.F. EVANS: I will not hold up the minister for long on this principle. I will have to go away and read what you said, but I think I have made my point. I just want to clarify one other issue and it may have been in that three pages you just read, I am not sure. What protection is there for those people who have been licensed by the EPA to pollute and then the licence expires? What is their position in relation to the contamination on the site that has been licensed? So the EPA has been aware of it. Are they exempted, or do they become subject to this?

The Hon. J.D. HILL: I am advised of the following. If the EPA grants a licence to a person to carry on a prescribed activity of environmental significance nothing in the licence entitles the person to contravene the general offences in part 9 of the act

The Hon. I.F. Evans: Could you speak a bit more slowly?

The Hon. J.D. HILL: Sorry; yes. If the EPA grants the licence to do something, a prescribed activity—so that would be to run a factory or do whatever it is they do—nothing in that licence allows the person to contravene the general offences in part 9 of the EP Act, namely, causing serious environmental harm, causing material environmental harm, or causing environmental nuisance. Such a licence is not a licence to pollute. Indeed, if a licence holder were to contravene those general offences they would face the same penalties as anyone else. Equally, if a licence holder was found to have caused site contamination, the provisions of this bill would and should apply to enable the EPA to issue the licence holder with a site contamination assessment order or a site remediation order.

As for works authorised by an act of parliament listed in section 7(3) of the act, for example pulp and paper mill works under the Pulp and Paper Mill Act of 1964, the act specifically excludes such activity from the application of the act and will continue to do so once the site contamination provisions have been incorporated. In other words, persons polluting or causing site contamination, pursuant to an act listed in section 7(3) of the Environment Protection Act, or as part of certain activities associated with petroleum exploration on mining leases, or licences listed under section 7(4) of that act, will be excluded from the application of part 9—general offences, and new part 10A—site contamination provisions, once these provisions have been incorporated into the act. So, as I understand that advice, a licence is not a licence to pollute; it is a licence to do something, and if you breach whatever the act says is an environmental harm then you are still responsible.

The Hon. I.F. EVANS: I have two more questions on this point and then we will move on to other issues. When you gave the first response with the three examples one answer ago, I might have not heard correctly, but I thought your first example was that, if someone developed the site next door to your property, that could trigger an obligation on the neighbouring property to clean up their property even though they are not developing it. I am just wondering what the Farmers Federation had to say about that particular point. Was that point highlighted to the Farmers Federation? I always understood the act only applied to the site under development and, in fact, not to a neighbouring site not under development.

I asked yesterday, in committee, when the proposed use kicked in, and I was told it kicked in at the point of the development application, but I thought it applied to only the site under the application for development and not to the neighbouring property. I think you have just told the house that if your neighbour is going to develop there might be an obligation on you to tidy up the land, even if you are not doing anything to your property other than what you have done for the last 100 years, if there is an issue with you dumping something there.

The Hon. J.D. HILL: This is very complex, but it is very much related to the law of nuisance, I would have thought, in that, if I do something on my property, there is a general common law provision that I can do what I like on my property as long as what I do does not affect somebody else. So, if I have a big fire on my property and the smoke blows into your house and causes you respiratory problems, then, under the tort of nuisance, you would have an action against me. Equally, if a branch falls off my tree onto your house you could potentially have an action, or if chemicals escape from my property into your property, the same thing would occur.

So, as I understand it, if any site contamination on property A starts to affect property B, it is consistent with the general law of tort. The site contamination on property A would only become an issue if it in some way was affecting, or had the potential to affect, property B. The most likely area in which that would be the case, as I understand it, would be if the watercourse were affected. If there was a body of water which was polluted by chemicals on a farm and there was a potential for that water to affect the property next door, I would have thought the site contamination issue would have been raised, regardless of whether the property was to be subdivided or the use of the adjacent property was to change.

The Hon. I.F. EVANS: My last question on this point, before we move onto other clauses of this section, relates to landfill. An old landfill site that is currently licensed which gets full, what is the obligation? Is it to clean up, or what is their exposure? Are they exempt? Because the mining industry is exempt. Is that one of the activities that are exempt?

The Hon. J.D. HILL: The same general principles would apply. If somebody were to build a house on top of a landfill site clearly this legislation could apply. In addition to that, changes to the act were made in 2005 which dealt with post-closure issues to do with landfill. So, landfills now have to develop landfill management plans which are potentially still licensed. There is a separate regulatory framework for landfill. But, in addition to that, I would imagine the same principles would apply if somebody wanted to change the use of a landfill site.

The Hon. I.F. EVANS: Can we move onto site remediation orders and those sorts of things? I just want to check how these work? The site remediation order can be issued to any person, I understand, usually the occupier or the owner or the person who contaminated, and if they refuse to do it then the EPA can get anyone to do it and charge the appropriate persons. That is the way I understand the provisions generally throughout this section. The person who is issued with a site remediation order gets 14 days to appeal. One assumes that the EPA cannot issue someone with a site remediation order and, while it is under appeal, get someone else to commence the remediation. For example: the EPA comes to me and says, 'Here is a remediation order.' I say, 'Thank you kindly for that. I am going to appeal it. I have got 14 days to appeal.' Under the act the EPA can actually get anyone to go and clean up my site and charge me. Can it do it while it is under appeal, because nowhere in the provisions do I see a prevention of that.

The Hon. J.D. HILL: The advice I have is no, the EPA would not be able to. It is a similar provision to an environmental protection order. So, the advice I have is no, that would not be able to happen.

The Hon. I.F. EVANS: This is an exceptionally long clause and we are dealing with a lot of the issues, and then it will just follow over. What prevents the EPA from using the emergency provisions to instruct someone to break the act, to disobey the act, and do that, if it wishes? Under this bill, the EPA has the power to instruct people to not obey this act. Clause 103J(8) provides:

> The authority or an ... officer ... reasonably necessary ... in the circumstances, include in an emergency or other site remediation order [can order] a requirement for an act or omission that might otherwise constitute a contravention of this act and, in that event, a person incurs no criminal liability...

So, I think that gives the EPA an out clause in emergency situations to get anyone to clean up anyone's site while it is under appeal, because they can actually breach this act. I am wondering what is the purpose of those two clauses. What is the purpose of having a clause that says that you can breach the act under instruction?

The Hon. J.D. HILL: It is a 'clear and present danger' clause. If life is endangered or some significant harm is about to occur, the authority has powers to take action, in the same way that police have powers, theoretically, to break the law by breaking and entering and doing a whole range of things in order to look after the community's safety. That is, as I understand it, what that provision is about.

The Hon. I.F. EVANS: Do you think it is reasonable, minister, that that power should be able to be issued orally? Do you think it reasonable that an authorised officer should be able to issue an oral instruction to a member of the public to break the act? What protection is there for someone to do that? If you combine clauses 6 and 8, it is possible to issue an emergency site remediation orally. Clause 6 provides that 'an emergency site remediation order may be issued orally'. The remediation order in clause 8 can instruct the person to break the law, and I fear for the protection of citizens in those circumstances.

The Hon. J.D. HILL: The advice I have is that this is consistent with the powers that exist under the EP Act and they have been codified and worked through. It is really a power that is required in an emergency and, sometimes in an emergency, you just have to trust people to use their judgment. If they get it wrong, they are subject to discipline, and that is the way the system works.

The Hon. I.F. EVANS: I want to check something. Under the bill, are there any civil penalties that can be incurred by people who breach the act and, if so, why does clause 8 (the one we are talking about on page 16) only exempt them from criminal liability, not civil?

The Hon. J.D. HILL: The advice I have is that there are no civil penalties: there are civil remedies. The issue is that the contamination itself is not an offence. Contamination happens; that is fine. It might be an offence if it were done today and done deliberately—that is a different issue—but we are talking about historic events. So, to have contaminated a site is not necessarily an offence, at least in relation to this bit of legislation; there may be other legislative powers that create an offence, but this is not about that. Where there is an offence is when somebody fails to obey the order and then there is a penalty, which is a criminal penalty, and that is as I understand it.

The Hon. I.F. EVANS: You have three lawyers over there; I have none around me at the moment. The way I understand clause 8 is that it gives your officers the power to instruct people to breach the act in emergency situations, so the poor person who is instructed to breach the act has to breach the act otherwise they can get penalised. Let's say that I breach the act under instruction. I am protected from criminal liability but not from civil. There are no civil remedies against me. What

are the civil remedies that can be put against the person who has been instructed to act against his wishes? That is what I am trying to establish. If there are any civil remedies, what are they? I want to know what the potential downside is for the person.

The Hon. J.D. HILL: There is a difference between a penalty and a remedy. A simple remedy would be something that I can do to cause something to happen that I want to happen; I have a remedy. I can seek an injunction to have something happen. It is not a penalty. A penalty would be if you received a fine—

The Hon. I.F. EVANS: Could the owner of the property sue me?

The Hon. J.D. HILL: Who knows?

The Hon. I.F. EVANS: Could the owner of the property sue me?

The Hon. J.D. HILL: You would have—

The Hon. I.F. EVANS: On what basis am I being instructed to take an action when I might be sued without protection by the Crown?

The ACTING CHAIR (Mr Koutsantonis): The minister is answering the question on civil liability, stick to that.

The Hon. J.D. HILL: There are no offence provisions here. There are no civil offences that are created under this legislation. You are getting into this area of hypothetical legalisms that are just not real issues. If somebody was instructed by an authorised officer to do something or other, and it is not illegal because it is in accordance with the directions of an authorised officer, then no offence has been created. I fail to see how that could create a civil offence. If someone attempted to sue somebody for that, it would be like suing a police officer who knocked down a door in order to rescue a baby from a burning house. If you were the owner of the property and then sued the police officer because he had damaged the door, you would be thrown out of court. That is the reality of it.

Clause passed.

Clauses 12 to 14 passed.

Title passed.

Bill reported with amendment.

Bill read a third time and passed.

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

A quorum having been formed:

COLLECTIONS FOR CHARITABLE PURPOSES (MISCELLANEOUS) AMENDMENT 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 5, page 4, lines 6 to 9—

Delete subsection (2) and substitute:

(2) Subsection (1) does not apply if—

(a) the person—

(i) only collects or attempts to collect money or property from persons know to the person or with whom the person regularly associates; and

(ii) provides all of the money or property so collected to the holder of a section 6 licence; and

(iii) is not a paid collector; or

(b) the person—

(i) only collects or attempts to collect property for the purpose of affording relief to a particular person or to the dependants of a particular person; and

(ii) provides all of the property so collected to that person or to those dependants; and

(iii) is not a paid collector.

No. 2. Clause 5, page 6, lines 29 to 40—

Delete proposed subsection (3) and substitute:

(3) If any speaker or other performer at an entertainment to which this section applies is to be paid a fee or commission of an amount that exceeds, or is likely to exceed, the prescribed amount, the holder of the section 7 licence under which a person is authorised to conduct the entertainment must, at the request of any person, tell the person the amount, or likely amount, of any such fee or commission.

Maximum penalty: Division 6 fine.

(3a) For the purposes of subsection (3), the value of any non-monetary consideration to be provided to a person (including the value of any travel or accommodation costs to be paid in respect of the person's attendance at the relevant entertainment) must be taken into account in determining the amount of the fee or commission that is to be paid to the person.

Consideration in committee.

The Hon. P. CAICA: I move:

That the Legislative Council's amendments be agreed to.

I apologise to the shadow minister in that I have given him only a very brief explanation—in fact, it is a bit far reaching to say that I have given him an adequate explanation. These amendments were moved in the other place and are supported by the government. They were initiated by the government following consultation with some members of the Legislative Council.

As noted in the previous debate in both places, this bill was prepared after extensive consultation with the charity sector. It improves the disclosure arrangements, and provides donors with the opportunity to make more informed decisions about making donations for charitable purposes. The bill also puts in place a set of minimum standards that can assist in building the public's confidence in making donations. The first amendment protects South Australians who collect from people they know, and who deliver all of the proceeds to a section 6 licence holder. Of course, the government, as I know is the case with all members of the house, supports caring Australians who wish to provide assistance to others in this particular manner. In essence, it means that if we are in a workplace and a single person wanted to collect money amongst his cohort within that office space on behalf of a section 6 licence holder, and pass that money on, he could do so without being a licence holder him or herself.

The second amendment makes clearer that which needs to be included in calculating a fee or commission paid to an entertainer for the purposes of disclosure under new section 7. Again, in essence an anomaly existed in the drafting, where a person who was being paid a commission as an entertainer for the purposes of charitable collections could be paid $4,999 in cash, $4,999 in kind, and that would not meet the requirements of disclosure. They have been amalgamated in such a way that anything to the value of $5,000 or above constitutes a component which is either in kind or money required to be disclosed. That is the essence of the amendments that were moved by the government in the other place following consultation with the initiators of those amendments. I believe both amendments improve the bill.

The Hon. I.F. EVANS: I thank the minister for briefing the committee on the amendments. It is clear that the government has the numbers to get the bill and the amendments through. The nanny state is alive and well.

Motion carried.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September 2007. Page 983.)

The Hon. I.F. EVANS (Davenport) (16:22): I will not hold the house long on this matter. It is clear that the government has the numbers, and most of the debate will be in another chamber, where the government does not have the numbers. The opposition will raise a few matters in relation to this bill, a few amendments that will be dealt with swiftly. I will make some comments in relation to this bill.

The second reading explanation really does not give a great indication as to the detail of the bill. It gives a broad sweep of the government's claim to be reforming education. Essentially, there are two or three principles behind the bill. The SSABSA Act has been around for 25 years. To my knowledge, there have not been too many problems with the way the board or, indeed, the act have operated. We do not receive many cards or letters from parents, schools or education administrators about the board or the act and the way it is operated. In its words, the government seeks to 'modernise the board' by reducing its number from around 25 or 26 to 12 and giving the board a more defined and elaborate role, and I think that definition comprises 2½ or three pages.

It seeks to give the minister and, therefore, the government far greater control over the board and, therefore, the operation of the act by introducing things such as a ministerial power of direction, limited in two circumstances; the obligation of the board to take on decisions of ministerial councils and those sorts of issues; and the requirement of the board to send up to the minister any information requested by the minister in performing the role of minister.

So, there is a significant change in the way it currently operates as an independent stand-alone authority. Now it will be far more politicised and have far more intervention from the minister, the minister's office and the government. Those are two of the key principles involved in the bill. Another area is the way the staff of the board are employed. We think that the board should employ its CEO. The minister seeks to have an employing authority employ staff, which is part of the industrial relations argument that has gone on in this place over the past two years about where the employment responsibilities should lie. It is really a philosophical issue.

I want to run through these three principles: the principle of who should be on the board; how independent the SSABSA board should be; and who should have the power to employ. The minister has gone through what she will claim to be an extensive consultation. There has been a discussion paper. Bill Cossey wrote a paper in relation to the matter, and the bill is the result. The minister will claim that there were basic concessions from all sides to get the bill to this point. We sent the bill around as best we could over the last two weeks or so. I was in India during part of that time, and that is one of the reasons that some of the debate will happen upstairs, as we are still to hear back from some of the people to whom we have sent the information. However, we do know that some concerns have been raised and not accepted by the government, both by the current SSABSA board and by the Association of Independent Schools.

I should say as a starting point that I am suspicious about why the government is bringing in education reform bills piecemeal. I have been a minister and I know what departments do. They want to achieve a certain end in their powers and in those of the minister for a political agenda, a departmental agenda or a minister's agenda, or they want to make their lives easier, as they do not want the pesky parliament interfering in the day-to-day workings of the department. So, when three or four pieces of legislation come through the house, they word the provisions appropriately so that, when you layer the reforms in one act with reforms in subsequent ones, the cumulative effect is significant reform to the way the government or the minister's office may be interfere or run a particular policy through a particular office.

I am suspicious. I know that the minister will say that we need to get this through now so that it can start at a time of the minister's choosing. However, the reality is that the second reading explanation was about the delivery of the new SACE, which is still under negotiation. We are not quite sure what requirements that will have in it, but this board oversees it. If the bill is agreed to, we are giving significant powers to the minister and to the government that currently do not exist. I suspect that there is an agenda. Fortunately, the minister has decided to play this card now and then, after Christmas or later down the track, bring in another bill and yet another bill and slowly layer the accumulated change, rather than let everyone see the whole package.

As I said, we did consult with a number of groups. We have responses from the Association of Independent Schools. I want to deal with some of their issues, and they are happy for me to read parts of their letter into *Hansard* so that members have some understanding of their concerns. Of course, the Association of Independent Schools represents the 96 independent schools and has a 100 per cent membership across South Australia. It says it has raised a

significant number of concerns during the consultation period, and their principal concerns, I guess, are outlined in three paragraphs.

First, there will be increased separation of the school sectors from the deliberations and the decisions of SSABSA because the former will not have representation on the board. School authorities and schools are responsible for the implementation of decisions made by the board, and SSABSA will have no accountability for the implications, that is, the resources, of their decisions that impact on the operation of schools. In relation to the disenfranchising of the non-government school sectors through proposed changes to the composition of the board, the government school sector is an instrument of the government policy.

In fact, officers of DECS advise the minister's office. Hence, the increased powers of the minister would ensure this provider has input into the deliberations and directions of the board. Regarding the unclear role of the board as a governing body, they say the bill makes no differentiation between the functions of SSABSA as an authority and the governance functions of the SACE board. The governance functions of the board are severely limited by the proposed enhanced powers of the minister. Further, they mention the lack of clarity and executive limitations of the powers of the minister, particularly in relation to the directions that can be given to the SACE board.

Then they go through the specific areas. In regard to the membership of the board, the opposition has an amendment. The government wants to reduce the board from 26, from memory, to 12. We have not increased the number in our amendment; we leave the number of board members at 12, but we think the three education sectors—Catholic, independent and government sectors—should be able to nominate their representatives on the board. The government does not believe that, and there is an amendment to that effect. The argument that the Association of Independent Schools puts forward in relation to this issue is as follows:

> The proposed membership [of the board] does not guarantee that the three school sectors will have representation on the SACE board; this will lead to a separation of the school sectors from the deliberations and decisions of the SACE board. School authorities and schools are responsible for the implementation of decisions made by the board. The SACE board will have no accountability for the implications (e.g. resources of their decisions) that will impact on the operations of schools.
>
> The...bill will effectively disenfranchise the independent school sector through proposed changes to the composition of the SACE board. The proposed consultation process outlined in the bill is not an acceptable alternative to direct representation on the SACE board.
>
> The government school sector is an instrument of government policy: in fact, officers of DECS advise the minister's office; hence the increased powers of the minister would ensure this provider has input into the deliberations and directions of the SACE board.

So what they are really saying is that the minister has a whole department to advocate to the minister's office and, through the minister's new powers of direction in this bill, the government sector would have far greater influence than the independent and Catholic sectors on the SSABSA board; therefore, they argue that the three sectors should be equally represented and nominate their own representative. They say:

> It is a strong view that at the very minimum the three school sectors should be able to nominate separate representation on the SACE board. This will strengthen the link between the decisions of the board and the implementation at the school authority and school level.
>
> It is recognised that the bill does include an obligation on the SACE board to consult with a wide range of groups, including schools and the three school sectors, to the extent the board believes appropriate; however, this does enable the school sector authorities to be involved in the deliberations and processes of decision-making at board level. Representation on key standing committees of the board also does not guarantee adequate involvement in the decision-making process at the highest level.

That is the argument around the principle of who should be on the board. When I had the briefing from the minister's office, and I thank the minister for supplying officers for a briefing, I asked, 'This board has been around for 25 years: why do you want to change the board?' The answer I got was that they are hesitant to take the hard decisions. I asked for an example of a hard decision that had not been taken and they could not give me one. So, I am still not convinced of the argument for change. Where is the hard decision that this board has not taken or has not delivered, or what has been requested of them that they have not done?

The Hon. P.L. White interjecting:

The Hon. I.F. EVANS: I have spoken to Malcolm Buckby and Rob Lucas, former education ministers, and asked them about the bill. There was one incident I am aware of, but when I asked whether the minister needed the power to direct they did not indicate that the minister

needed that power. So, I have consulted with past education ministers. That was the argument put by the minister's advisers and, as I say, if there are any examples of decisions that should have been taken but have not been taken, the committee stage is the opportunity to inform the house of that.

Further, there are provisions in relation to extending the powers of the minister and also of the board. For instance, the independent schools sector raises concerns about the minister's power to collect, record and collate information on any matter relating to the participation or non-participation of children of compulsory education age in secondary education or training or development programs and opportunities (the clause goes on and I will not quote it all). Essentially, the independent schools sector argues that there is no limitation on the minister as to what information can be published or on the distribution of the information. The independent schools sector and its member schools are strongly opposed to any information being made available to the minister that identifies individual schools and the publication of information that identifies individual schools. This really comes down to an argument about the publication, if you like, of what is commonly known in the industry as league tables about comparing schools.

The other issue about this principle of the increased powers of the board and the minister is the increased powers of the functions of the board in relation to ministerial directions and functions of the board. The independent schools sector considers that the powers of the direction given to the minister throughout the bill have the potential to greatly undermine the independence and therefore the government's responsibilities of the SACE board in comparison with the existing board. Section 17A provides:

> ...the minister may give the board a direction about any matter relevant to the performance or exercise of a function or power of the board.

Although it is not stated explicitly, this provision could be interpreted to mean that the board is required to follow a ministerial direction. Such a direction would evidently not be subject to disallowance by the parliament. This is the concern the independent schools sector has about the independent authority losing its independence. They would argue that the government has not made a case as to why it should lose its independence.

They also seek a limitation on that ministerial power in relation to students' records—and we may come to that at the committee stage. Their general view of the independent schools sector is that, when you take the bill as a collective, their concern is that the SACE board has the potential to become simply an administrative arm of government rather than an authority, with a high degree of independence from political interference. By contrast, under the current legislation, the board cannot be required to follow ministerial directions. They would argue that it should remain independent. They are some of the concerns raised by the independent schools sector.

The minister's office was kind enough to forward to me the Senior Secondary Assessment Board of South Australia's submission of 4 July. If there is a later submission, it has not been provided to the opposition, so I can only assume that there is not a later submission than that of 4 July.

The Hon. J.D. Lomax-Smith: There is.

The Hon. I.F. EVANS: When I asked the minister's office for the submission from SSABSA, I was hoping I might get the latest one. Maybe the minister could provide me with the latest submission in between the houses. The submission we have and given to us by the minister is the one dated 4 July. I am not sure what the latest submission says. The submission of 4 July raises a number of issues in relation to the bill. Some of them are only minor in the scheme of things. I notice that some of them have been picked up in relation to the redraft of the bill. The interesting thing that SSABSA talks about is that it specifically requested the minister to amend to the bill to include the words 'publishing' in the restriction of the minister's power or direction so that the minister cannot publish the results. This comes down to an issue about league tables.

SSABSA has specifically made a submission to the government that the minister's power of direction be limited so that the minister cannot produce league tables in a published form. The independent schools sector has specifically raised that issue with the minister. One can only assume that, given the minister has not amended the bill in line with those two submissions, the government's intention, indeed, is to use the power of direction to enable it to construct information and put out league tables against the wishes of SSABSA and the independent schools sector, otherwise why would you not have put that particular prohibition on your own ministerial direction?

I want to put those comments on the record by way of a general discussion. The opposition does have some amendments that deal with board numbers, the employing authority and the make-up of the board. With respect to the issues around the minister's power to direct, we want to hear from the minister about why the government needs that power, and we will consider our position on that in between the houses. In other words, at this stage, we do not think the case has been made. We want to give the minister an opportunity to make the case to the house as to why, after 25 years, suddenly we need the power to direct this board and to have the other powers that the minister so seeks. The opposition will have some amendments in committee, and a number of other issues will come up in committee by way of question.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (16:43): I would like to respond to some of those comments. In particular, I think it reflects the honourable member's relative newness to this portfolio that he would suggest, 'There are no problems so why would we want to change the SSABSA Act?' In reality it has served us well over many years, but there has been a tectonic shift in education in the last decade which the current act has not been able to accommodate fully. The department has been very flexible in allowing small pilot studies and small projects to occur in terms of some extended learning initiatives, some in-depth studies and some flexibility and involvement in terms of allowing SACE recognition of activities such as life saving or CFS activity, as well as accreditation in those minor areas.

However, overall, for the majority of young people we are currently in a position where we have a massive growth in job availability. We have a relative skill shortage, and some of the statistics that were in the original SACE review were unnerving. I start by saying that there are no jobs for the untrained and early school leaver. In the future, there will be no jobs for manual labourers, no jobs for those who leave school early. All the jobs growth is in Certificate III diplomas and university-trained students and graduates. There was information in the SACE review which pointed out that 55 per cent of year 8 students reached a year 12 completion certificate.

That statistic alone is unnerving because it demonstrates that 45 per cent of year 12 students have insufficient qualifications to get them a higher certificate or an apprenticeship. We currently face a shortage of young people going into apprenticeships, even though there has been a dramatic increase in school-based apprenticeships, but when one considers that only approximately a third of young people go into a university entrance situation, then we are looking at two-thirds of school leavers not being in the university stream and yet being required to get higher levels of certification and qualifications.

The problem in South Australia is with the relatively low population growth, with high employment and relatively underskilled youth. Our school leavers are increasingly becoming underemployed and have difficulty in becoming highly employable. The issue for us, as a state, is the need to increase the skills of school leavers, and that is why we are introducing a whole suite of reforms. I have to laugh at the suggestion (and the major criticism) from the member that the problem is that we might have a policy agenda. I have to say, with some degree of confidence, that I would have thought that is what a government wants. We are being criticised for having a policy agenda. We are being criticised for having policy and we are being criticised for wanting to reform our senior secondary education system. I take that as a compliment; I thought that is what governments were supposed to do.

With regard to the changes to the act, we have had independent reviews of both the senior secondary system and the legislation, and the status quo is not adequate to take us into the 21st century. We need to make sure that as close to 100 per cent as we can get of our young people have the skills to get employment. There are certain limitations to the current act and the way the board functions. Nobody who has chaired a committee of 26 people can honestly say it functions well. One of the problems with a large representative board is that it represents industry, unions, schooling sectors, every university in the state, and Business SA.

What has happened over time, I think, is that initially there were the most senior representations on the boards but, over the decades, it has slipped to be proxies and substitutes, so that the high level of involvement is no longer true. Very often the board does struggle to have a reform agenda. Anybody who has operated with a large board knows that smaller numbers on a board are more effective and, in particular, a skills-based board will always outshine a representative board. The detail about some of the underpinning philosophy of the way the act has been written is that this is no longer a board that will just be assessing—that is, I am saying it is no longer a board whose role will be to write curriculum, to mark exam papers and to release results. It has a broader role in the future and that role is actually in accreditation as well, because it will be

involved in taking certificates from the VET sector, taking non-school-based programs and saying whether they should be credited with SACE points.

The reason for that is that if we want to increase school retention and we want to increase the skill levels of school leavers, we cannot expect the children who are now dropping out, who are disenchanted and who are voting with their feet, to want to stay at school studying physics, chemistry, maths and a whole range of subjects that they have already become disenchanted with. In the old days (the good old days which everybody harks back to), in reality, the non-academic stream of student would have got into an apprenticeship or employment for which they are now no longer qualified, because the world has moved on.

In relation to the programs that are envisaged and are being changed around the world—it is not just us taking this attitude—there is accreditation for a more broad range of activity and a recognition that the schooling system is, if you like, more permeable in that it will involve young people completing a year 12 certificate, but at the same time having experience of VET, school-based apprenticeships, even part-time employment and community service, so that they can stitch together a smorgasbord of skills that will give them a credible certificate of leaving that will allow them to then go on to further training or employment.

The reason we have several bills being presented to parliament is that there are several specific issues. The SSABSA review is only part of the reform package. Again, I make no apology—we have a reform agenda, shocking though that may be. We have a very clear reform agenda, because we want every young person to be skilled. I have said before that the worst brain drain is a child not reaching their potential. Our agenda includes lifting the age of compulsory education to 17, and that is the bill we will discuss next week, as well as introducing our Trade Schools for the Future.

So, this is a package that we are introducing in single elements for clarity and to make clear which part of the package it is. They fit together, but the reason we need (timing wise) to put this bill to the house early on is that the school leaving age, which we have already increased, has allowed children to stay at school until 16. The Compulsory Education Act will allow them to stay until they are 17. That will not kick in for another two years, but we need to have a transitional arrangement for the SSABSA board now so that the new SACE board can pick up the responsibilities of the previous SSABSA board. We can have transitions of staffing and we can have them take on the leadership in this area.

I agree that there are areas that have been contentious, but we put out a discussion paper earlier in the year and went through a massive consultation process. One of the risks of the opposition now picking people they want to consult is that any organisation would have hundreds of members of staff, such as a university, and there are clearly some staff with a personal view. But we have gone to the organisations and we have spoken to the heads of the organisations and those who have been charged with the responsibility of giving their opinion.

So, I am not discrediting the other people who might be consulted, the friends of the member who might wish to be consulted about this issue. They have had an opportunity to put in submissions, but we have had a consultation program which has included the people whom we regarded as stakeholders. We did not just ask that they put in a submission, but we have had them, around a table, debating and discussing the submissions put by the other parties. We have had them sitting around the table and going through all the issues. At the end of the day, where there have been problems that have been raised, we have incorporated them and included them in the legislation.

The groups we have had on this stakeholder advisory committee have been: the Association of Independent Schools of SA, the Australian Education Union, Catholic Education South Australia, the Chief Executive of DECS, the Chief Executive of DFEEST, Childcare Australia, the Children's Services Consultative Committee, the Ethnic Schools Board, the Federation of Catholic School Parent Communities, Flinders University, the Independent Education Union, the Ministerial Advisory Committee of Students with Disabilities, the Miscellaneous Workers Union, the Multicultural Education Committee, the Non-Government Schools Registration Board, the Preschool Directors Association, the South Australian Primary Principals Association, the Public Service Association, the Association of School Parents Clubs Incorporated, the Association of State School Organisations (SAASSO), the Isolated Children's/Parents Association, the Secondary Principals Association, the Senior Secondary Assessment Board of SA—I know that the member has been given its original submission when the discussion paper went out, but time has moved on—the Small Schools Principals Association, the Special Schools Principals Association, the

University of Adelaide, the University of South Australia, the Social Inclusion Board, the Teachers Registration Board, the Non-Government Schools Secretariat, the Independent Schools Secondary Principals Groups and the Independent School Primary Principals, as well as the Future SACE office.

So, the level of consultation has been enormous. If you thought that we did not speak to them once, you would be in error, because the Reform Stakeholders Advisory Group has met on seven occasions, after being established late last year. The next meeting will be on 31 October, because we do not believe this matter is concluded; we are still consulting with them and working with them on our other legislation because we think it is important to include stakeholders. The point I make is that we have the nominees and the official representatives—not a teacher with a view who might be in a school or an academic who might have a view. I advise the member that he may take up the cudgels on behalf of some individual but be at odds with the actual bodies that are being represented within the community.

We met on 22 January, 19 February, 27 March, 12 June, 27 June, 6 August and 27 August to discuss this bill. There was a whole range of meetings also on the compulsory education agenda as well. So, there has been a massive consultation which has resulted in discussions leading to a massive number of amendments. That is why the current bill is so different from the first bill: because we believe in genuine consultation, not a consultation whereby we get submissions and say, 'Thank you, we're doing what we want to do.' We collected the submissions, we listened to what was said and we have made subsequent changes.

In fact, we recently received a letter from SSABSA dated 17 October, which is the most recent documentation following the submission you received. It is signed by the presiding member and it reads as follows:

> I write in response to the tabling of the Senior Secondary Assessment Board of South Australia (Review) Amendment Bill 2007 and the further changes made to the draft bill following the response submitted by SSABSA. Changes made to directions where concerns were previously raised, in particular regarding the composition of the board, the role of the chief executive officer in relation to the board, the ministerial powers of directions and transitional arrangements for SSABSA staff are supported.
>
> I congratulate you on these further changes which, in my view, strengthen the framework of the legislation.

That was the way we adopted our consultation. We took on every matter that was raised.

The one issue that was not taken on board was the wish by one group that there be representation on the board. As I said, we, like every other professional group around the country, are moving toward no longer having representation on boards but having skills-based boards. The reason is that, clearly, it is much better always to have people with a professional background, with the knowledge and the academic understanding. In doing that, we recognise that various bodies are not getting a seat at the table. We do that with the knowledge that, if we go back to representation, we will have all of the universities—and you might say we need Carnegie Mellon and Cranfield as well, so there will be five of them. We need all the school sectors. There are three main sectors but there are others as well. We would end up having Business SA and a whole range of industry sectors and, before we know where we are, we are back up to 28, 29, 33 and, again, an unwieldy and unworkable board.

Only one organisation has still demanded a seat at the table, and that is AISSA. To them I would say: we have an advisory board which advises the new SACE board, and that comprises the CEOs of each of the main sectors. Below the main SACE board, we have a whole range of advisory groups. Clearly, there will be specialist groups for mathematics, for extended learning plans, for literacy, for numeracy and for accreditation.

The Hon. J.D. LOMAX-SMITH: I move:

That the sitting of the house be extended beyond 17:00.

Motion carried.

The Hon. J.D. LOMAX-SMITH: Of all the advice that was given to us by representations, only one organisation still wishes to have representation on the board. Beneath the main board, of course, are the advisory groups that do the work. The SACE board will not be in the position to actually write curriculum, accredit courses or recognise projects. The SACE board will be the policy decision maker. In fact, it is quite obvious that every schooling sector will be represented because there is a massive level of skills available within the private school sector, both within AISSA and the Catholic education sector, and there is every opportunity for those skills to be called into play by being on those subcommittees.

The next issue is—and I do rather resent the scathing attitude to consultation because I think the consultation was very thorough—the comment that has been made that the power of direction will be very dangerous. It is true to say that currently there is no power to direct the SACE board, which means should the government invest in, for instance, a biotech innovation investment fund—and we have invested enormously in Technology Park at Thebarton—we have no capacity to request that the SACE board consider courses that may be appropriate for that skills area. We have no capacity to suggest that the SACE system should have programs that would get people into the air warfare defence industry or even into the mining sector.

Clearly, they generally do that, and we recognise that they generally take up those options, but we have no power to request them to do that. We also have no power to get data from them in regard to achievements in the SACE. They are completely independent with no capacity to give us any data. We, unlike the Liberal Party, are absolutely opposed to league tables, and we will absolutely be opposed to any delivery of identifying data from schools. But where a school system wants to get reports from the SACE or SSABSA, there are times when it would be reasonable to have some reporting back and, in fact, as to the league table idea, I am very pleased to hear the member oppose it because then he would be in alliance with us because we are opposed to league tables as identifiers as well.

I believe that the member's criticisms are not valid. We have gone to considerable lengths to support the amendments and suggestions put forward by our advisory group. We have made every amendment that was reasonable, and they were generally reasonable. We found every suggestion from SSABSA entirely reasonable, and we made amendments. So, I think the bill before us now is one that has been negotiated, consulted upon and that will lead the way to a new era in senior secondary education. I urge the member to contemplate the failure that many young people face in our society when they leave school early with no qualifications and they are unemployable. Many of the changes that you have been critical of are just the ones that will lift the job opportunities and skills set of young people and make them employable, because the range of changes that is occurring will, for the first time, require young people to pass mathematics and English in year 11. There has been no requirement in the current SACE to do that.

The Hon. I.F. Evans: Say that again.

The Hon. J.D. LOMAX-SMITH: There has been no requirement in the current SACE—

The Hon. I.F. Evans: Before that. You were saying something about year 11.

The Hon. J.D. LOMAX-SMITH: There has been no requirement until now in the current SACE for a child to get a credit in year 11 maths or English. One of the changes in the new SACE will require a pass in those subjects. We are introducing a range of changes. I have to say that I am rather surprised that the member would attack us for not knowing what the new SACE was about. We know exactly what the new SACE is about. We have already introduced year 9 testing for diagnostic purposes and we will be putting remedial processes in place. The year 10 reforms will be implemented within the next couple of years and the agenda for reform is moving apace. That is why the reform of the board and the legislation has to occur to enable those changes to progress.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

The Hon. I.F. EVANS: I move:

Page 3, lines 24 to 29—Delete subclause (3) and substitute:

(3) Section 4(1), definition of employing authority—delete the definition.

Page 4, lines 2 to 5—Delete subsection (2).

This is about the issue in relation to the employing authority and the principle of who should employ the CEO. The opposition believes that the board should be the employing authority of the CEO. The government wishes for some philosophical reason to nominate someone else as the employing authority. Under clause 11 of this bill the CEO is responsible to the board but will not be employed by the board, so there will be a conflict in duty in that one person employs the CEO, but the CEO is responsible to the board. The opposition thinks common sense should apply: the

minister should appoint the board and the board should then employ its CEO. The same argument applies to staff other than the CEO.

The Hon. J.D. LOMAX-SMITH: I think the member is confused. The CE is not employed by the board now.

The Hon. I.F. Evans: I didn't say he was.

The Hon. J.D. LOMAX-SMITH: The situation has somewhat changed. Currently there is an anomaly in that the CE of DECS is the employing authority for the CEO of the SSABSA board. This followed implementation of the statutes amendment act, which protects all South Australian government employees from the scope of the commonwealth government's WorkChoices legislation. The bill makes the appointment of the CEO consistent with the appointment arrangements of other chief executives within the Public Service. Further, the CEO is accountable to the board for the delivery of the board's operations. The bill addresses a concern raised by stakeholders that it is not appropriate for the CE of one of the schooling sectors to be the employing authority of the CEO and staff of the SSABSA board, and I entirely agree with that. It is quite inappropriate, and that is why we seek to amend the situation so the CEO is in a separate position. The appointment by the Governor puts the CEO of the SSABSA board in the same position as CEOs of other statutory authorities.

The Hon. I.F. EVANS: Only because the government changed the law through general statute amendment legislation in the past two years. As a result of the federal WorkChoices legislation this government decided to move an overarching bill about who would be the employing authority on a whole range of statutory authority boards. We make the point, as we did at the time (and not every board is the same, as there are different circumstances), that we do not see any reason why the board should not have the power to employ its own CEO. It would not necessarily be from one school sector, but would be up to the board.

The Hon. J.D. LOMAX-SMITH: The member is trying to push his own ideological and political views and his support of WorkChoices, which we know to be intense. The reality is that the stakeholders and the board are happy with this amendment, as all our representations indicate. Whilst he may be scathing of the mere concept of consulting people—I know it is anathema to him that we would listen to what people say—the community of interests and people involved in this process are happy with these clauses. The member is going off on a tangent, on a junket of his own views, not those of the education sector.

The Hon. I.F. EVANS: We will not hold the committee a long time. Minister, I did not criticise the consultation process. Go back and read the *Hansard* overnight, and you will see that I have not criticised the consultation process. I have actually been a minister as well. It might come as a surprise that you are not the only minister in the history of the state. I was a minister for four years. I have gone through the consultation processes. I understand that you have done that. But the opposition is allowed to have a view. It may not be a view that you like, but we are entitled to a view. If you read the *Hansard* tonight, you will see that no-one raised the issue. The minister just said that no-one raised the idea of having sectors represented on the board.

That is false. Your own consultation documents show that that is false. The letter that I read to the parliament shows that what you just said is false. And you talk about your consultation process! You put yourself in my position, minister. I sat in my electorate office with your staff. I asked for one piece of information. I asked for the submission from the SSABSA board, and the submission that your mob gave me was the old submission. They did not give me the latest submission. So, your great consultation process denied the opposition the one piece of information that it requested.

Had I had that information before we came to the chamber, I just might have asked the SSABSA board why it changed its mind. Then I might have been able to consider that in drafting my amendments. So, do not talk down to the opposition about the consultation process, because your officers took the decision not to provide the opposition with the most recent advice. It might have been an error, but the reality is that that is what happened. I will not wear the attitude coming from the minister. I said to the minister in my office this afternoon that this would be a short debate, and it will be. I understand that we have a different view, but the Independent Schools Association did write to us and did write to the minister arguing about sector representation. So, do not advise the house that no-one did it, because they did. Let us get to the clause; put it to the vote.

The Hon. J.D. LOMAX-SMITH: I think the member is getting excited unnecessarily. He asked, as I understand, for the comments and submission related to the consultation draft of the bill. At the time, that was a very reasonable thing to do. I have said, and my office explained, that

there had been massive consultation. I have read the dates of the meetings that were held that included all the participants on that list which I read. I have explained that all the complaints were listened to, all the suggestions were incorporated, and all the compromises were made. This was a matter of compromising to make everybody happy. But I do not think that however brilliant my office staff are they have psychic powers. I do not think that however clever they might be they can predict the future. When the member asked for the submission following the consultation draft, in good faith he was given it, with the comments and the accompanying email, as I understand, saying that the views had been incorporated and the final bill was different from the consultation bill. I have seen that email.

Maybe if the member had listened to the letter that I read out, he would have heard that before I read the letter from SSABSA I gave its date. I will repeat it again for the member, because I realise that he was not listening. The letter is dated 17 October and it states:

> I write in response to the tabling of the Senior Secondary Assessment Board of South Australia (Review) Amendment Bill 2007 and the further changes made to the draft bill following the response submitted by SSABSA. Changes made to directions where concerns were previously raised, in particular regarding the composition of the board, the role of the chief executive officer in relation to the board, ministerial powers of direction and transitional arrangements for SSABSA staff are supported. I congratulate you on these further changes, which in my view strengthen the framework of the legislation.

It was exactly what I read a few minutes ago.

The Hon. I.F. EVANS: Let us get on with the vote. We have things to do. I have a kid in hospital, and I want to go. The reality is, if you read the *Hansard*, you accused me of asking for the comments from the SSABSA board on the draft bill. The letter you just read specifically refers to the draft bill, its comments on it and congratulates your making changes. Why did I not get the letter? Because it arrived yesterday? You could still have passed it through to me. Let us just get on with the vote and stop playing games.

The Hon. J.D. LOMAX-SMITH: I am very happy to vote, but I do not think that a game is being played. When this letter arrived—

The Hon. I.F. Evans: Does that letter refer to the draft legislation?

The Hon. J.D. LOMAX-SMITH: It says 'the changes made'.

The Hon. I.F. Evans interjecting:

The Hon. J.D. LOMAX-SMITH: This was not a submission; this was a letter. You asked for the submission. As I said, brilliant though my staff are, they cannot predict the future.

Amendments negatived; clause passed.

Clause 7.

The Hon. I.F. EVANS: What reason did the SSABSA board give the minister for withdrawing its submission on the word 'young'?

The Hon. J.D. LOMAX-SMITH: I am sorry, I could not hear.

The Hon. I.F. EVANS: What reason did the SSABSA board give the minister for withdrawing its submission on the word 'young' in clause 7?

The Hon. J.D. LOMAX-SMITH: I am sorry; I misheard you. The vast majority of people undertaking the SACE are young people to whom this government has a strong commitment. This principle does not preclude older people from undertaking the SACE, but the principle makes explicit this commitment.

Clause passed.

Clauses 7 to 9 passed.

Clause 10.

The Hon. I.F. EVANS: The SACE board plays a key role in the design and delivery of senior secondary education in South Australia. The performance of the board is crucial to the reputation of the state's education system both here and overseas. Can the minister outline the 'broad range of backgrounds' that will be evident among the prospective SACE board members?

The Hon. J.D. LOMAX-SMITH: I am sorry, the member is mumbling and I cannot hear him.

The ACTING CHAIR (Mr Koutsantonis): I think it is the acoustics.

The Hon. J.D. LOMAX-SMITH: I am sorry, I could not hear what he said.

The Hon. I.F. EVANS: You accused me of not listening two minutes ago; now you know what it is like. I will repeat the question for the minister. The SACE board plays a key role in the design and delivery of senior secondary education in South Australia. The performance of the board is crucial to the reputation of the state's education system both here and overseas. Can the minister outline the broad range of backgrounds that will be evident among the prospective SACE board members?

The Hon. J.D. LOMAX-SMITH: At least four of the appointed members of the board must have specific knowledge and expertise in relation to the provision of senior secondary education, and of these members at least one must be a person who is currently engaged or has recently been engaged in the provision of senior secondary education. They should come from a broad range of backgrounds that are relevant to the activities and interests of the board, and together have the abilities, knowledge and experience necessary to enable the board to carry out its functions effectively.

The Hon. I.F. EVANS: The three school sectors have expert knowledge and experience in the delivery of the curriculum. How can a board that contains no direct representation from the three school sectors make informed decisions about educational matters which impact directly on schools and young people in South Australia? Will the minister tell the parliament how she will ensure the proposed SACE board, which requires only one board member to be currently or recently engaged in the provision of senior secondary education, will be able to adequately represent the diverse views and needs of the three schooling sectors? Will the minister tell the parliament how she will ensure that the proposed SACE board will have the relevant up-to-date and practical education experience and knowledge to adequately address the issues of senior secondary education that will have a direct impact on schools and students?

The Hon. J.D. LOMAX-SMITH: As I explained previously, education in the senior secondary years is not just a matter of what happens in schools. The system is a much more open and permeable one whereby it is envisaged that there will be educational attainment, certification and involvement in the VET sector, school-based apprenticeships, the volunteer sector and the community sector. Not all the activity will be within schools. Currently, when board members are nominated they do not take allegiance or instructions from their nominating organisation. They bring their personal experience and they should owe allegiance to the strategic objectives of the board. Similarly, the board consults with the sectors when developing new policies and subjects. However, the board also does consult with individual schools (where they have special expertise) and other bodies. So other consultations might well occur with industry sectors, technical areas that are evolving and also the university and TAFE sectors. Of course, there would be the use of expert committees for particular projects and activities.

The Hon. I.F. EVANS: I move:

Page 5, lines 27 to 29—

Leave out all words in these lines after 'must be' in line 27 and substitute:

a practising teacher

This amendment simply requires that one of the board members be a practising teacher rather than someone who is currently engaged or has recently been engaged in the provision of senior secondary education. We recommend or suggest that it would be better to have a practising teacher. The minister raised with me in our brief meeting this afternoon that my definition of 'practising teacher' leaves it open for the minister to appoint a primary school teacher. That is true, but I could not see any reason why our minister would ever do that; so I have not amended it.

Amendment negatived.

The Hon. I.F. EVANS: Currently, the future SACE steering committee, which is made up of the chief executives of the three schooling sectors and the department of education and training, is advising the minister on the implementation of the future SACE. These positions are held by people who are widely recognised and respected for their expertise in education. If this committee is playing such a vital role in providing advice to the minister, what is the rationale for excluding positions, or indeed their delegates, from representation on the SACE board?

The Hon. J.D. LOMAX-SMITH: I think the proposed amendment the member wishes to put suggests that there should be a nominee from the sectors, not necessarily the CEs. And the

advisory group he has named are the people who are responsible for finding a collaborative approach for many of the complex issues that we have worked through to date. I am particularly indebted for their activities because it has made sure there is fairness and equity across the systems.

I know the member believes all the advice comes to the minister from the department and not from the other sectors but, in the matter of the SACE system, I recall the member saying there was a massive department feeding me advice and opinions, but it would be entirely improper for me to take advice only from the department because the SACE is a vehicle for all South Australians. It is a certification system that is essential for every South Australian family, and it is fair to recognise that many other people are stakeholders and therefore the three sectors are on the advisory committee because I think it is proper that there should be advice from all the sectors. In terms of getting advice, however, the bill includes designated entities, which are those people from whom I should seek advice, and they include the education sectors, universities, training skills commission, such organisations as unions, the teachers registration board, the non-government schools registration boards, and so on. So, there is a very extensive list of entities which also give advice.

The Hon. I.F. EVANS: I move:

Page 5—

After line 29—Insert:

(ab) 1 of the appointed members of the Board must be a person specifically nominated by the South Australian Commission for Catholic Schools Inc.; and

(ac) 1 of the appointed members of the Board must be a person specifically nominated by the Association of Independent Schools of South Australia; and

(ad) 1 of the appointed members of the Board must be a person specifically nominated by the Director-General of Education; and

Line 33—After "to the Board" insert:

(other than for the purposes of subsection (3)(ab), (ac) or (ad))

These amendments simply relate to the principle that the three school sectors—that is, the Catholic, independent and public school sectors—should have the opportunity to nominate their own representative on the board. If members refer to my second reading contribution they will see the argument put forward for this. It is not increasing the size of the board: it is still only 12. We argue each sector should be able to nominate its own person. I suspect the minister will say it is the intention of the government to have those sectors represented and, if that is the case, it is a protection for those sectors that they offer up their own nominee rather than have a politically appointed nominee of the minister to represent them or speak on their behalf. It would be a nonsense to suggest, and I am not saying the minister is suggesting this, that those three sectors will appoint anyone other than an expert. Do you think they are going to appoint a non-expert to represent their interests? Of course not. They are going to appoint experts to represent their particular sectors. This bill says the government can politically appoint a friendly out of the sectors to represent the view, and I am not sure that is in the best interests of those three school sectors.

Amendments negatived; clause passed.

Clauses 11 to 13 passed.

Clause 14.

The Hon. I.F. EVANS: New section 15(1)(i) provides that one of the functions of the new board will be to provide students and former students with copies of their results upon request. Does that mean, in the way in which it is drafted, that parents and guardians cannot obtain copies?

The ACTING CHAIR (Mr Koutsantonis): Can the member please repeat the question?

The Hon. I.F. EVANS: I am talking about clause 14 which amends section 15 of the act and which relates to functions of the board. I am referring to page 9 of the bill, new section15(1)(i), which, in layman's terms, talks about giving the power to the board to provide, on request, the records of students and past students. As a parent, I wonder whether that prevents me from obtaining copies, on request, of my child's results.

The Hon. J.D. LOMAX-SMITH: My understanding is that the results now come to the child, addressed to the child, not to the parent. I am not sure that the parent can currently obtain

results from the SSABSA board. I have been informed that there is no change of the wording there: it is as it is now.

The Hon. I.F. EVANS: Okay, then answer the question: does that clause, as it stands now, prevent parents from obtaining access to their child's results on request?

The Hon. J.D. LOMAX-SMITH: I have been informed that a parent can exercise that right for a child under 18, but currently the results are addressed to the child.

The Hon. I.F. EVANS: I move:

Page 10, line 2—Delete ', or by the minister'

Currently, under 'Functions of board', the bill reads that the minister will have the power to allocate extra functions to the board without consulting the parliament. The opposition is of the view that, with respect to this board (and we know that all boards are different), given that we are re-writing all the functions of the board as the parliament, the parliament should have a say if any future new functions are given to the board. We are moving an amendment so that, if there are changes in that sense, we are taking away the minister's power to change the functions of the board.

The Hon. J.D. LOMAX-SMITH: This is to simplify matters in the future, and I think it is not uncommon to suggest that a clause might be there to facilitate inclusion of functions that may not have been contemplated at the time the bill was passed, without having to return to parliament to have the functions of the board amended. Left in its original form, the clause would not allow the minister to assign functions to the board that are outside of its intended purpose.

Amendment negatived.

The Hon. I.F. EVANS: In relation to new section 15(1)(m), can the minister explain what becomes the legal position of information passed from the board to the department or the minister's office in relation to FOI? Currently, the SSABSA Act is an exempt act. This provision gives the board the function to the extent determined by the minister—we do not know what that is; whatever the minister of the day wants—to collect, record, or collate information on any matter relating to the participation or non-participation of children of compulsory education age in secondary training or development programs or opportunities. At the moment, I understand that SSABSA is an FOI exempt agency. The minister is not an FOI exempt agency; the department is not a FOI exempt agency. You ask for information from an exempt agency and it goes to a non-exempt agency. I am asking about the legal position on how that information is protected; or is it the intention for it not to be protected?

The Hon. J.D. LOMAX-SMITH: My understanding is that FOI legislation does not expect that material identifying individuals will be released, and it is not a permissible use of the FOI information. Where information about cohorts and numbers are passed on to the minister, that would assist in retention data. One of the issues that is significant is tracking the children to prove that they are engaged in education and are part of the cohort undergoing further training, but any information would not allow an FOI request to release names or identify young people.

The Hon. I.F. EVANS: I understand the FOI laws. Everyone knows that you cannot FOI someone's private details, but in relation to the development of league tables, what the minister is doing through this is opening it up for the media, because the media will not FOI what Johnny Smith student or Mary Smith student did. They will FOI all the information that the minister requests from SSABSA that is currently FOI exempt. All the FOI officer has to do is cross out the individual names and send it out. Everyone has received FOIs with the names blanked out. The minister will have information available that is collated data about school performance that is not individually based and that becomes 'FOIable'. I am wondering whether that is the intent.

The Hon. J.D. LOMAX-SMITH: It is absolutely not the intent, and we do not wish to have collated data (as the honourable member calls it), 'FOIable' data or league tables. I know the initiative that is being pushed by the Liberal Party. This relates to compulsory education age students in secondary education or training and development programs. This is about keeping data on the numbers in the cohort, not about individuals.

Clause passed.

Clause 15 passed.

Clause 16.

The Hon. I.F. EVANS: Will the minister explain why the minister needs the power of direction, and specifically what difficult decisions have not been taken by previous boards which she thinks should have been taken and which warrant the new power to direct?

The Hon. J.D. LOMAX-SMITH: I am not in a position to understand what the member is talking about. I was not party to any of the discussions he might have had. There are ministerial powers of direction in significant acts around the country. I understand that there is one in the SA Training and Skills Development Act, which is substantially as was envisaged by the previous Liberal government. There is one within the senior secondary acts of Victoria, the ACT, Western Australia, the Northern Territory, Tasmania and Queensland. New South Wales does not have the power of direction, because in New South Wales the minister has oversight of board decisions and therefore is party to them much more actively.

The proposal is for a very limited power to direct. It provides for a public interest safeguard consistent with all the other legislation that I have named. It might involve, for instance, undertaking investigation into the impact of the SACE on particular aspects of young people's lives or groups of young people. It may involve requesting the board to look at why there are lower completion levels for Aboriginal students and devising ways that that might be alleviated. The board is able to undertake research, and ministerial direction would occur only when the minister considered a matter required urgent attention. The power would be used only in really quite unusual circumstances where consultation and discussion with the board failed to achieve the desired outcome. Clearly, the first priority is consultation and discussion with the minister. It is likely that this will be used rarely, but it may involve new industry sectors and activities such as that.

The Hon. I.F. EVANS: Can the minister please explain how this power of direction will interplay with the requirement of the board to give effect to any decision made by a minister or council?

The Hon. J.D. LOMAX-SMITH: My understanding is that a minister would not direct under those circumstances. A MCEETYA board might well make a decision based on, say, school-based apprenticeships or VET programs, which may relate to the types of courses that were accredited in various ways, and perhaps it would be possible for the minister to make a direction on each of those matters but, in terms of having consistency, it would be sensible if those decisions were enacted as a matter of course.

The Hon. I.F. EVANS: I am just wondering why you need the power in relation to the ministerial council. Mr Chairman, I understand that I can speak for 15 minutes. For the committee's benefit, the minister is seeking two powers: one is the power to direct, and one is a legislative instruction to the board that it must give effect to a decision made by a ministerial council, which is not defined. The ministerial council is not defined. Whether it is the MINCO or whether it is MCEETYA, I am not sure, or indeed whether it is any other ministerial council. However, the way it works is that the minister gets to pick and choose which decisions of the ministerial council the board gets to implement. At the same time the minister can direct, so why does the minister need the power to implement ministerial council decisions if he or she has the power to direct?

I think the reason they need it is this: decisions made by ministerial councils are not advised to the house: ministerial directions are advised to the house—and the member for Enfield has always been a great enthusiast of ministerial councils imposing requirements on the chamber. Under this provision the ministerial council will make a decision and the minister will decide whether he or she wants to implement that decision, and then advise the board that they have to give effect to that decision because the minister has nominated that ministerial council under the clause. There is nothing in here regarding consultation with the board about items on the ministerial council in relation to what might be decided.

So, I am wondering why you need both powers. Surely a ministerial power of direction covers the earlier power, which is to give effect. If the minister has to pick and choose which ministerial council decisions will be picked up by the board the minister has to make that decision anyway, so the minister may as well simply direct. If the minister does specify that certain decisions by ministerial councils are to be given effect by the board, is that a ministerial direction, and does that have to be tabled, as per other ministerial directions? If not, why not?

The Hon. J.D. LOMAX-SMITH: I think the member is unnecessarily suspicious. As I understand it, this clause has been inserted in the bill at the request of the stakeholders. I know that the member does not think that the consultation has been effective, but this clause has been inserted only at the request of the stakeholders; they believe it would expedite information if this clause was included. The wording is 'must': without limiting any steps that the board may take on

its own initiative, it 'must' give effect to decisions made by the ministerial council. I believe it is specified by the minister because, from time to time, these councils change their name.

My understanding is that it is MCEETYA at the moment, and there is also MINCO, but it may well be that it has to be named if they change their titles. In fact, this is quite different from ministerial directives, and the difference largely is that, rather than being reported to the house, it is reported in the annual report. Whilst the ministerial councils may not publish their agendas and minutes, any decision that has been taken up by this board will be reported in an annual report. It will be part of a nationally agreed initiative, and I think it is good that we should be involved in nationally agreed initiatives. I think it would be for the benefit of South Australians.

Clause passed.

Remaining clauses (17 to 20), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) 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 7, page 4, after line 12—Insert:

and

(d) the member has not applied for the benefit of section 30B.

No. 2. Clause 7, page 7, after line 16—Insert:

30B—Early access to superannuation benefits

(1) For the purposes of this section, the basic threshold is an amount prescribed by the regulations for the purposes of this subsection.

(2) Subject to this section, a member may apply to the Board for the benefit of this section if—

(a) the member has reached—

(i) the age of 55 years; and

(ii) his or her preservation age; and

(b) in the case of the first application by the member under this section—the combined balance of his or her eligible contribution accounts equal or exceed the basic threshold; and

(c) the member has not applied for the benefit of section 30A.

(3) An application under this section may be made for the payment of the whole, or a specified proportion, of the balance of the member's eligible contribution accounts but, in the case of the first application by a member under this section, the application must seek the payment of an amount that is at least equal to the basic threshold.

(4) Once a member has made an application under this section, a second or subsequent application cannot be made—

(a) unless at least 12 months have elapsed from any preceding application; and

(b) unless the combined balance of his or her eligible contribution accounts equal or exceed an amount prescribed by the regulations for the purposes of this subsection.

(5) The Board may require that an application under this section be made in such manner, and comply with such requirements, as the Board thinks fit.

(6) A payment pursuant to an application under this section will be drawn from the member's contribution account first and then, to the extent (if any) that an additional amount is required for the purposes of the payment, from the member's other eligible contribution account or accounts in accordance with the regulations.

(7) The payment will, according to an election made by the member as part of his or her application, be invested by the Board (on behalf of and in the name of the member)—

(a) with the Superannuation Funds Management Corporation of South Australia; or

(b) with another entity that will provide a non commutable income stream for the member while the member continues to be employed in the workforce,

so that the member receives (and only receives) a payment in the form of a pension or annuity (a drawn down payment).

(8) An investment under subsection (7) will be on terms and conditions determined by the Board.

(9) An entitlement to a draw down payment is not commutable.

(10) However, the value of an investment may be redeemed in due course under subsection (14).

(11) When the Board makes a payment on an application under this section—

(a) the member's contribution account and, if relevant, any other eligible contribution account, will be immediately adjusted to take into account the payment; and

(b) section 12(2) and (3) will apply with respect to the relevant components constituting the payment.

(12) When a member retires from employment (and is thus entitled to a benefit under section 31), the member's entitlement under section 31 will be adjusted to take into account an entitlement provided under this section (and that section will then have effect accordingly).

(13) If a member's employment is terminated on account of invalidity or by the member's death, any entitlement under section 34 or 35 (as the case requires) will be adjusted to take into account an entitlement provided under this section (and the relevant section will then have effect accordingly).

(14) When a member retires, has his or her employment terminated on account of invalidity or dies (whichever first occurs), an investment being held under subsection (7) may be redeemed (subject to any rules or requirements applicable to the exercise of a power of redemption).

(15) The making of a payment under this section must take into account the operation of any provision under Part 5A.

(16) The Governor may, by regulation, declare that any provision of this section is modified in prescribed circumstances (and the regulation will have effect according to its terms.

(17) In this section—

eligible contribution accounts of a member means—

(a) the member's contribution account; and

(b) the member's employer contribution account; and

(c) if the regulations so provide—

(i) the member's rollover account;

(ii) the member's co-contribution account.

No. 3. Clause 8, page 7, after line 24—Insert:

(6) If a member has received the benefit of a payment under section 30B—

(a) the superannuation interest of the member will be taken to include the balance that is being held under section 30B(8) and(9);

(b) any entitlement under section 30B will be adjusted to take into account the effect of a payment split under this Part.

At 17:49 the house adjourned until Tuesday 23 October 2007 at 11:00.