

**HOUSE OF ASSEMBLY****Thursday 14 February 2008**

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

**STATUTES AMENDMENT (WATER CONSERVATION TARGET AND SUSTAINABLE WATER RESOURCES) BILL**

**Mr HANNA (Mitchell) (10:31):** Obtained leave and introduced a bill for an act to amend the Public Corporations Act 1993, the South Australian Water Corporation Act 1994 and the Waterworks Act 1932. Read a first time.

**Mr HANNA (Mitchell) (10:32):** I move:

That this bill be now read a second time.

I bring to the House of Assembly a bill which has already been introduced into the other place by the Hon. Mark Parnell. It is a bill to encourage SA Water more effectively to take on conservation targets.

One of the problems that many people feel we have had in the water debate is the inevitable desire for SA Water to make money. Apart from aspects of our water provision being privatised, SA Water itself must pay dividends at commercial rates—at least at commercial rates—to the government. The money that then goes into general revenue in the Treasury is obviously not being spent on water infrastructure and so on.

This bill contains a few simple measures to balance that imperative. It imposes upon SA Water a binding annual water conservation target. It shifts the focus of SA Water from just supplying water towards saving and recycling. It requires SA Water to report yearly on the progress for reducing the demand for water. It requires that before expanding the water supply to new subdivisions, new townships etc., SA Water needs to be satisfied that there will be a sustainable source of water for such a new development.

I will refer briefly to the clauses of the bill. The first three clauses are formal and simple to understand. Clause 4 is an amendment to SA Water's charter and clearly spells out that the corporation must work to conserve water resources and to ensure that development is ecologically sustainable. Clause 5 refers to the functions of the corporation and goes into a little more detail about how those objectives might be met.

Clause 6 makes changes to the annual reporting requirements of SA Water so that issues of sustainability and conservation are included. Clause 7 makes the requirement that SA Water must be able to foresee a sustainable source of water before extending the water supply lines to a new development, and clause 8 does the same thing. With that brief explanation, I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

**STATUTES AMENDMENT (MEMBERS ALLOWANCES—METROPOLITAN COUNCILS) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 15 November 2007. Page 1639.)

**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) (10:37):** I rise to respond on behalf of the government to the member for Mitchell's private member's bill seeking to amend the City of Adelaide Act 1998 and the Local Government Act 1999 as they relate respectively to the elected member allowances available to Adelaide City Council and Adelaide metropolitan councils.

The government does not support this bill. Substantial progress has been made in relation to establishing a new direction in setting local government elected member allowances for all South Australian councils. The government supports amendments that will be of benefit to all councils, rather than a piecemeal attempt to provide minor changes for the supposed benefits of some metropolitan elected members.

In his second reading speech, the member for Mitchell stated that, when councils set their allowances, most, not surprisingly, allocate the maximum allowance to their members. That is not

correct. Of the 19 councils that are the subject of this bill only nine have set the maximum for their members. I understand that, taken altogether, only 11 of the 67 councils whose members are paid an allowance have set that maximum amount.

The local government independent panel that undertook a review of elected member allowances in 2005 reported that the local government sector rejected a proposal to set allowances by reference to population alone as being too simplistic and narrowly focused. The sector looked for a range of criteria to be considered, not least of which was the capacity to pay the allowances.

In his second reading explanation, the member for Mitchell stated that the current regulations set a maximum amount and councils choose whether to pay this amount or a lesser amount. In fact, the current legislation provides for both a minimum and maximum amount and councils must set an amount within these bounds. It is important to ensure that we do have a minimum amount. I have been committed to ensuring that remains in place, simply so that we can ensure that people are not played off against one another and people are not forced to go onto council with no remuneration. We would see people with very little income but very keen to support their communities being excluded from councils, because it simply does cost people to be part of a council.

Part 2 of this bill revokes section 24, subsections (7), (8) and (9) of the City of Adelaide Act 1998, and instead provides three formulas for determining maximum amounts for the Lord Mayor, area councillors and ward councillors, but no provision is made for determining a minimum or, indeed, any alternative amount. Mirror provisions are drafted in part 3 of the bill exempting Adelaide metropolitan councils from the provisions contained in section 76, subsections (8), (9) and (10) of the Local Government Act 1999, which refer to the setting of minimum and maximum allowance amounts. Proposed new section 76(11) provides three formulas for determining the maximum amount to be paid to the persons holding the role of principal member, area councillor and ward councillor, but, again, no formula to establish an alternative amount.

Furthermore, neither part 2 or 3 contains details as to how the amount set by regulation should be determined, nor do they contain provisions for paying additional allowance amounts to deputy principals or chairs of committees. This bill would require the state government to continue to set amounts by regulation, which is not in line with the government's desired outcome of having these amounts determined independently.

The bill would also require councils to continue determining and reviewing their elected member allowances, as is the current practice. This is contrary to the position preferred by the sector, which seeks to have allowances set and reviewed by an entirely independent external process. The member for Mitchell stated that another greater advantage of adopting this measure would be that it might motivate those who represent relatively few electors to choose to amalgamate with other councils. This government does not wish to enforce amalgamations on councils or communities, but we do support voluntary amalgamation where it can be demonstrated that local communities will benefit from such an initiative. It should not be based on how much councillors are paid. This government supports councils working cooperatively to achieve savings on the sharing of services, even if amalgamations do not occur.

More importantly, councils should take a broader and more strategic approach and come together to explore opportunities to deliver overall service delivery benefits to their regions. Consideration of these issues should be guided by what works best for the people whom members are elected to represent. It should hardly be desirable to create a situation where personal financial gain, as opposed to community benefit and a more effective business model, might steer elected members thinking on potential amalgamations. It is for these reasons the government opposes the bill.

*Members interjecting:*

**The SPEAKER:** Order! The minister still has five minutes. I remind members to turn off their mobile phones when coming into the chamber.

**The Hon. J.M. RANKINE:** Thank you, sir. The government has been very clear in its discussions with the local government sector and the Local Government Association that it will not force amalgamations. Even though some mischief has been whipped up on occasions by some members opposite, we are about working with the local government sector and assisting those that identify benefits for their communities. If that is about amalgamation, we will certainly assist them in that.

But, as I said, it should not be about what councillors are paid. We were involved in a lot of discussion with the Local Government Association about the setting of allowances. We were very committed to ensuring that a minimum amount is paid. If my recollection is correct, we in fact introduced members' allowances many years ago to ensure that all sectors of our community had the opportunity to be involved in local government: that it was not just an opportunity for people with financial resources and backing to become councillors.

It was important for, if you like, stay-at-home mums, if they were inclined to go into local government, to have the opportunity to do so, and for aged pensioners or those people not necessarily on a high income from their employment to do so as well. It takes an enormous amount of time and commitment for people to be involved in local councils and they should be respected for the effort they put in. This does come at a cost, as the people concerned are expected to make donations, they must present themselves appropriately, and they are continuously attending community functions in their areas.

Increasingly, our communities demand higher and higher standards from local government and, again, the government is committed to ensuring that our councils have the highest possible accountability processes in place. So we are again working collaboratively with the local government sector. It is not our aim to take them over, sack them or amalgamate them, although we do hear from time to time the odd statements from the opposition that they are very keen on doing that sort of thing. Let me say that it is not our vision to be sacking the Adelaide City Council, either, as some might read into recent media reports.

There are always opportunities for reform and improvement, and we are very keen to do that. Only today, on ABC Radio they were talking about Tea Tree Gully council and the Golden Grove development, and it was interesting to hear from the mayor. Clearly, the development there, if it were being undertaken today, would not be handled in the same way as it was back in the mid-1980s. The council was heavily involved in that matter and has looked to in some way abdicating its responsibility for what is happening in relation to the amenity of the area.

I have tried to work with the council over many years to ensure a sustainable plan for the Golden Grove area. It has been a source of great frustration and now we are in a situation of experiencing quite dire water restrictions, and the local parks and gardens are literally dying before our very eyes. So, local government has incredible responsibility, managing a whole range of areas that impact on our lives, and it is appropriate that councillors receive appropriate remuneration.

Time expired.

**Mr HANNA (Mitchell) (10:48):** I thank the minister for her reply and give credit to the officer who prepared such a thorough response to my proposal. The proposal is essentially about the relativities of pay between councillors, at least within the metropolitan area. I maintain that those councillors on larger councils with a large population in their ward to look after are bound to do more work than those who have wards of a few hundred people. The discrepancies are very considerable, as I pointed out earlier. I believe that the harder you work the more you should be rewarded.

I know that, technically, the councillors' allowances are just that—they are meant to be reimbursement for the cost of carrying out one's duties—but in common perception they are seen as a reward for the work that is put in—and rightly so. I do not begrudge that reward; I just think it should be distributed more fairly. I note that my legislation still provides for the minister essentially to set the bar. It is just that there would be different bars for different situations, in other words, variant according to population.

I thought it was quite sweet of the minister to suggest that there was no way that councillors would act on the basis of being motivated to receive more pay when it came to decisions about amalgamations or anything else; it was very sweet indeed. Perhaps that is so, but the primary motivation behind this proposal is to encourage those councillors who have a heavier workload than others across the metropolitan area. It is as simple as that, and I think everyone can see the fairness in it. Equally, I know that there are those who would lobby the government and opposition to have no change to the status quo.

I think the response of the minister in relation to this proposal shows a certain amount of gutlessness, which is typical of this government when it comes to any sort of reform which might offend a few people in the community. Notwithstanding that, it is worthwhile and I put it forward. I commend it to the house.

Second reading negatived.

**FAIR WORK (PROHIBITION AGAINST BARGAINING SERVICES FEE) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 21 June 2007. Page 519.)

**Mr KENYON (Newland) (10:52):** It seems that we are spending a lot of time today wondering about something that will not affect a very large number of people, and that is not necessarily the best use of parliament's time. However, it is the opposition's time, it is private members' business, and if those opposite want to waste their time worrying about things that will not affect many people I cannot say it particularly worries me. However, I am happy to contribute to the debate.

When the federal government's WorkChoices legislation came into effect at least 60 per cent of South Australian employees were covered by federal jurisdiction, and those federal WorkChoices laws outlawed the bargaining fee. So, automatically 60 per cent of employees in the state will not be affected in any way by this legislation. The workplaces most likely to be affected by bargaining fees are the more unionised industries, and a very large percentage of them are already covered by WorkChoices. So, again, we will not be affecting a lot of people.

Having made the point that it is not really a good use of time for us to be discussing this and that the bill will not cover that many people, I must say I am surprised that the opposition is in here arguing against a fee for service; that it is arguing that people should not be paid for the work they do—because, essentially, that is what bargaining fees are about. Bargaining fees are about charging people for the service of negotiating wages and conditions. It does not seem to me to be an outrageous impost on people that they pay for the direct benefit of an increased wage and improved conditions. So, I have to say that I find it incredibly interesting for the opposition to come in here and argue against a fee for service arrangement.

**The Hon. I.F. EVANS (Davenport) (10:54):** I wish to contribute to this debate, as the originator of the legislation on behalf of the opposition, and now the new shadow is taking it on.

*The Hon. M.J. Atkinson interjecting:*

**The Hon. I.F. EVANS:** Attorney, I reached the leadership of my party. I know one thing that is certain: your party will never have the confidence in you to put you in the number one position. My point is this: the federal Labor Party supports the banning of bargaining fees. In their WorkChoices amendments moved yesterday, they are not changing that. So, why is it that the state Labor Party supports the continuance of bargaining fees for those remaining under the state system?

The member for Newland, in his brief but brilliant contribution, says that the Liberal philosophy is fee for service—absolutely correct! The people who will be charged bargaining fees, to which I object, are the people who have never sought the service and who have never requested the union to negotiate on their behalf. Under the government's legislation, they can be charged a bargaining fee. I agree with the member for Newland: in principle, that is wrong. Why should someone be charged a fee when they have never asked someone to negotiate on their behalf? They have taken a conscious decision not to join the union.

My sister is an example of a teacher in the public system who has never joined the teachers' union. Why should she have to fork out a bargaining agent's fee for a service that she never requires? Under the honourable member's philosophy, of course, they will not allow individual negotiation. You rule out individual negotiation, so you have to negotiate as a collective group. How many single teachers negotiate with your government over their pay conditions? Zip! It is done by the union.

I agree with the member for Newland's philosophy that those who ask for the service should pay for it, but I believe in the Liberal philosophy that, if you do not ask for the service, you should not pay for it. This government needs to explain its belief that, if you are under the federal jurisdiction, you should not under any circumstances be charged a bargaining agent's fee, but God help you if you are under the state system because this government believes you should be charged.

The government's policy is not sustainable—it is inconsistent—and this bill makes the state system consistent with the federal system, which is exactly what your government federally, through Julia Gillard, announced it will do. It will seek to ensure that every state government goes to a single national industrial relations system in order to unify the law. If they do that, bargaining

agents' fees will be banned in this state. The state government's position on bargaining agents' fees is not sustainable. This legislation should be supported because it is right—its principle is right—and it is common sense.

Debate adjourned on motion of Mrs Geraghty.

### **STATUTES AMENDMENT (PROCEEDS OF TERRORISM) BILL**

Adjourned debate on second reading.

(Continued from 7 June 2007. Page 374.)

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (11:00):** I would have thought that it was incumbent on the Leader of the Opposition to discharge this bill, now that it no longer has any relevance.

**Mr VENNING (Schubert) (11:00):** While I await my leader's return, I think that we are agreeing with the Attorney-General on this matter. The leader first raised this issue in the house some time ago, and I am very pleased that the government has, I believe, instituted its own legislation and that it almost mirrors exactly what the leader had moved.

It is a very important issue to us and, of course, it is a very relevant issue, particularly in the light of what has happened in recent days. I congratulate the leader on having the foresight to introduce this measure when it was not quite so relevant. I agree that we probably will withdraw it, but I think that is the right of the mover, that is, the leader.

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

*A quorum having been formed:*

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (11:02):** I thank the government for its kind words of support for this measure. I say that because the government has given it the best support such a bill could ever have.

**The SPEAKER:** Can I clarify with the leader that, if he speaks, he closes the debate.

**Mr HAMILTON-SMITH:** Yes; I am closing the debate. The government has imitated the measure, introduced its own bill and brought it to pass. I remind the house that I raised the question of what was to happen—

**Mrs GERAGHTY:** On a point of order, Mr Speaker, I am a bit confused. I was of the understanding that the leader would ask for this to be discharged and withdrawn. Is that not the case? That was the agreement.

**Mr HAMILTON-SMITH:** I am happy to close the debate and have it defeated or voted upon. You are opposing it, aren't you?

**Mrs Geraghty:** No; that was not—

**The SPEAKER:** Order! The leader has begun speaking. I have already indicated to the house that, by speaking, he closes the debate, so we must now proceed along that course of action.

**Mrs GERAGHTY:** Can I put on the record that we have been misled by the opposition.

**The SPEAKER:** No; you cannot. The Leader of the Opposition has the call.

**Mr HAMILTON-SMITH:** To clarify the issue, I am happy to have this matter dealt with today and removed from the *Notice Paper* because, as I have explained—

**The Hon. M.J. Atkinson:** Discharge it.

**Mr HAMILTON-SMITH:** I may do that at the end of my address, but I do not think that I can, now that I am closing the debate. I have to close it, and then we vote on it; is that right?

**The SPEAKER:** Yes.

**Mr HAMILTON-SMITH:** Either way, we are going to deal with it today, so let us all just remain calm. The point is that, in bringing this bill before the house, the question I was putting was: should we allow Mr Hicks to tell his story and profit from it? I do not believe that we should.

At the time I introduced the bill, the government had not even identified that there was a problem, and it had done nothing to deal with it. The proposition put in my bill—and I think this is

where it differs slightly from the inferior bill that the government put forward, which was ultimately passed—is that you can not really stop, in my view—

*The Hon. M.J. Atkinson interjecting:*

**Mr HAMILTON-SMITH:** Well, I am about to tell you, if you will listen. We cannot really stop Mr Hicks, his agents or his family, one way or the other, from telling their story. I think this story will be told either directly or through agents. As the Attorney will know, the media can be very pervasive and persistent when it comes to getting a story out. The key to me seems to be to ensure that any proceeds from the story go to victims of crime and terrorism. Therefore, I, personally, would be happy to see Mr Hicks tell his story, provided that all the proceeds went to help the people who were victims of him and his associates in Al Qaeda.

By bringing the matter before the house, I clearly sparked the government into action, and it quite rightly—and I give the government credit—saw that this needed to be done, emulated the bill, went to parliamentary counsel and got them to copy a version with its name on the bottom, made one or two changes and introduced it to the house. Either way, what we finished up with is a better law. I note that the government extended its law to include some other issues, and I also commend it for that. I think I spoke to the bill in the house at the time.

We now have a better set of legal arrangements in South Australia to deal with these issues. I am glad to have helped initiate that process, and I commend the government for seeing the merit in the issue, for taking our lead and emulating our proposed legislation, and doing something about it in a spirit of bipartisanship. I am thankful to know that the Attorney saw merit in the proposition. I am happy to have a vote on it now and remove it from the *Notice Paper* so that we can all move forward. The issue that I have raised has been dealt with and we are all safer and better for it.

Second reading negatived.

#### MEMBER'S REMARKS

**The Hon. R.B. SUCH (Fisher) (11:07):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. R.B. SUCH:** On Tuesday, I gave a fairly lengthy speech about the Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill. Following that, I noticed a headline in *The Advertiser* saying, 'Such says T-shirts encourage rapes'. I have never said anything of the kind, and it is totally contrary to any view I have ever held. Furthermore, I do not accept the view that whatever clothing someone is wearing is any justification for sexual assault. There is no justification for sexual assault whatsoever. That heading in *The Advertiser* is completely wrong. I noticed that in radio transcripts the Minister for the Status of Women; the Women's Electoral Lobby spokesperson, Marilyn Rolls; the Victim Support Service CEO, Michael Dawson; Vanessa Swan, Director of an Adelaide rape and sexual assault service; and Mergho Ray of Relationships Australia commented on remarks attributed to me which do not accord with what is in my speech.

I will make the point that if people want to comment on what is said, they should comment on what is actually said and not what they imagine was said. I make that point believing that the media and other commentators have an obligation to ensure that they comment on what the member actually said, not what someone thought he or she said.

#### CONTROLLED SUBSTANCES (CANNABIS OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November 2007. Page 1643.)

**The Hon. I.F. EVANS (Davenport) (11:10):** This matter has been well canvassed in both houses. This bill, which I introduced on behalf of Family First, seeks to eliminate the right to expiate for the growing of cannabis plants. The government is opposed to this bill, partly on the basis of the number of cases that will then go to court. Mr Hood and others argue that under this scheme, as provided by the bill, court processes are not changed, and if people are guilty they can plead accordingly without going to court. Therefore, as only the people who think they are not guilty will be those who end up there, the pressure on the courts will not be much greater, if there is any increased pressure at all. I accept that the government is opposed to the measure, but I thank members for their contribution.

Second reading negatived.

**LOCAL GOVERNMENT (ADVERTISING MATERIAL) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued From 22 November 2007. Page 1831.)

**Mrs GERAGHTY (Torrens) (11:13):** I move:

That the debate be further adjourned.

The house divided on the motion:

**AYES (28)**

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Breuer, L.R.	Caica, P.	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.
Rau, J.R.	Simmons, L.A.	Stevens, L.
Thompson, M.G.	Weatherill, J.W.	White, P.L.
Wright, M.J.		

**NOES (16)**

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

**PAIRS (2)**

Rann, M.D.

Pisoni, D.G.

Majority of 12 for the ayes.

Motion thus carried.

**VOLUNTARY EUTHANASIA BILL**

Adjourned debate on second reading.

(Continued from 22 November 2007. Page 1837.)

**Mr VENNING (Schubert) (11:22):** I wish to finish my remarks from a previous occasion. This is an emotive issue, particularly in electorates such as mine, with a strong Lutheran influence. Of course, all of us in this house have personal recollections about why we have some sympathy towards supporting a bill such as this. I am still opposed to it, purely because I believe in the philosophy that, as a member of parliament, you can lobby your people all you like and you can push your personal point of view, but when you stand in this place you have to represent them. That is the bottom line for me: I do represent them, and I will be opposing this motion, even though I have much sympathy for this.

As members know, my father, and my mother a few months ago, have passed on. All I can say is that I am very thankful for what we today call palliative care in relation to these people, which is a grey area as far as I am concerned, because we know that good palliative care puts our loved ones at ease, but we also know that it probably expedites the end. It is a very emotive issue, and it will always be a live issue. I think that, in the end, we will probably accept things such as this, but until I can convince my constituents, who have a very strong Lutheran ethic and background—and I respect them for that—I will not support this measure. However, I will keep the issue alive—certainly, it is very much a live topic in my electorate—but I will be opposing this bill.

Debate adjourned on motion of Mrs Geraghty.

**GRAFFITI CONTROL (SALE OF GRAFFITI IMPLEMENTS) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 31 May 2007. Page 241.)

**Ms PORTOLESI (Hartley) (11:24):** I rise today on behalf of the government to oppose the member's bill. However, I do acknowledge the member for Fisher's ongoing efforts to reduce vandalism and draw attention to this issue. The member's bill is an attempt to further minimise graffiti, and although the aim of the bill is admirable, the government is concerned that it is unlikely to deter or detect vandals. In fact, the government is concerned that the bill will impose costs on South Australian businesses and consumers without any offsetting benefits.

Among other things, the bill makes it an offence to sell spray paint cans that are not marked with serial numbers and other particulars prescribed by regulation. The member for Fisher's rationale for this provision is that it allows cans to be tracked back to the point of supply and that would help the police and others in monitoring the movement of cans. I can only think of one situation where serial numbers may help to identify vandals and reduce graffiti. If a spray paint can is found near a graffiti site, then it is reasonable to assume that the can was used to mark graffiti. Locating the person who bought the can may, in that situation, help to identify the graffiti vandal, although it would still be difficult to prove the offence beyond reasonable doubt.

In all other circumstances, a serial number would not link a spray paint can or the purchaser of the can to an act of graffiti. Besides which, offenders would soon catch on and dispose of their cans in other ways. Very few cans would be left at graffiti sites and serial numbers would do little to help catch culprits. Even if cans are left near graffiti sites, serial numbers alone will not help. In order to identify who purchased a particular can there must be a link between the serial number and the purchaser. Nothing in the bill requires retailers to link serial numbers with purchaser details. Presumably that requirement will be prescribed by regulation. Moreover, every craft shop, paint shop and hardware store that sells spray paint would have to be linked to a single computer database, otherwise police would have to ring every store in South Australia that sells spray paint to find out who purchased a particular can.

One also has to consider the effect of the proposed requirement on manufacturers. The manufacturers who do not currently imprint cans with serial numbers will have to change their production processes, and that could be very expensive. At the very least, there should be some attempt to quantify the likely cost. If cans are manufactured interstate or overseas, manufacturers may not be willing to change their production processes specifically for South Australian retailers.

Another requirement of the bill is that retailers must store wide-tip marker pens in a securely locked cabinet. This requirement currently applies only to spray paint cans. Wide-tip marker pens are sold by a broad range of shops, including newsagents and supermarkets. Some newsagents, particularly small agents, may choose to stop selling marker pens because they do not have the display cabinets and cannot justify the expense of a new cabinet. Some supermarkets may also stop selling marker pens because customers would not be able to serve themselves. The cost of employing a person to retrieve pens from a secure cabinet may not be worthwhile for such a low value, low margin product.

Another point to consider is that graffiti vandals are known to cut open smaller pens to increase the width of the pen for graffiti purposes. A pen with a very small tip, when cut open, becomes an ideal graffiti tool. Placing restrictions on wide-tip pens may do little to reduce graffiti if vandals can use narrow-tip pens.

Clause 10 of the bill requires retailers of wide-tip marker pens and spray paint cans to record information about the people who purchase these products. The member for Fisher suggests this will make graffiti vandals think twice before buying spray paint or marker pens. The problem with this proposal is that it does nothing to help detect or prevent graffiti. In order to secure a graffiti conviction authorities must show that the offender marked graffiti or carried a graffiti implement without reasonable excuse. The mere fact that a person purchased a marker pen does not prove that the person is a graffiti vandal. A person could show their identification, buy a marker pen and use that pen for marking graffiti. The fact that the shopkeeper has recorded the person's name and address does nothing to link that person to any act of graffiti vandalism. It simply imposes an administrative cost on the business owner.

It might be argued that records, over time, will show a pattern of behaviour. Records might reveal that one person purchased 100 marker pens over a period of 12 months. Police could then follow up and ask questions of the purchaser. There are two problems with this argument. First, graffiti vandals do not typically have the funds to make bulk purchases. It is far more likely that people with a legitimate hobby or business are the ones who make such purchases. It would be a waste of police resources to investigate these people. Secondly, there would have to be some kind



of database that links all the newsagents, supermarkets, etcetera, in order for a pattern to emerge, and this would be a very expensive project. For these reasons, the government opposes the bill.

Debate adjourned.

### SOUTHERN EXPRESSWAY

**Mr PENGILLY (Finniss) (11:30):** I move:

That this house notes the Rann government's failure to duplicate the Southern Expressway and the resulting disruption and inconvenience impacting on some 200,000 people living in the southern suburbs and their vehicular movement.

After the 1993 election, when the Liberal Party was elected to government under Premier Dean Brown, they had no money—money had been squandered and lost—and the state was in a parlous financial position. However, the Liberal government, under Dean Brown at the time, moved to do something to assist the people in the south in their efforts to travel in that area, encompassing the southern suburbs, the Fleurieu Peninsula, the City of Adelaide and greater metropolitan area. What they put in place was the Southern Expressway.

The Southern Expressway was a prototype, and it was greeted with a degree of amusement in some quarters. However, what the then government did was to buy the land to duplicate the Southern Expressway when funding permitted and make sure that, in due course, it would be a two-way thoroughfare on all occasions. The then government fixed up the disastrous mess left by the Bannon Labor government and got the state back on to an even keel but, as we well know, we have now had six years of the Rann Labor government and still nothing has happened to duplicate the Southern Expressway.

*The Hon. M.J. Atkinson interjecting:*

**Mr PENGILLY:** I would have thought that a minister in the position of the Attorney-General would have better things to do than make inane interjections all the time. His performance leaves a lot to be desired. The fact of the matter is that, after six years of the Rann Labor government, we have seen absolutely no action in the south in connection with the Southern Expressway, and it remains the same. The Southern Expressway has catered to the people in the south, and they love it. Do not be fooled by the propaganda that comes out of the ALP and the Rann government. The people in the south love the Southern Expressway, which has greatly facilitated their movement up and down the area as they go about their business. However, the expressway needs to be duplicated to cater for the profound growth that is going to take place in the south.

There is an ongoing lack of action. People in the south, whom I see quite regularly, are wondering who their members are, what is going on down there and why there is no action in the south while everything is going on in the northern suburbs. They are fed up to the back teeth with the lack of action and they want to see that job done. The people of the south are decent, law-abiding and hard-working people. They have had their fair share of travails and they continue to have their fair share of kicks in the guts. The closure of Lonsdale a few years ago and the imminent closure of Mitsubishi are things that these people have had to cope with. They have an extremely good council at Onkaparinga that cares very deeply about them and works very hard for them, led by a very capable mayor, Lorraine Rosenberg, who will take the fight right up to the Rann government and smack it about the ears whenever she feels it is necessary—which is going to happen on fairly regular occasions.

The people of the south deserve better treatment than that which they have received from this Rann government, and I want to make sure that their voice is heard. They have no voice in here. You never hear a thing about their plight. The constantly increasing traffic loads down south—

*Members interjecting:*

**Mr PENGILLY:** Can I hear a squeak? The Southern Expressway, on its own, obviously does not carry all the traffic from down south. Clearly, the Main South Road and Lonsdale Road are arterial routes as well, but I do not think any Labor Party members travel on those roads; in fact, quite frankly, they probably go no farther south than Anzac Highway.

It does handle an enormous amount of traffic down that way. When it is working in your favour, the expressway is terrific. On the occasions that it is going the wrong way, well, generally speaking, I use Brighton Road and Lonsdale Road on my way down to the Fleurieu Peninsula and my electorate. That only adds to the argument, of course, about the couple of hundred thousand people living south of O'Halloran Hill in the southern suburbs, and then the increasing population

on the Fleurieu Peninsula and the corridors going down through to those tourist areas, the South Coast, Kangaroo Island, Victor Harbor, Goolwa, Port Elliot and Middleton, as well as Yankalilla and Normanville.

Of course, what we have also seen lately is the announcement by the Rann Labor government on the urban boundaries growth without, in the main, any consultation with the Onkaparinga council. The council is horrified at what is being thrust upon it. It really cannot understand the logic of what the government has done down there in announcing these boundary growths. It is horrified at the thought of it. It is getting nothing to cater for the infrastructure that will be required. The council is up in arms about it. It is speaking to the opposition on regular occasions about it, because it is getting no hearing from its local government members.

The council is talking to us. I guess that one of the beauties of being a member of the Liberal Party is that we actually listen to people instead of putting out symbolic media announcements and going absolutely nowhere. In addition, the Minister for the Southern Suburbs appears to have gone missing. I can tell members where his office is. If you go off Beach Road, it is just around the corner opposite the Christies Beach Police Station. It should not be hard for him to find. He should be able to go down there. He can go down there and listen to the people, and he might actually find out what is going on in the south.

I go past there. I can take him down and show him where his office is—not a problem whatsoever. I see it regularly. It has a big red banner out the front, but there is no sign down there of the Minister for the Southern Suburbs, I am afraid. I think it is about time that this government got serious about the south. It is about time it got serious about completing that brilliant project that was started by the Brown government—the Southern Expressway—and duplicating it. Do not let it do what premier Bannon did with the MATS plan. He sold off all the land on South Road and left a mess down there. Do not let the government do that.

I hope that the people of the south hold this government to account and stick it right up it at the next election. Just show this government exactly what it has not done down there. It has forgotten about them. It has done nothing; and it will pay the supreme sacrifice.

**The SPEAKER:** Order! There is a point of order. Attorney-General.

**The Hon. M.J. ATKINSON:** I rise on a point of order, Mr Speaker. Could I ask whether the term 'stick it right up them' is parliamentary?

**The SPEAKER:** I do not think it is unparliamentary, although it is an unfortunate expression. I ask the honourable member to tone down his language a little. The member for Finnis.

**Mr PENGILLY:** The expression is well used on the radio. It is not an uncommon expression. In fact, Rex Hunt uses it all the time. 'Stick it right up them,' he says; 'stick it right up them.' The motion is about the lack of the government's commitment in the south and the fact that it has totally failed to do what is required: complete the Southern Expressway and make it a both way thoroughfare. Government members are failing down south. They are on the nose down there. The Minister for the Southern Suburbs is on the nose down there. Walk around the traps, talk to the people, go to the football, go to the shops, belt your way around the streets and talk to a few people and you will find out. I think it is an absolute disgrace that it has not been completed by this government. This government has done nothing down south.

**Mr KENYON (Newland) (11:39):** Let us not forget why we are here. The reason we are even having this debate is the incredible stupidity of building a one-way road in the very first place, and who did that? The members complaining about it now are the very people who built the road in the first place. They give you the problem and then whinge about it afterwards. It is not an uncommon course of action from the opposition; they have done it on a number of other issues.

We have this incredible stupidity of building a one-way road, when I am advised that the one-way road cost \$162 million, whereas for an extra \$73 million at the time (less than half the price) they could have made it a dual carriageway. Did they do that? No. So we now have the member for Finnis preaching to us about how awful it is; yet the very party that gave us the problem are now the people whingeing about it.

**The Hon. M.J. Atkinson:** The guilty party.

**Mr KENYON:** The guilty party. That's right. This very problem was given to us by that party and now they have the gall to come in here and whinge about it. Despite the stupidity of not

spending the money at the time to duplicate the road, I have to grudgingly admit that it has a certain amount of logic to it, because 70 to 80 per cent of the traffic flow at any one time is in peak hour. So, while the road is a monument to poor policy and poor planning, it actually still serves a certain purpose.

The best you can say for it is that it is not now the biggest problem in the south in terms of transport. The biggest problem in the south is moving from south to north, and it is actually having an effect on the economy of the southern suburbs. This is why the government is moving to improve the transport corridor from the southern suburbs to the northern suburbs. The most urgent things now are things like the South Road/Anzac Highway underpass because these are the things that will speed up that north-south traffic, and that is the single most important economic issue that the southern suburbs face.

So, moving this sort of a motion, highlighting the stupidity and the poor policy planning of the original proposal of building a one-way road—when for less than half the price extra you could have had a dual carriageway—is just point-scoring from a man who probably only actually spends time in the southern suburbs when he is driving through them. A lot of the motions that come before the house, I am sorry to admit, are a waste of time, and this is just another.

**Mrs Geraghty:** Ill thought out.

**Mr KENYON:** Ill thought out. A waste of the parliament's time. This is just a further example. There are a few more that I am looking forward to speaking to later and pointing out their silliness. Let us never forget a few facts. The first fact is that it was a poorly carried-out project in the first place by the Liberal government of the time.

For less than half the cost of the completed project, they could have duplicated the road. The best that can be said for that road is that it is not now the major traffic problem in the southern suburbs. There are more urgent transport problems, and they are being addressed by the government.

**Mr VENNING (Schubert) (11:43):** I was a member of the government at the time that decision was made. I was also a member of the then minister's (Hon. Di Laidlaw) backbench committee and there was much discussion about that. The decision was quite clearly this: it was either that or nothing. It would have cost \$75 million extra to make it a dual highway. It was always the intention to build the dual highway when we could afford it.

You must understand that this was in the shadow of the State Bank. There was little money. We had acute problems in the south with traffic, and the leader said, 'Okay, what is best? Is it this?' We are the first to admit that this is not the most desirable position, but it was either this—having one-way traffic—or nothing; and my leader has already flagged that in government we will do the duplication.

While in government we had the foresight to get the land together, so the land has already been acquired for the duplication. There are no land acquisitions necessary. Some of the bridges are designed already to take the extra load of the dual highway. What we have works pretty well. As a member of the then minister's committee, we solved a real traffic problem for the south. The government can solve this problem today by announcing the duplication of the freeway, and we would support that. In fact, the leader has already locked us into our position, with the vision he has put forward for Adelaide, which is a long-term, all-encompassing vision.

I pay the highest tribute to the previous government, particularly minister Laidlaw, who went to the treasurer at the time—and he was pretty tight; he had to be because we had no money—and put a case for a highway that was going to at least solve the problem for peak hour traffic to and from the south.

*An honourable member interjecting:*

**Mr VENNING:** Yes, I know there are problems, particularly during the changeover times, and there are costs associated with surveillance, the police, and everything else that is necessary. But, as for the \$75 million, we did not have it. Thanks to the State Bank and thanks to your government, we did not have the money. That was the best we could afford, and I believe that, in the interim, it has been successful.

Yes, we look forward to the time when it will be duplicated, and I certainly support the member for Finniss in this regard. It is time that we looked at it. With the money the government has at its disposal right now, why don't you announce it today? Come out and say to the member for Finniss, 'We agree. We are in government; we are the good blokes, and we will make ourselves

the good fellows and pay for the duplication.' The cost was \$75 million then; it is probably \$100 million now.

With the amount of money that is going through your fingers—the amount you spend on your spin teams and the money that just evaporates in your hands—surely this is something you can do, not for the people of the state but for the people of the south. Just check who is holding those seats down there: you are. If you had half a brain, you would be doing this. We are going to fix it, anyway, because after the next election I am going to be back here. Half a dozen members on the government back bench will not be here then, and I am going to say, 'I told you so,' and I am going to be pretty happy about that. I support the member for Finniss and his very good motion.

**Mr PEDERICK (Hammond) (11:47):** I rise today in support of what I regard is the member for Finniss's exceptional motion.

*Mr Kenyon interjecting:*

**Mr PEDERICK:** I have a couple of comments for the member for Newland. He wanted to know whether I am a frequent visitor to the southern suburbs. My in-laws actually live in Willunga, in the seat of Mawson. So, the member for Newland had better do his homework on his cheat sheets a bit better.

*An honourable member interjecting:*

**Mr PEDERICK:** Yes, I travel the Southern Expressway quite frequently when I am in Adelaide and heading out that way. So, I suggest the member for Newland takes a little more advice before he comes in here and makes inane suggestions. As far as inane suggestions go, the Attorney-General has not learnt. We brought in a few people when we rang the bells last night, and we will continue to do it, with his inane observations during the discussion of bills, and upset his people while they are having dinner. I am quite happy to do that continuously.

While I am discussing this motion, and seeing that the member for Newland likes to make a large contribution to the debate, I note that in an earlier contribution he seemed to think that it was not fitting to discuss bills and motions in this house and suggested that some of them relate to only a few people. Well, I thought the whole idea of a democracy is that we are in this place to represent the people, whether it be one person or a thousand people. If he is not happy to be in this place, why don't we just have a by-election in Newland and he can go and find something more fulfilling if he wishes.

I think he needs to check his margin, and he might find there will not be a Labor member sitting there next time. If he does not want to represent the people in this house, he is in the wrong job and perhaps he had better go back to doing whatever he thinks is better—I think it is studying nuclear energy; he is very pro nuclear power. The member Schubert made it quite clear why a former Liberal government made it a one-way expressway, but it is an expressway that is a lot more than the Labor Party ever provided. I will admit that, when I am in Adelaide, it does make it quicker for me to visit my in-laws in Willunga and also for the return trip.

**The Hon. R.G. Kerin:** And get away from the mother-in-law.

**Mr PEDERICK:** I will not respond to that, member for Frome. It certainly is an excellent expressway. The reason was that we had no money because the Labor Party had bankrupted this state by \$11 billion, and we were finding our way clear. We were lucky to have something.

I refer to the lack of regional road funding in this state. A \$200 million backlog exists and many other roads need repair. With regard to the people whom I represent in the south, that is, towards Clayton and Milang—and if I have the opportunity, the people from Goolwa—thousands of them would be using the road and I am sure they are very happy with the construction of the one-way expressway. I call on the government to make it a two-way expressway asap. I commend the motion.

**Mr GRIFFITHS (Goyder) (11:51):** I wish to speak briefly in support of this motion, too. While I am from a regional area of South Australia and, when I am in Adelaide, I live in the northern part, my mother has lived in Happy Valley for 20 years. Therefore, I have been a frequent user of this section of the road. I experienced it when it was purely the old South Road choice. Now the extension comes out near her house in Mandalay Drive, so I am lucky in that regard. To me it seems as though the Liberal government, when in power from 1993, built what it could afford—it is as simple as that. We have heard the member for Newland talk about the fact that the duplication would have been an additional \$73 million. The fact is that you have to have \$73 million. With the

debt that was left behind from Labor management of this state—\$11.5 billion in total and \$3.5 billion from the State Bank—there was no other option for the Liberal Party, but to really—

*The Hon. J.W. Weatherill interjecting:*

**Mr GRIFFITHS:** Yes, things were built. That is an example of things they managed to put into budget. The fact that we are debating this today is systematic of the fact that infrastructure is needed across Adelaide and, indeed, all regional South Australia. I continually have people coming to my electorate office complaining about the quality of Transport SA roads. They are up and down; the shoulders are not wide enough; or the shoulders are broken off and there is a six-inch lip on the edge and they are dangerous. Millions of dollars need to be spent on infrastructure.

Before the election, the RAA was talking about a \$200 million backlog on road maintenance. It would have to have grown enormously since that time. The state needs to ensure that it has a transport plan which identifies the work that needs to be done, and that funding is prepared for it, too, because it is just not good enough.

*The Hon. M.J. Atkinson interjecting:*

**Mr GRIFFITHS:** Yes, the Attorney-General notes the Paskeville to Arthurton road. That is quite rough in a few areas.

*The Hon. M.J. Atkinson interjecting:*

**Mr GRIFFITHS:** I am talking about all regional South Australia needing it and all the metropolitan areas. It is important for the efficiency of our business networks that we have a road network that will ensure that product arrives where it needs to be as quickly as possible. Two hundred thousand people live in the south. It is obvious to me that growth will still be occurring enormously over the next decade. It is important that the government plans now to have the infrastructure in place for all those people who make a fantastic contribution to the economy of this state.

**Mr PENGILLY (Finniss) (11:53):** I am very grateful to the other members who have supported this motion this morning. A few comments were made from the other side of the chamber, which one would expect, but the simple fact is that we did not have the money to complete the Southern Expressway when we were in government—that is all there was to it. As has been correctly pointed out on numerous occasions, we did jobs that needed to be done: the first stage of the Southern Expressway; 19.6 km on the Morgan-Burra road; and other things. It was always in the best interests of South Australia, rather than symbolic gestures in the media and announcements about doing absolutely nothing. We will come to a few more of those later. I am grateful that my colleagues on this side of the house supported me, because we do know where the south is.

We want people down there to be aware that the Liberal Party is considering how best to assist them when we regain government. Of course, the first thing that should happen before the next election that I would like to see is perhaps a little bit of action down south by the Rann government and for it to get busy on the expressway.

*The Hon. M.J. Atkinson interjecting:*

**Mr PENGILLY:** Well, we cannot expect miracles. The member for Croydon is busying himself trying to interrupt everyone, but the fact of the matter is that he would be far better off doing his ministerial business and getting out and seeing people. But, returning to the point of the argument, the motion relates to the Southern Expressway and the need to finish that road. Once again, I thank my colleagues for their support and will put the matter in the hands of the house.

The house divided on the motion:

AYES (14)

Chapman, V.A.  
Griffiths, S.P.  
Kerin, R.G.  
Penfold, E.M.  
Venning, I.H.

Evans, I.F.  
Gunn, G.M.  
McFetridge, D.  
Pengilly, M. (teller)  
Williams, M.R.

Goldsworthy, M.R.  
Hamilton-Smith, M.L.J.  
Pederick, A.S.  
Redmond, I.M.

NOES (28)

Atkinson, M.J.

Bedford, F.E.

Bignell, L.W.

Breuer, L.R.  
 Conlon, P.F.  
 Geraghty, R.K.  
 Key, S.W.  
 Maywald, K.A.  
 Piccolo, T.  
 Rau, J.R.  
 Thompson, M.G.  
 Wright, M.J.

Caica, P.  
 Foley, K.O.  
 Hill, J.D.  
 Koutsantonis, T.  
 McEwen, R.J.  
 Portolesi, G.  
 Simmons, L.A.  
 Weatherill, J.W.

Ciccarello, V.  
 Fox, C.C.  
 Kenyon, T.R. (teller)  
 Lomax-Smith, J.D.  
 O'Brien, M.F.  
 Rankine, J.M.  
 Stevens, L.  
 White, P.L.

#### PAIRS (2)

Pisoni, D.G.

Rann, M.D.

Majority of 14 for the noes.

Motion thus negatived.

#### WATER RESOURCES

**Mr GRIFFITHS (Goyder) (12:02):** I move:

That this house call upon the government and SA Water to investigate every possible option, including the use of seawater desalination, for the augmentation of potable water supplies to the Yorke Peninsula and Adelaide Plains regions to ensure that future demands from industry and residential development can be met.

It is a pleasure to put this motion to the house today, and I do it in all sincerity. While some accusations are made across the chamber that we sometimes do not mean what we talk about, I certainly do mean this one. For me, it is part of the reason I came into this place. As all of us have done, in my maiden speech in the house I talked about my reasons for coming into parliament, or seeking that role, and what I wanted to try to do for the future. I spoke at quite some length about the fact that water issues in my community would be a major focus during the time I had the opportunity to be in this place. Since then I have continued to talk about water. In saying that, I also recognise that many of my colleagues are also very concerned about water supplies to their own electorates as well as to the state, and I pay particular attention to the fact that the member for Flinders is very passionate about water. She constantly talks to me and to the party room about it, and about the needs of the Eyre Peninsula communities.

I do not want to refer back to my maiden speech too often, but there are a couple of points I made two years ago that I want to make sure I get on the record again.

*Mr Pederick interjecting:*

**Mr GRIFFITHS:** You never know. First, I want to note that in my maiden speech I made reference to the previous member for Goyder, John Meier, when he made his maiden speech on 14 December 1982. He said then:

A major problem in parts of Goyder, especially in the early years and still today in selected areas, is that of water. In most areas however, it was the piped reticulated water supply that brought certainty of supply to the people. Unfortunately the reticulated water supply does not extend to all areas of the electorate. This in turn limits the development potential of many farms, it limits the amount of stock that can be carried, and it means an uncertain water supply for many households, especially during our current drought.

Remember, this was 1982. He continued:

Although I strongly believe that the reticulated water supply must be extended to all parts of Goyder with all haste, at the same time, because of the limited water resources to which South Australia has access, I am very concerned about the availability of water for the next generation's usage. Hopefully, priority will be given to examining alternative methods to supplement the water supply for rural areas generally.

Sadly, 25 years later exactly the same situation is in place, and thus the reason for my motion. You will also note that John Meier's words included 'alternative methods'. That is also reflected in my motion because it is important that we use whatever technology is out there to ensure that water supplies are available for our communities.

I know of at least 16 communities across the electorate of Goyder that do not have access to a reticulated water supply through the mains network; they rely solely on rainwater for their water needs. For my own home at Maitland (to which I have a reticulated supply) I have invested substantially in rainwater tanks, as have many people in the region. In my case, I have a

10,000 gallon tank and a 5,500 gallon tank, giving me over 60,000 litres of rainwater storage, and I use only that.

We all acknowledge the terrible pressures that the River Murray is under from the effects of the drought experienced over the past five years. Clearly, the pressure on the traditional supply of much of our state's water needs demonstrates that every possible option available to us through modern technology needs to be investigated and pursued.

I take this opportunity to quote some examples of the augmentation costs that are being forced upon developers in the Yorke Peninsula and Adelaide Plains regions when they wish to pursue expansion of those communities. Within the Copper Coast area, which is experiencing an amazing growth by virtue of people making lifestyle choices and wanting to move there, the cost per allotment to developers in contributing to SA Water is in the vicinity of \$5,000 per block. The 1,600 allotment Dunes development at Port Hughes, which incorporates the Greg Norman designed golf course, has been advised by SA Water that water will be available for the residential allotments that are created and the clubhouse but not for the golf course.

With the continuing drought, this is a decision that I totally agree with. It is the only one that SA Water could have made and, certainly, it is the only decision that the community would have accepted, as our precious River Murray water should not be available to water a new golf course. I commend the developers on what they are doing here because they are working very hard to make sure the community supports the proposal. They want to use treated water from a yet to be constructed community waste water treatment plant which is in the planning stage with the District Council of the Copper Coast, but they need to make sure that they have a water supply available because the golf course is their marketing tool.

When you look at the TV advertisements, it shows the coast—and obviously that will be a major feature—but it is also the fact that probably one of the top 10 golf courses in Australia will be produced by this development. It is important that they developed the golf course and they do not let it wither and die, so the only option for them is to construct a seawater desalination plant to ensure a supply of water.

From what I have read from the developers, they are talking about a plant that will produce 1.5 million megalitres of water per day. I would have hoped that the announcement of this proposal would have been accepted by the community but to say that the news has caused considerable concern is an understatement. My belief, though, is that the community is concerned for two reasons, one being the location of the detailed plant as indicated by the local council based on three options that the developers proposed, and the second being the effect of the discharge into the marine environment of the brine solution which comes from the desalination process and which will go out into the Spencer Gulf. Certainly, I, the community and the government do not want to do anything to harm the marine environment of any of our coastal waters. I respect these concerns and I will speak to as many people as possible about what the real issues are in order to make sure that the developers and the government are aware.

The District Council of the Copper Coast has indicated a preferred location for the desalination plant, but unfortunately to many people in the community the fact that the council has made that decision seems to suggest that it is a done deal. Clearly, that is not the case. Any decision for a desal plant will rest upon very serious consideration on the part of the state government following the preparation of a detailed environmental impact statement. In my electorate office I am contacted on a regular basis about this. The local newspapers carry articles about this seemingly every week, with letters to the editor every week, expressing concerns about what people see as the negatives of it. I think we need to move on. We need to get the science right so that something can happen.

I am aware of another augmentation contribution that occurred a few years ago costing \$10,900 per block for a 50 allotment subdivision that was developed at Stansbury. In Ardrossan I am told that it is \$15,000 per block for an augmentation contribution on the proviso that you can get 100 allotments to commit up front. In a regional community it is pretty hard to get subdivisions of that scope to happen at all. Ardrossan is a town of 1,100 people. It has had a lot of recent investment in the community private hospital, a dental surgery, the doctors' facilities and a new supermarket. People on Yorke Peninsula believe in the town but, unfortunately, when suddenly you have to come up with a \$1.5 million contribution towards water augmentation, it makes it near impossible.

Last week's edition of the *Yorke Peninsula Country Times* quoted numerous developments that are occurring within the area of the District Council of Yorke Peninsula. I will read them into the

record: Point Turton has 102 allotments coming on stream; Marion Bay, 201; Edithburgh, 113; Black Point (a great place I try to get to for a week every year), 65; Port Victoria, 101; Port Clinton, 143; Rogues Point (a small community on the East Coast), 12; Balgowan, 20; and Corny Point, 207.

That is 964 allotments, some are approved, some are being formally considered and some are in the planning stages. There is a great chance for at least 75 per cent of those to get approval within the next year. In the northern part of Yorke Peninsula, Kadina is also expanding, with residential and commercial development, and we are all aware of the Wallaroo Marina, which has 400 allotments, with many of those already having had houses built on them. Every time I go to Moonta, I see a new area that has been opened up for subdivision, with houses under construction.

These projects are just a few examples of the regional development that is happening across the Yorke Peninsula in Goyder. I also want to make sure that members are aware of what is happening in the Adelaide Plains. The Wakefield Waters development proposal by the Chapman family is for several thousand allotments in canal-style developments. We have also seen a lot of growth and opportunities in the Adelaide Plains, with intensive chicken farms and industries, such as the Primo abattoir at Port Wakefield and Balco at Bowmans.

Growth and job opportunities are bringing a lot more people to the Adelaide Plains to live. Obviously, residential developments are occurring, and subdivisions are happening in Balaklava, which has 1,500 people and wants to grow even more. All these developments will use more and more water. The growth in industries in the Adelaide Plains demands an increased water supply. I know that last year very serious consideration was given to a new pipe from, I think, Auburn to Port Wakefield at an approximate cost of \$36 million. It did not quite get up, but I hope that it is still under budget consideration for this year because, for the industry potential in the Adelaide Plains region to be reached, it needs to happen.

I am very proud of the fact that, in January 2007, the Liberal opposition announced a desalination proposal for Adelaide, based upon the Perth project at Kwinana. With other colleagues, I went to Perth in May 2007 and inspected the plant. We found out that it produces 45 gegalitres of water per year, and that it cost \$320 million to build and \$67 million to connect to the mains network. It happens, and it works.

The Western Australian government built it a lot more quickly than the five years the Rann government is talking about for Port Stanvac. It was not \$1 billion, when the minister for finance went straightaway on radio and said, 'This is what the Liberals are committing to Adelaide.' It was not \$1 billion. We were talking about the Western Australian example. It is interesting that the minister for finance at the time said that Adelaide did not need it. Well, here we are, less than a year later, and the government has finally come out with a plan to build a desal plant for Adelaide.

Western Australia believes in desal technology so much that it is spending \$750 million in this year's budget to build another plant. We believe that the Liberal vision has been proved right. Unfortunately, it has taken the Rann Labor government far too long to come to the same conclusion—that it needed to build a desal plant to have a secure water supply for Adelaide.

I know and respect the fact that desal is energy intensive. I know and respect the fact that energy generation in Australia is from coal-fired plants, with this energy production option pumping out an enormous amount of waste into the atmosphere. That said, desal will also be a major factor in the answer to South Australia's future water needs, and the government has finally recognised this.

The government is proposing a 50 gegalitre desal plant. I know that it will cost \$1.1 billion, and I know that it will cost \$300 million to connect it to storages and the network. We have now heard that we are talking about spending \$850 million to increase water storage in the Mount Lofty Ranges—and not necessarily just Mount Bold. Again, that water has to be pumped from the Murray. That is the plan, as I understand it.

The member for Flinders has spoken to me, and also to the Liberal Party meeting room, about the fact that every time she gets private investment proposals for desal technology on Eyre Peninsula she seems to hit her head against a brick wall because the government is not interested in helping out. The government will not make it happen. The government is not interested in ensuring that SA Water actually has a philosophy of willingness to use desal water within its network—and that is part of the struggle. What chance is there when private investors want to make these sorts of developments happen but the people who control the network are not interested in the product?



The Premier talks quite often about the investment planned for Adelaide that will ensure that water reuse figures will increase from the current 20 per cent to 45 per cent, and I think the national average is something like 9 per cent. I support this vision; we all have to support this vision. But it is not just about Adelaide: it is also about regional South Australia, too.

I am lucky enough to represent in this house a wonderful part of the state, a region people love to visit, a region in which people want to live, work and holiday. It is also a region that is being held back because of the restrictions of a water supply system that was designed and built in the 1950s for a very different purpose and need. It is barely keeping up with the current demand, and the peak times really do stretch it. In January, when we have a lot of holidaymakers there, we are in big trouble, because water pressure drops, supply cannot be guaranteed and people really start to struggle. Importantly, it has very little ability to be expanded upon.

The traditional source of water for all of Goyder has been the River Murray, and it is stressed beyond belief: we all know this. Traditional solutions will not guarantee a water supply for Goyder, just as they will not do so for Adelaide. Adelaide has a solution in the planning stages. Goyder seemingly has a future in being restricted by a lack of vision and planning. I call upon the government and SA Water, and all members in this house, to do something about this matter, something that will ensure that the future water demands for the Goyder electorate from industry and residential development can be met.

**Mr PEDERICK (Hammond) (12:16):** I rise again to speak on an excellent motion of the member for Goyder regarding regional water supplies. What is happening in the Lower Lakes at the moment illustrates the importance of this motion in my neighbouring electorate of MacKillop and also in my own seat of Hammond. While they are running out of water, the government is only at the feasibility study stage, so one has to wonder where regional South Australia sits in the total planning concept of this government. I doubt that it sits very highly.

As far as the Yorke Peninsula is concerned, the member for Goyder has ably indicated a growth in the region. It is certainly a vibrant area of the state's regional economy. The other day when I went over to Port Lincoln and we crossed the Hummocks, I turned to the person next to me in the car and said, 'We are entering another world.'

**Mr Griffiths:** God's country.

**Mr PEDERICK:** God's country, as the member for Goyder interjects. It comes from my farming background, because whenever I have been over to the Yorke Peninsula and talked about what yields we may have had at certain times, people look at you knowingly and say, 'Mallee boys.' It certainly is a very prime part of regional South Australia, and it deserves support, as does any other area. The member for Goyder brought up the member for Flinders' constant lobbying for localised desalination on the Eyre Peninsula. What a fantastic place to put it—open coast, especially along the West Coast—to get rid of the brine. With desalination, we must always remember not to put extra salt back into the sea. It is a big sea out there and the salt will dissipate but—

*Mr Kenyon interjecting:*

**Mr PEDERICK:** The member for Newland interjects and speaks about the concentration. I have actually had a look at the concentration at the Perth plant. The salt water that emits from that plant dissipates within 50 meters. That is monitored 24 hours a day with electronic monitors. It is not as sound; it is not totally open water—Garden Island is offshore. I recommend that the member for Newland go on a study tour; it will be a good excuse to get him out of the state.

**Mr Pengilly:** There'll be plenty of time after March 2010.

**Mr PEDERICK:** Plenty of time, absolutely. In the longer term, desalination will happen for Olympic Dam and Roxby Downs, as will happen with BHP. I believe that engineering will fix the problem of brine disposal, whether a brine pipe is needed 5 or 10 kilometres out to sea.

*An honourable member interjecting:*

**Mr PEDERICK:** Absolutely; and the environmental impact studies are being done, which is something that has suddenly come to the forefront in Labor leanings—since November 2006 when they announced a weir. They had no studies; they did not even indicate a study. They were just going to throw something in the river, they did not know where. But all of a sudden they have become very green. I think they are a little bit worried about preferences and it might relate to the ridiculous situation that happened last week when the Premier and cabinet overruled their Minister for Primary Industries and banned GM cropping in South Australia, but that is another matter.

**Ms Ciccarello:** He was right behind the decision.

**Mr PEDERICK:** Absolutely—right behind! Communities on Yorke Peninsula and the West Coast deserve better infrastructure and planning and, apart from the areas I represent as the member for Hammond, as parliamentary secretary for the River Murray and the lower lakes I also represent those people, who are really struggling and are in desperate times. It is not all about Adelaide. We were quite inappropriately written off by the Victorian government as a backwater. It is certainly not a backwater. I would like to see any water coming into the lower lakes down my way to make them vibrant again.

We have talked about the energy of desalination. Green technology can do it. The Perth plant is linked to 49 wind turbines on a contractual basis, and obviously it comes through the grid. I have seen presentations on CETO technology and wave technology that can be implemented and can generate more than twice the power needed for the desalination plant, and you can use excess power for building developments either on the peninsula or elsewhere. I commend the motion, which is excellent. We have to look at desalination. The Middle East would not exist without it, and we have to get on with it.

Debate adjourned on motion of Mrs Geraghty.

### KANGAROO ISLAND FIRES

**Mr PENGILLY (Finniss) (12:22):** I move:

That this house condemns the Minister for Environment and Conservation and those departments under her control for their wholesale mismanagement of national parks, conservation parks, wilderness protection areas, heritage areas and roadside vegetation in relation to fire protection and animal welfare measures, particularly on Kangaroo Island following the enormous destruction caused by the fires in December 2007.

I return to the issue of the fires that started on 6 December 2007. I am a proud South Australian but, more importantly, a proud Kangaroo Islander. There is something about being an islander that sets us apart in our ways of thinking. One of my colleagues here was also an islander. In relation to the fires that occurred, I point out more particularly the major fires of Flinders Chase, Western River, Cape Gantheaume, Seal Bay and Vivonne Bay, and numerous other fires that took place. These fires in the main occurred in areas under the control of government agencies, and I am appalled and disgusted at the manner in which these fires were allowed to develop to the extent they did and, more particularly, the failure of the leadership of the Minister for Environment and Conservation to dictate to her own departments what should be happening.

These were natural events: there is no question that they were. There were thousands of lightning strikes on that afternoon and evening on Kangaroo Island, and we are lucky we only had as many fires as we did and were able to get on top of them in due course. They may have been natural events, but they were orchestrated disasters purely and simply because of the mismanagement of the national parks and associated bushlands under the control of the Minister for Environment and Conservation.

The bureaucrats are running roughshod over the minister and nothing is happening. She has a total lack of control over departments under her purview. We have a Native Vegetation Act and authority. The act is outdated and seriously needs addressing. The authority is out there on its own doing what it likes, being dictatorial, threatening people on occasions and making life a misery for South Australians. More particularly, on this occasion the people of Kangaroo Island have suffered the full effects of that incompetence by the Native Vegetation Authority.

We also have the Environmental Protection Authority, which plays its part in it; we have the Department of Water, Land and Biodiversity Conservation, which also has its two bobs worth; and we have a national park system in which we have people who do what they want to do. All this needs is a common sense solution. We never, ever want to see this happen again—trust me.

We are always going to get natural fires, but we can do something about it; and I will come to that. What happened is that we put thousands of tonnes of greenhouse gases into the atmosphere. We have 90,000 hectares of country burn on Kangaroo Island, about 75,000 hectares of which is national park, wilderness protection areas, and so on. It is absolute stupidity in my view.

The fact is that we have had a lack of controlled burns over many years. They are just starting to get real about doing some controlled burns, but the fact of the matter is that what is taking place is nowhere near adequate. Mickey Mouse burns of seven hectares around headquarters, and Mickey Mouse burns around protection assets are just a waste of time and space. If you really want to get serious about it, if you really want to get out there and do some

decent burning, do some cold burns at the time that suits. Get in there and light it up a day or two days before a big rain comes. You know what will happen. They can predict the rain. Light it up; it will be out in the autumn or in the spring. That is when you burn.

You do not try to do strategic burns when the weather is warm and everything around is dry. You just do not do it like that. The fact is that I have heard the CEO of the Department for Environment and Heritage say that they have not got the skills—well, it is an arrant nonsense. The skills are there. The skills are in the rural communities of South Australia and Australia and, more particularly, the skills are with the long-term residents, farmers and landholders of Kangaroo Island, who have had the skills for decades and generations. But they are not even asked, because Mr Holmes says that it takes years to build up these skills. It is absolute claptrap; I have never heard so much nonsense in my life.

If you want to get down to what really happened over there, I will point out Flinders Chase. Flinders Chase National Park is nearly a third of Kangaroo Island, and it is an enormous area. Do you really want to know what happened down there? I will tell you what the fishermen saw down at the west end along the south coast. They saw thousands of kangaroos, wallabies and possums dead in the sea. These animals had jumped 300 foot and 400 foot cliffs to their deaths, and were washed out to sea. The sea was awash with them. There were thousands of them. There were thousands and thousands of dead birds on the water. I am not kidding. The fishermen will back me up all the way; there were thousands of them.

These animals perished because of the huge intensity of the fires and the fact that there were no burnt breaks to stop them, to slow them down, to give the animals chance to go somewhere that was burnt two or three years ago. I place the responsibility for the death of those animals purely and simply on the mismanagement of those parks by the Department for Environment and its minister. It is an absolute disgrace. And I will take it one step further.

There were members of the community—professional shooters—who wanted to shoot koalas in the trees, which were going to get burnt. They were ordered not to by departmental officers. So, what happened? The fire went through, and these koalas in the trees were screaming in agony. And I can tell you that it has had a profound effect on those who witnessed it. It is absolute murder, quite frankly, and I hold the minister very much responsible for this nonsense that has been allowed to get to this stage.

I find it absolutely appalling in this day and age that that can take place. If you want to get realistic about it, if you want to show some common sense, if you want some leadership, grab this whole area by the scruff of the neck, listen to what the opposition is saying, listen to what the Hon. Graham Gunn will be saying about some draft amendments to the bill, and do something about it.

I have spoken to government ministers who have the wherewithal and the guts to have a go at this and sort it out, because, for the life of me, I never want to have to go down there again in my lifetime. If you do not do something, in eight, nine or 10 years it will all go again. Climatic conditions, lightning strikes, wind, and dry seasons—it will happen again. If you want to have all these animals dying again and everything that took place there happen again, it will be on your heads.

In my view, the Department for Environment and those responsible—whether it be the minister or whoever—are environmental criminals. They are environmental criminals and they are worse than that: they are corporate criminals. If you and I ran our businesses in the way that they are mismanaging their business, we would be in gaol, quite frankly. I am not prepared to be in the parliament of South Australia and not stand up and have my two bob's worth and speak up for my community. I am not prepared to put up with this any longer. I am sick of it. I have been going to fires in national parks in those areas for 40 years, and for the last 20 at least we have been saying, 'You've got to do this, you've got to do that.' We have had committees visit, and everyone nods their head in agreement and says, 'Yes, you are saying the right thing.' But what happens? Absolute sweet Fanny Adams: nothing.

The time has come to get some action and to change this situation. If climate change is here (which it would appear to be) more of these situations will arise. We need to get in and do some targeted strategic burns. We need to put in some decent big breaks through parks. Breaks do not stop fires; they were never meant to do so. Breaks are there to burn back when the weather conditions suit.

Let me just turn to the topic of burning back. John Symons, a Kangaroo Island farmer/landholder, single-handedly ran the Western River fire. It was the best managed fire on the island. He was the one who went out, as far as I know, along with Sam Mumford, Peter Davis and

a few others, and burnt back on the northern perimeter of Borda Road from Western Highway to Cape Borda, some 30 kilometres. They burnt back at night time. Some of the people who were there said, 'No. We are here to put fires out, not to light them.' Well, you burn or be burned, as the Hon. Ted Chapman used to say, and you can get in and do it. Those people saved the whole northern coastline. They knew what they were doing: they lit it up at night. That stuff is like kerosene, trust me.

This fire has cost millions of dollars. The jury is out on how much it has cost. However, I understand that it could be anywhere between \$6 million and \$8 million. Figures of \$18 million to \$20 million are totally incorrect, I have been told. Hundreds of volunteers and paid staff from the Country Fire Service and other agencies were involved. It held everyone up for a week or a fortnight. That is a nonsense: it never needed to happen. Action could have been taken more quickly, in some cases, and that is something that I know Euan Ferguson will address. He is a very good man, and I pay tribute to him. I hope that they listen to the likes of John Symons, Sam Mumford and Peter Davis; people who are out on the traps and know what they are doing and who get on with it and try to fix it up. That is the important thing this time.

Along with the volunteers who came from interstate there were also paid members of staff—and there are some fairly ordinary stories going around about a few of their activities in relation to where they stayed, what they ate and everything else, which is unfortunate. However, that is the case. This has caused total disruption to the Kangaroo Island community and its daily routine. It has also caused total disruption to the tourism industry, which is ongoing and which will take some time to be sorted out, not to mention the absolute disruption to the farming community and the farmers around Vivonne Bay, who were burnt out severely. It also impacted on the farmers on the north coast. As I said the other day, they are still working; they are flat out trying to clean up and get going.

A lot of this has also been attributed to the vegetation on the sides of the roads—which is fantastic; it looks terrific. I have no argument about that. However, if members know anything about burning candles, they would know that they have a wick, and this is what the vegetation along the roads is doing. It runs like a wick all over the island—backwards, forwards, north, south, east, west; everything is wicks. It is almost impossible to deal with in the wrong conditions, because you just cannot stop the damn stuff, quite frankly: when it is burning it is intense. The vegetation changes dramatically on the island: it is highly intense and you cannot stop it.

I will not go back to the tragedy that occurred at Vivonne Bay. However, the fact is that the wick that makes up the roadside vegetation is no good. It needs to have substantial breaks in it from time to time. So, what happens? You cannot do it because of the Native Vegetation Act. What a load of hogwash! On top of that, I have heard that native vegetation officers are investigating one of the people who was affected in the D'Estrees Bay fire for putting in bulldozer breaks; he created clearance on the property. Now, you tell me that that is right! And here we have a totally incompetent, nonsensical minister allowing all this to happen.

The minister ought to go now. She ought to disappear—sit on the back bench and do something useful, because there is nothing useful happening with her where she is at the moment. It is an absolute disgrace. When the acting premier at the time, Mr Foley, visited the island, he made some comments regarding vegetation and people living where they live. Those comments were seen and heard. Some people did not appreciate them, but Mr Foley said some things that needed to be said and put on the record. So, I have enough confidence in some of the senior members of this government that they will grab this thing by the scruff of the neck and give it a great big shake, and in giving that shake they can shake the Minister for Environment and Conservation out the door, as far as I am concerned.

Our farmers on Kangaroo Island have had it. They are absolutely worn out. They have been working non-stop since 6 December, with the exception (probably) to gulp down a sandwich instead of Christmas dinner, and they have had it. Everyone has bailed in to help them: they have given up their daily tasks and they have gone in to help them.

While I am talking about the management of the fire, I would like to pay tribute to Mark Thomason, the regional commander, who spent days and days there. There are many others, and we always get into trouble for not naming everybody, but Mark Thomason was available, he was cool and he worked to the best of his ability from the central location (Parndana) running that fire for most of it, assisted by other officers from time to time. I also mention Inspector Kent McFarlane of South Australia Police. They did a mighty job. As I said, I am leaving some out but I cannot deal with them all here today.

In addition to the national parks, wilderness protection areas and farmland that were burnt, a pine plantation went up. That is gone because there was nothing to stop the fire from coming through from the national parks and the wilderness protection areas to save it. Mr Malcolm Boxall, who is chairman of the KI Forestry Plantation Committee, tells me that the forest that has been wiped out is valued at \$40 million—\$40 million has gone. So, we have got \$40 million worth of forestry gone, 90,000 hectares burnt, about 75,000 hectares of which belongs to the Crown, we have lost thousands of animals, and in addition to the native animals we have lost sheep at Vivonne Bay.

I make the point that what took place over there is a corporate criminal act, given the size of that fire and the arrant stupidity of what is taking place under these departmental banners. Get rid of the Minister for Environment and Conservation and bring someone in who can fix it up. We will support changes to the Native Vegetation Act on this side, don't you worry. I hope that my colleagues on the other side will do so also. As I said earlier, I do not want to see this ever happen again, and it does not only happen over there, it happens on the mainland regularly in high rainfall areas. Go back to Wangary; go down to the South-East. Ngarkat burns about every 18 months, it seems, and that is low rainfall country.

What took place in that week commencing 6 December horrified me. I have never seen anything like it in my life. It absolutely horrified me. I was out there in the thick of it, getting around and finding out what was going on and doing my bit to help, along with seemingly everybody else on Kangaroo Island. I thank you for the opportunity to speak.

Time expired.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:38):** I commend the member for Finnis for introducing this motion and I am very happy to support it. Much has been said today, and on other occasions, about the destruction arising out of the Kangaroo Island fire in 2007. The human toll and the financial and economic burden has been referred to. In supporting this motion today I want to talk about the effect as a result of the incompetence and gross neglect, at best, and criminal incompetence, at worst, of the Department for Environment and Heritage, its minister, its policies and the legislation which has resulted from its history.

This fire in December 2007 started from multiple bushfires and ultimately burned nearly 95,000 hectares, most of which was in national parks and the wilderness area. I grew up and am a member of one of many families who had, over decades, not years, put presentations to this South Australian parliament to establish the wilderness area and the national park area of Flinders Chase. As the member has pointed out, this covers nearly a third of the island. In recent decades, the national park areas in the western end of the island have been enhanced at Western River and on the southern boundary of the island.

We have areas which are commonly known to people as the Flinders Chase National Park, the Ravine de Casoars Wilderness Protection Area, the Gosselands, the Upper Rocky River, the Breakneck River, and these covers tens of thousands of hectares.

We have, from Cape Borda down to Cape Du Couedic a coastline of incredible significance. We have varieties of species of flora and fauna which were to be protected—and I say this for the house's benefit. When these parks were established they were to be sanctuaries for flora and fauna because the mainland of Australia had been infested with rabbits and foxes. That was the primary purpose, to ensure that we would have an area of conservation to protect natural species which had otherwise become infested on mainland Australia. Very important.

The ravaging then of the Flinders Chase National Park in the December fire was the greatest area of expansion of fire that is known in Kangaroo Island's recorded history. We have had park fires of over 10,000 hectares in 1931, 1953, 1954, 1958, 1968, 1970, 1991—which was an absolute torture—and then in 2002. They were major fires in those parks and none of them—none of them—have burnt to the extent of what happened a few months ago. None of them. Almost the entire area of that park was incinerated.

When the member tells us of kangaroos and wallabies jumping off at Cape Borda and plunging into the ocean, I want this house to reflect on a feeding frenzy of sharks that are waiting at the bottom, spilling blood and killing our native fauna. It is a disgrace, as he says, that this was allowed to happen. Why has this happened? This government's Department for Environment and Heritage produced a bushfire plan that was to be carried out from 2004 to 2009. It said all the nice words, which were that there must be an emphasis on the protection of life and property, that is, everyone's life, from kangaroos, to people, to the fauna, to the flora, to the stock, to the harbour, to the crops, you name it—all of it.

It set out to appoint a new manager and 11 fire management staff in the department, one of whom was to be based on Kangaroo Island. It put the team in place. This was after we had had two major inquiries on fires. This followed two federal reports on bushfires. It followed several interstate reports on fires and, since then, we have had the Wangary coronial inquiry. We have had a few more since then but, leading up to the 2004 and 2009 bushfire plan, published by the department, it took note of these areas which needed to be protected. It recorded in this plan—and I am going to read it to you—the importance of understanding the damage of large fire events. It said there is high fuel accumulation; there is a high incidence of lightning strikes, more than anywhere else on the island, in the western end; there is a low humidity; there is a decreased soil and fuel moisture; and there are high winds shifting direction during the course of the fire.

We cannot stop lightning; this is a given. We will always have lightning strikes. We will always have some fuel accumulation. I will come back to that in a moment. We will always have high winds. We will always have changeable winds. We will always have oxygen there to burn. They are all givens. The plan records the importance of that and it highlights the damage of wildfires to the native vegetation and the impact of that if it fails to have fire management.

It set out in this plan a very important initiative, I think, and that was a summary of the priority of works for each of the blocks, whether it be in the Flinders Chase National Park, whether it be in Gosselands, or whether it be at the Kelly Hill Caves area, West Bay, etc. It sets out a plan for each of them. Some of them do not get a mention at all, which is disturbing in itself. They do not get any cold burns. They do not get any prescribed burns, as they are now known. They do not get any strengthening or control of the lines of the perimeter, which is the necessity to have the breaks, etc. Some of them do not even get a mention, but some do. It is set out that there need to be two at Breakneck River, there need to be three in Gosselands, there need to be four at West Melrose, and there need to be seven at Ravine Des Casoars wilderness protection area.

They actually set out a plan, and that is a good thing. But what I say is that the minister needs to explain why even these have not been happening. Well, she came to Kangaroo Island after the fire last year and said to one local (which I thought was absolutely offensive), 'Isn't it lucky that Kangaroo Island was not badly affected by the fire?' I can tell members that the person who reported that to me nearly threw up. I was so angry when I heard that. It is all very well to go over there and offer money to mop up the mess and say sorry, but how could she turn up there and say that when these people have fought the fires night and day? They are still over there cleaning up the mess.

One family has buried its son and she has the audacity to turn up there and say that. Now, what is her excuse for this plan not being implemented, for this plan not being listened to and for her department not even activating what is here? She says, 'Well, we actually planned to do eight prescribed burns last year, but we did only one of them because there were not the right conditions. There was too much wind. We did not have the available resources on the day.' She gave all the excuses in the world. They planned to do them, and the one they did do was described to me by a local as a 'balls up big time', and let me tell members why.

They planned a prescribed burn of 10 hectares and they burnt 1,000. I am very angry. I am very cross for the people of Kangaroo Island who have worked hard and contributed to the development of these parks to see them burnt up and incinerated because of the gross incompetence of this minister to make sure that her department does not only what it is supposed to do but to do more, and the people over there are paying the price for that disgraceful situation. The department claims to be aware of and understand biodiversity, but we have to ask why this is the worst fire. Why was more incinerated? Back in 1931 they did not have planes to fly over and put out fires; they did not have all that equipment to bulldoze. They had to go out, axe and match in hand, and deal with it.

That is what they had to do back in 1931, 1958 and 1968, and you can keep going through it. Now we have satellite surveillance, motor vehicles, pieces of equipment, earthmovers, planes and helicopters, you name it, which the Treasurer is paying for—although it is South Australia's money no less. All of that is there, yet we have this massacre of the landscape and of those who inhabit it. I really am concerned about this continued failure to deal with it. Of course, we have had the Native Vegetation Act and we have had a movement to say, 'Let's expand this.' Well, it is time it was reviewed, as the member for Finniss says.

Time expired.

**The Hon. K.O. Foley:** Why do you have to scream? Let us have a discussion, not a shouting match.

**The DEPUTY SPEAKER:** Order! The Treasurer is very helpful in bringing down the mood of the house.

**Mr WILLIAMS (MacKillop) (12:48):** I will try not to raise my voice and upset the delicate ears of the Treasurer, because—

**The DEPUTY SPEAKER:** Order! I am not concerned about the delicate ears of the Treasurer, but I am concerned about the delicate ears of the Hansard staff.

**Mr WILLIAMS:** Absolutely. I will take the Treasurer's lead on this, because in the 10 years I have been here I have noted that the Treasurer never raises his voice. He is always concerned about the Hansard staff and other members. I will take his lead. This is a very important matter the member for Finniss brings to the attention of the house, and I congratulate him for doing so. What really concerns me is that, in the 10 years I have been here, we keep talking about this same issue over and over. We keep getting these disasters and we keep failing both our native vegetation and our native fauna through a misplaced sense of care and what I can only describe as the incompetence of the department, its attitude and its complete lack of understanding in terms of what it is dealing with.

In my electorate there is an extensive park. It is the largest park within the settled areas of South Australia—Ngarkat Park. It crosses the border between my electorate and the electorate of my colleague the member for Hammond; south of Pinnaroo between Pinnaroo and Bordertown.

This is a very extensive park and like Kangaroo Island it is regularly subjected to fires initiated by lightning strikes. It is a fact of life that Ngarkat goes up. A fire starts there on a regular basis. The thing that we do not need to have happen is for a quarter or a half of the park to go up spectacularly every couple of years but that is what has been happening. It certainly has been happening for at least the 10 years I have been a member representing part of that area, and it has been happening because the department has the wrong attitude to the way it manages the park. It certainly has the wrong attitude to the way it manages fires.

Many members of the community who go out on the ground and the fires within the park are beekeepers, who use the park to winter their bees and have a commercial interest in the park, otherwise they would not be there. A lot of others are just concerned community members, and some are neighbouring farmers who want to make sure the fire is put out before it gets out of the park. They have been battling for years to develop a decent firefighting strategy in the Ngarkat Park.

At last we have a fire management plan which I hope will work. This is about the third iteration of a fire management plan that I have seen in the last 10 years. We are slowly getting to the point where we will have a fire management plan which, in my opinion, will work. The intransigence of the department has been such that it would not allow either controlled burning, back-burning or decent breaks to be put in which could be used in the case of an incident occurring.

It will not allow disturbance of the soil; it will only allow rolling. Quite often, it discourages the local firefighting authorities (the CFS) from going out and working on the fire front at the time when it should have been worked on, and that is in the middle of the night. These fires in the scrub, as the member for Finniss has described, particularly during daylight hours when the temperature is up and the humidity is down, you cannot get within cooee of the fire, and it is probably not wise to exercise back-burning strategies under those conditions.

During night-time, however, probably after 10 o'clock in the evening until the early hours of the morning—probably a bit after dawn—the humidity is up, the weather usually modifies, the wind usually drops, the temperature drops considerably and it is an ideal time to go out and do extensive back-burning.

It is the only weapon that we have and, as my colleague the member for Bragg just said, we have been using these practices for a hundred years in Australia and, all of a sudden, with all the equipment and technology at our disposal now, why can we not fight fires? It is because we have forgotten the best tool that we ever had, and that is back-burning: establishing a reasonable break, having that ready, and when the fire starts, going out in the evening. Most of these fires seem to go over several days. We have the opportunity on the first evening after a fire starts to go out and back-burn against established fire breaks.

You will lose a little bit of park. You can back-burn in a controlled way and keep the temperature down. You will do minimal damage to the flora and hopefully absolutely minimal

damage to the fauna. It is not what happens when you get a wildfire going, burning day after day in the middle of summer in a national park. When I visited the Ngarkat Park after the last incident a couple of years ago—the fire in January 2006—it looked like a war zone.

It looked like someone had dropped an atomic bomb. It was just bare dirt with the odd blackened stick poking out of the ground. No animals would have survived. The flora comes back remarkably quickly, but every time we do this and if we do it continually—and that is what is happening in Ngarkat—you actually change the nature of the flora, because some plants respond better and come back better after fire than others. So if you have a fire on a regular basis, those plants that respond more quickly and more vigorously after a fire obviously become dominant. So, you change the very nature of the scrub; you change the very nature of the flora you are trying to protect. And that is what has happened in Ngarkat. So, the very people—the department—who are trying to protect these areas are the biggest problem.

One evening, some months after the fire in Ngarkat, I attended a debriefing at Lameroo, and a number of personnel were present. I felt very sorry for a CFS volunteer who happened to be the incident controller during at least part of the incident. He was asked why he would not give permission for back-burning on the northern boundary to protect some of the farmland, and he said that he got the distinct impression from departmental officers there—and he was not aware of the act—that he would first have to get permission from the Minister for Environment and Conservation. That was the sort of thing the departmental officers were saying.

I pointed out to him that the act gave him not only the authority but also the obligation to put out the fire, and it gave him the authority to back-burn to do that. He was unaware of that at that stage, but he did tell those present at the debriefing that he was under the impression that the departmental people would demand that he get permission from their minister. That was a load of hogwash. These are the very people who are causing extreme damage to our national parks through their incompetence and mismanagement.

I want to take the last few minutes of my time to bring to the attention of the house another matter that is very concerning to me and my constituents—and no doubt to other members across the state—again something that is borne out by the attitude of this department and its officers in relation to the Native Vegetation Act; that is, whilst they are allowing places such as Flinders Chase National Park and Ngarkat Park to be burnt and destroyed, they are relentless in pursuing farmers across South Australia for minor infringements of the Native Vegetation Act.

I have a case in my electorate, and the farmer concerned will not talk about it because he has been threatened and bullied by the department. He was taken to court, and he won the case. The court threw out the government's case, but not before he had expended something like \$160,000 on legal advice (I was told this not by him but by some of his friends to whom he has obviously mentioned this matter). That person has no avenue for obtaining recompense, and I can say that this is not an isolated case. He has been told that, if he talks about the case—if he complains or whinges—the government (that is this minister we are talking about) will appeal the case to the High Court and it will cost him a lot more money.

**Mr Pengilly:** It's a disgrace.

**Mr WILLIAMS:** It is a disgrace. It is a disgrace that the government of South Australia would bully its citizens in such a manner. The only reason this particular family has extensive native vegetation on their farm is that, generation after generation, that family has done the right thing. There are plenty of other families who do not have a problem with native vegetation because their family, generation after generation, made sure that there was none left. This particular family has probably done more to save native vegetation in the South-East of this state than any environment minister or officer has ever done, yet they are pursued in this manner, and I think it is an absolute disgrace.

Debate adjourned on motion of Mrs Geraghty.

*[Sitting suspended from 12:59 to 14:00]*

#### **SOLID WASTE LEVY**

**Mr GRIFFITHS (Goyder):** Presented a petition signed by 179 residents of South Australia requesting the house to urge the government to ensure that all funding raised from the solid waste levy is directed to programs designed to help councils and the private sector to meet the SA Strategic Plan target for reduction of waste in landfill.



### EDEN HILLS RAILWAY STATION

**The Hon. I.F. EVANS (Davenport):** Presented a petition signed by 286 residents of South Australia requesting the house to urge the government to purchase land near the Eden Hills Railway Station for development as a car park for train commuters.

### CLOVELLY PARK RAILWAY STATION

**The Hon. I.F. EVANS (Davenport):** Presented a petition signed by 28 residents of South Australia requesting the house to urge the government to provide train services that stop at Clovelly Park Railway Station on weekends and public holidays and an after midnight bus service from Adelaide to Flinders University and Bedford Park on Friday, Saturday and Sunday evenings.

### PUBLIC WORKS COMMITTEE

**The SPEAKER:** I lay on the table the following reports of the committee which have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991:

- 280<sup>th</sup> Report—Old Stock Exchange Building Refurbishment
- 281<sup>st</sup> Report—Rail Revitalisation Project
- 282<sup>nd</sup> Report—Techport Australia Precinct Development
- 283<sup>rd</sup> Report—Connected Service Centre—Mount Gambier
- 284<sup>th</sup> Report—Blinman to Wilpena Road—Construction and Sealing

### ANSWERS TO QUESTIONS

**The SPEAKER:** I direct that the following written answers to questions be distributed and printed in *Hansard*.

#### EXHAUST SYSTEMS

**10 Mr PISONI (Unley)** (30 May 2006). How many prosecutions have been made by SAPOL in the past four years against:

- (a) vehicle drivers or owners with loud exhaust systems that do not comply with vehicle design standards; and
- (b) manufacturers and retailers of non-standard exhaust systems that do not comply with noise emissions standards?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

SAPOL advises that vehicle drivers or owners detected with loud exhaust systems are dealt with for 'driving whilst emitting undue smoke or noise'. The same provisions are used for drivers who are detected for noise emitted from squealing tyres.

SAPOL records are unable to differentiate between the types of offending.

During the period 1 January 2002 to 1 December 2006, a total of 11,556 expiation notices were issued for these offences comprised of 10,462 fines and 1,094 cautions.

SAPOL is not involved in the prosecution of manufacturers and retailers.

#### DRIVER'S LICENCE CURFEWS

**11 Mr HANNA (Mitchell)** (30 March 2006). Will the Government consider introducing an exemption for work purposes when curfew conditions are imposed on driver's licences?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Hon. Carmel Zollo MLC has advised:

The Rann Government's prime reason for instigating recent changes to driver licensing, including the curfew, was for a tougher approach to driver licensing requirements in response to the youth road toll. An exemption from the curfew would undermine the effectiveness of the provisional licence conditions by lessening the impact of the penalty and thus lowering the deterrent effect of this measure. The previous hardship provision was toughened because it had become a common view among young drivers that obtaining exemptions to licence disqualifications on hardship grounds was a mere formality. The Member for Mitchell should realise that the curfew

is not applied to drivers who have been disqualified for a series of minor demerit-point offences, but for specifically-defined serious category offences.

Road Crash statistics show that provisional licence holders in South Australia who are driving very late at night have a crash rate seven times greater than the day time rate. The intention of the curfew is to reduce the number of late-night crashes by provisional drivers, especially by provisional drivers who have demonstrated bad driving behaviour and lack of respect for the road laws.

Novice drivers receive several reminders of the consequences of inappropriate driving behaviour leading to licence disqualification and subsequent conditions imposed on them, including the curfew. These reminders are contained in the Driver's Handbook, which they are required to study in preparation for the theory test to get their Learner's Permit, in their logbook of driving hours and experience, and booklets about the provisional licence stage.

As the arrangements for novice drivers, including the curfew condition, have only been in operation since October 2005, we do not propose to recommend any further changes until the scheme has been in operation for longer and its effectiveness has been reviewed.

### HAY AND STRAW CARRIERS

**13 The Hon. G.M. GUNN (Stuart)** (30 May 2006).

1. Why is the Police Department taking action against hay and straw carriers without consulting the industry?
2. What experience do the police officers issuing fines to carriers have in carting hay or straw and what instructions have these officers received from their senior officers in relation to this matter?
3. Was there any public consultation and announcements made in relation to the police activities relating to carting hay or straw and if not, why not?
4. Is it the aim of the Department to issue as many 'on the spot fines' as possible to these carriers?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

South Australia Police (SAPOL) is enforcing current legislation. The current legislation applies to the whole transport industry and is not targeting the hay carting industry. The instances involved excessive amounts of the load blowing off the vehicles. As it is not new legislation no consultation is required as it is enforcing the current standards.

The police officers are specifically traffic officers who have experience in over dimensional and policing of general traffic legislation. No particular instructions have been given relating to these types of loads other than normal SAPOL guidelines for issuing of expiation notices.

There was no public consultation carried out as this is normal day to day policing of current legislation.

Two trucks were stopped and two expiation notices were issued for breaches of load restraint legislation. On both occasions the drivers were cautioned in relation to breaches of other legislation.

### POLICE, HIGHWAY PATROL

**14 The Hon. G.M. GUNN (Stuart)** (30 May 2006).

1. How many police officers are operating on the Highway Patrol out of Gawler?
2. How many vehicles are involved in this Patrol?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

Seven officers (1 Sergeant and six other ranks) are based at Gawler Police Station.

There are two means of transport (1 motor vehicle and 1 motor cycle) per shift basis—day and afternoon shift seven days a week.

**ON-THE-SPOT FINES****15 The Hon. G.M. GUNN (Stuart) (30 May 2006).**

1. Will the names and numbers of police officers who issue 'on the spot fines' be clearly legible on the notices and if not, why not?
2. Will objections to 'on the spot fines' be sent to independent legal experts for adjudication and if not, why not?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

1. South Australia Police (SAPOL) advise that the form of, and information contained in, an expiation notice is regulated by the Expiation of Offences Regulations 1996. Schedule 1 of the Regulations requires that the notice contain the 'name of the issuing officer or a code enabling the issuing authority to identify the issuing officer'. The current expiation notice contains an area for the issuing officer's name and an area for the issuing officer's identification number. Therefore an expiation notice complies with the legislation if either the issuing officer's name or identification number appears on the notice. It is SAPOL practice that both the name and identification number of the issuing officer is included on the notice. In cases where the name is difficult to read, the identification number can be used to identify the issuing officer. In doing so the legislation has been complied with in that the issuing authority can identify the issuing officer. It is not a legislative requirement that persons other than the issuing authority can identify the issuing officer from the expiation notice.

2. SAPOL advise that there is no legislative authority for objections to 'on the spot fines' to be adjudicated by independent legal experts. The Expiation of Offences Act 1996 (the Act) has been described by the courts as an administrative rather than a curial process (*Police v Zammit*). In effect, an expiation notice is an invitation to a driver/owner to pay a fine without going through the court process. It is a legislative scheme designed 'to facilitate the efficient disposal of matters involving minor offences' (*Riessen v The State of South Australia*). Should a driver/owner dispute or object to the notice then the Act allows the person to have the matter heard and determined by a court. Section 8A of the Act does allow for a review of the expiation notice on the ground that any offence to which the notice relates was trifling. The review must be carried out by the issuing authority. The decision of the issuing authority is not subject to any form of review (Section 18B of the Act). However this does not preclude a driver/owner who has received an expiation notice from seeking advice from a legal practitioner at their own cost.

**EXPIATION NOTICES****28 The Hon. G.M. GUNN (Stuart) (27 June 2006).**

1. Will the Minister take action and reconsider the issuing of expiation notice D59879A?
2. Why has there been an excessive police highway patrol presence in the Freeling, Kapunda and Eudunda areas without carrying out a public information program prior to the issuing of 'on the spot fines'?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

1. I have been advised that the expiation notice number provided (D59879A) does not exist. The number should comprise 7 digits (ie. DXXXXXXXA). It is not possible to identify the particular incident without either the correct number or the name of the recipient.

The Police Act 1998 states that the Commissioner of Police is responsible for the control and management of the SA Police. I therefore do not have the capacity as Minister for Police to vary or overturn an expiation notice issued by the police.

A SAPOL review of the notice can be undertaken by the Expiation Notice Branch (ENB) once either the correct number or a name can be provided. ENB's recommendation regarding the notice standing or being withdrawn would then be approved or not by the Commissioner of Police.

2. There was no public consultation carried out as this is normal day to day policing of current legislation.

### SPEEDING FINES

**175 Dr McFETRIDGE (Morphett)** (21 November 2006). How many speeding fines have been issued to motorists travelling along Military Road at West Beach in 2004, 2005, 2006 and 2007?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

Location	Expiation Notices issued per Calender year			
	1/1/04-31/12/04	1/1/05-31/12/05	1/1/06-31/12/06	1/1/07-31/8/07
Military Road, West Beach	649	816	282	166

The total of notices issued per year is a combined total of speeding offences detected by traffic cameras and hand written notices issued by police officers.

### GLENSIDE HOSPITAL REDEVELOPMENT

**212 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (13 February 2007). Are there any plans to build a three-storey Housing Trust development on the open space land in the former Glenside Hospital orchard?

**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):** In June 2005 a South Australian Housing Trust application for 21 flats in three blocks of three storey buildings on Lot 739 Greenhill Road, the former Glenside Hospital orchard was approved by the Development Assessment Commission.

An appeal against the development decision was subsequently lodged in the Environment, Resources and Development Court by both Victoria Grove Retirement Village and the City of Burnside. The appeal was deferred until October 2007 to consider further options.

The South Australian Housing Trust has since withdrawn its planning application for the units on Greenhill Road as a result of plans announced by the Government to redevelop the Glenside Hospital site.

### BUSHFIRES

**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) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.D. RANN:** This Saturday, the 25<sup>th</sup> anniversary of the 1983 Ash Wednesday bushfires will be commemorated at a public ceremony to be held in the Mount Lofty Botanic Garden at 3.30pm.

Let us remember that on Wednesday 16 February 1983, South Australians awoke to a day of unrelenting weather conditions. We in were in the grip of a severe drought and the state braced itself for a day of strong, dry northerly winds and scorching temperatures above 40° Centigrade. The director of the Country Fire Service declared a red alert total fire ban.

By mid-morning a fierce dust storm (whipped up from drought-ravaged plains) blanketed areas of the state's north, the South-East, the city and the Adelaide Hills. Before noon, fires were reported in the Clare Valley, near Port Lincoln, at McLaren Flat and Anstey Hill. Multiple reports of fires inundated the state's emergency services centres as winds gusting up to 100 km/h fanned blazes in the Mid North, the Adelaide Hills and the Lower South-East. All were declared major fires.

The 231 brigades of the South Australian Country Fire Service, along with members of the state's emergency services, the Metropolitan Fire Service, South Australia Police, staff from the department for the environment and thousands of volunteers risked injury and death as they battled the firestorms.

Many firefighters risked their own lives and left their properties undefended in order to save the lives and homes of others. Families were trapped in their home as the fires raged out of control

and hundreds of houses, sheds, farmland properties and vehicles were gutted. National parks forests were incinerated, historic buildings and their irreplaceable contents were destroyed. Townships were evacuated, roads were closed, and electricity and telephone lines across South Australia were cut. Dust, smoke and ash flew hundreds of metres into the sky and created an eerie darkness that covered much of our state and obscured the fires, blocking out the sun. With visibility reduced, vital fire-spotting aircraft were forced to remain grounded.

South Australia was ravaged by a conflagration of flames that became known around the world as Ash Wednesday. At the same time, equally devastating fires were being fought in Victoria. Tragically, the disaster claimed 28 lives in our state. Three of those who perished were registered CFS volunteers. More than 1,500 people were injured: 85 of those were hospitalised. Countless others also received medical assistance from St Johns Ambulance volunteers, who worked tirelessly throughout the ordeal. Stock losses exceeded 250,000 head, and the total cost of loss or damage to private property in South Australia was estimated at over \$200 million. The total damage bill was estimated at almost \$400 million. In a telegram sent to the then Australian Governor-General, Sir Ninian Stephen, Her Majesty Queen Elizabeth II expressed her shock and distress at the tragic loss of lives and property.

Those who suffered through the direct effects or the consequences of those horrific firestorms on that hellish day 25 years ago hoped and prayed that they would never see its like again. However, tragically, barely two decades later, on 11 January 2005, South Australians again relived that horror when fires swept across the Lower Eyre Peninsula and claimed nine lives. More than 100 homes and properties were destroyed and 47,000 head of livestock were destroyed in what became known as the Wangary bushfires.

Then on 6 December last year bushfires broke out on Kangaroo Island. One young life was tragically lost and 90,000 hectares of property was devastated in the worst fires on the island in living memory. Once again, our CFS and volunteers displayed incredible bravery and selflessness in bringing those fires under control to protect public safety, as well as one of this state's great environmental assets.

As the drought continues to be felt right across South Australia, fires remain an escalating and difficult to combat threat. It is generally accepted that changing weather patterns mean that bushfire seasons will be longer and there will be more frequent days of extreme fire danger. We have already seen earlier starts and later finishes to the fire danger season. Consequently, the government is committed to making sure its bushfire message gets across. The Bushfire Ready campaign, launched in November last year, has strongly reinforced the core message of 'go early or stay and defend', and has encouraged people to change their behaviour. In addition, around 80,000 bushfire action plans have been mailed directly to residents in bushfire-prone areas across the state.

The government believes that it is vital for the community to be well educated, well prepared and well aware that it must always be prepared for bushfires. We have provided \$2 million over the next four years for fire education initiatives. We have also held meetings in fire-affected communities during high level incidents, and the meetings held recently on Kangaroo Island were very successful and welcomed by the island community. SAFECOM office personnel are trained to assist as bushfire information hotline operators during the fire danger season, and mutual aid arrangements between the CFS, MFS and the State Emergency Service have been reviewed.

Additional funding of \$2.53 million over four years was announced in the 2007-08 budget to expand training in rural firefighting, tactical command and leadership areas, and are among other programs that were commenced last year. Improved development planning controls for dwellings built in bushfire-prone areas, increased use of aircraft, better communication systems, improved diesel-powered trucks and pumps, and a strong 'safety first' commitment to firefighting are also assisting our firefighters.

National standards have been adopted for training firefighters and managers, and there is strong national coordination through the Australasian Fire Authorities Council, the Bushfire Cooperative Research Centre and the National Aerial Firefighting Centre.

The government has more than doubled its spending on aerial firefighting resources. In last year's budget, an additional \$2 million in funding was provided to match increased commonwealth funding. The development of crown fire-free zones in plantation forests, the removal of trees and overhanging branches near power lines and the relocation of some power lines is providing more effective bushfire management practices. In addition, increased penalties for causing fires on total

fire ban days and improved funding for CFS brigades through the emergency services levy all help to further reduce the potential threat posed by bushfires.

The government has also invested in state-of-the-art technology such as infrared cameras in aircraft, satellite images, global positioning systems, foams, retardants and GIS mapping data to further the fight against bushfires. The government recognises that our CFS and SES volunteers, and our MFS firefighters, require special support and recognition, which is why SAFECOM continues to provide support services to all emergency service agencies.

We also acknowledge the enormous contribution and generosity of employers who willingly allow their workers to take leave and assist so tirelessly during emergency situations. There is no doubt that South Australia's emergency services are well trained and resourced in order to maintain the most challenging situations and this preparedness is due greatly to the outstanding efforts of our extraordinary volunteers.

This government acknowledges the vital role that our volunteers play in the provision of effective and efficient emergency services in South Australia. These volunteers—the role models for our community—epitomise the spirit of decency, selflessness, citizenship and courage. I commend to this house our professional and volunteer firefighters who typify the true meaning of citizenship in our state and our nation. They continually put their lives at risk to ensure our safety and to minimise our suffering in the face of disaster.

## QUESTION TIME

### NATIVE VEGETATION

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:12):** Why, after six years of state Labor, has the Premier failed to meet his election promise 'to save the best of what is left of South Australia's native vegetation in a bid to protect 67 animals and 144 plant species now in danger of extinction'? Documents being prepared for cabinet, leaked to the opposition from within senior levels of government today, reveal a sad truth that 98 animals (up from 67) and 187 plants (up from 144) in South Australia have now been declared endangered and are presently at risk, with bleak prospects for the future. The document also reveals that one in four of the state's species are now on the threatened list. A good environment record, Premier!

*Members interjecting:*

**The Hon. K.O. Foley:** You are hypocrites. You are a bunch of hypocrites.

**The SPEAKER:** Order!

**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) (14:13):** This is extraordinary. The Leader of the Opposition who, by the way, yesterday when he was again—

*Members interjecting:*

**The SPEAKER:** Order! The Premier will take his seat. The member for Heysen.

**Mrs REDMOND:** The Deputy Premier called out that we are hypocrites. My understanding is that that is considered unparliamentary.

**The SPEAKER:** That is unparliamentary. If the Deputy Premier did say 'hypocrites', he must withdraw.

**The Hon. K.O. FOLEY:** No, sir; in fact, I said they are a bunch of hypocrites and I apologise and withdraw.

**The SPEAKER:** The Premier has the call.

**The Hon. M.D. RANN:** Thank you, sir. The way that people conduct themselves is very interesting. We saw the extraordinary thing the other day when we were told about no bullet holes, or whatever it was, and yesterday again, geographically challenged, he talked about Andamooka. He was on all the TV news services saying it but apparently he has tried to doctor the *Hansard* report. This is a measure of someone's character: that he thinks he might want to doctor *Hansard*, but I think the TV has told the truth.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** We all heard it, the TV reporters heard it, the *Tiser* heard it, but apparently it is to be removed. It is a bit like what happens in totalitarian states: let's make sure that it is airbrushed lest the *Hansard* report be sent to Andamooka and Roxby Downs and they can hear what the Leader of the Opposition thinks of them! How phoney is this question! Here they are, all morning, attacking our native vegetation laws. This is the party that watered down the environmental standards and the native vegetation laws that we have had to reinstate, because you do not give a damn about the environment, and never have.

*Members interjecting:*

**The Hon. M.D. RANN:** Oh, I know there is a bit of nervousness. Apparently, the leader is aware now that it is definite that Alexander Downer is stepping down and there will be a by-election in Mayo. I thought he ruled out running against the leader of the opposition, but I can tell you this: we look forward to Chris Kenny, of late memory—we ought to remember his unbiased reporting—

*Members interjecting:*

**The SPEAKER:** Order! The Premier must return to the substance of the question.

**The Hon. M.D. RANN:** I think we are going to see a by-election in May. It will be interesting to see how they all go. Let us just talk about the issue of animals under threat. This government has committed, in the State Strategic Plan, to the development of 19 marine parks by 2010 which are designed to protect and conserve representative samples of marine habitats and biodiversity. Who attacked the marine parks? The Liberal Party attacked the marine parks.

Since 2002, we have established 14 new parks. The world-renowned Coongie Lakes wetlands has been protected by declaring it a new national park free from mining, something that the Liberal governments of the past would never do.

*The Hon. I.F. Evans interjecting:*

**The Hon. M.D. RANN:** You didn't do it. You were the minister. Did you declare it a national park? No; there we go. Four new wilderness protection areas have been proclaimed, the first since—wait for it—1993. Not one single wilderness area was proclaimed when the opposition was in government, because it does not give damn about the environment. I know you want to know—

*An honourable member interjecting:*

**The Hon. M.D. RANN:** Oh, so someone thinks they were small areas. You talk about substance—something that you do not know anything about. It is great that we got tipped off about your question, but it was not by the person who tipped us off about the doctoring of *Hansard*, I promise you. I do not want to dob anybody in. Four new wilderness protection areas have been proclaimed, the first since 1993. They include 500,000 hectares of the Yellabinna wilderness protection area. That is the biggest wilderness area ever proclaimed, as far as I am aware. Under the Liberal government, wilderness protection areas increased 70,000 hectares, and under this government, 900,000 hectares: from 70,000 hectares to 900,000 hectares. So, you want to make sure that you get it right before you pop your head up here.

The two million hectare Mamungari Conservation Park has been handed back to the Maralinga Tjarutja Aboriginal people. All future mining in Kangaroo Island's national parks has been banned. Mining from the Gammon Ranges National Park and the state-controlled sections of the Great Australian Bight Marine Park has also been banned. The Adelaide Dolphin Sanctuary was established in the electorate of the Deputy Premier, and I do not know anyone greener than the Deputy Premier. The Million Trees program is something else that you bagged, because you thought it would be a bushfire risk. The Million Trees program will plant three million trees in a series of urban forests at a cost of \$10 million over five years. The power and influence of the Environment Protection Authority—again, constantly attacked by the other side—has been boosted by making it independent of government, and it is increasing its role in monitoring radioactive materials. Legislation was introduced this week to allow the appointment of an independent chair to further bolster its independence. We have page after page of this.

Can I just say this: the Leader of the Opposition apparently believes that we have not been doing too well on solar and wind power. There was not one single wind turbine operating in this state before I became Premier, and, now, with less than eight per cent of the population of Australia we have nearly 50 per cent of the wind power and nearly 50 per cent of the grid-connected solar power. You are total phoneys on the environment; you have never given a

damn about the environment, and if you want to know the difference just look at the figures of wilderness areas—70,000 hectares under the Liberals, 900,000 under us.

### MITSUBISHI MOTORS

**Mr BIGNELL (Mawson) (14:21):** My question is to the Minister for Employment, Training and Further Education. What—

*Members interjecting:*

**The SPEAKER:** Order! The member for Mawson has the call.

**Mr BIGNELL:** What support is the government providing to workers following the announcement of the closure of the Mitsubishi plant?

**The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (14:22):** I thank the member for Mawson for this very important question, and highlight the fact that he has many Mitsubishi workers within his electorate. At the very least, he cares about them, even if the comments coming from the other side might indicate that that is not the case for others.

As the house is aware, earlier this week the Premier described the unfortunate circumstances that led to the announcement of the closure of Mitsubishi in South Australia, and he emphasised the state government's commitment to supporting the workers as they transition to new employment opportunities. Members are aware that the Premier and I visited the plant on Tuesday and spoke with many of the workers. It is quite apparent that many of them are highly skilled and will be self-directing in terms of pursuing ongoing employment. But others stand to benefit by having ready access to advice and support, which the state government is providing, as they contemplate their new careers, further training opportunities or other options that will be available to them.

It should be noted by members that, while Mitsubishi's closure affects approximately 930 workers on the production line, in trades and professional and administrative areas, the closure also impacts on approximately 200 direct suppliers and contractors. I can assure members that they are also eligible for assistance through the state government's support package.

This week Mitsubishi provided workers with an information kit, which outlines the range of support services, and many workers have already begun to receive individual advice and counselling. It includes information about redundancy packages, superannuation, other entitlements, and access to what is very important, that is, sound financial advice. Further to this, my department, DFEST, and our commonwealth counterparts have established a transitional advisory service, which will be fully operational on Monday. This is a \$5 million package funded from a joint \$10 million state and commonwealth assistance package, which was announced last week.

The important aspect of this particular package is that it includes tailor-made support for workers, which will help them move towards new jobs. It provides an opportunity for workers to individually discuss their options with state and commonwealth government support staff. Workers can then register for this intensive support program at any time from next Monday. I would also like to emphasise that the workers will have up to six months to register while they weigh up all the possibilities. This is about ensuring that they have available to them the full range of options and the support that is required to make sure that they are in a position to properly best consider the possibilities and options that they have.

The support services are comprehensive, and workers will be made aware of opportunities for employment in areas of skill demand. We will be focusing on where the skill demand is and orienting those workers towards that if that is their specific choice.

I would like to highlight a few of the specific elements. The program includes the development of job search skills and techniques; career counselling, case management and employment brokerage; advice on recognition of prior learning. As the Premier and others can testify who have been down there talking to the workers, they have an enormous number of skills. It is a matter of looking at the best way of translating those skills to skills in demand.

It also includes training and licensing, wage subsidies to assist employers, self-employment assistance, including small business training complemented by financial advice. Other



assistance that will be provided includes such items as fares, tools, equipment and other fees associated with job and training selection processes.

It is also important to note that workers will be supported through their chosen programs before and after leaving Mitsubishi. Those workers who find jobs immediately—and there will be a number who will be able to do that—will still be eligible for on-the-job training and other support services that will also be supported through commonwealth wage subsidies for their employers. In addition to the on-site support, there is also a state government hotline that is available to all workers, and I know members will have their pencils out. It is 1800 805 488.

*Ms Chapman interjecting:*

**The Hon. P. CAICA:** The member for Bragg probably doesn't have as many Mitsubishi workers as her constituents as we do over here.

**Ms Chapman:** They're not writing it down.

**The Hon. P. CAICA:** No, well, neither are you.

*An honourable member interjecting:*

**The Hon. P. CAICA:** That's right, because you have no workers there. It is a very important issue and I will make sure to send that number out to you in case you do have a constituent who happens to work at Mitsubishi.

The state government is committed to supporting these workers, as I know is the opposition, through this difficult phase to ensure that they are in the best possible position to take up the tremendous employment opportunities that South Australia has to offer. I encourage the opposition to get behind this program in a bipartisan way.

*Mr Williams interjecting:*

**The SPEAKER:** Does the member for Mackillop have a question for the minister, because I am happy to give him the call. No question? Well, perhaps he could be quiet.

#### **MOUNT BOLD RESERVOIR**

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:27):** My question is again to the Premier. Has the Premier's promise to expand Mount Bold reservoir at a cost of \$850 million become unworkable and unaffordable and is that the reason why this week, for the first time on the public record, he and his water minister are distancing themselves from the project and suggesting that it may not proceed.

A search of that record has revealed no suggestion from the government that the Mount Bold project may not proceed other than the revelations made in parliament this week. In the Premier's budget week media release on water security, he said this:

SA Water has conducted an initial scoping study into vastly increasing the capacity of Mount Bold reservoir.

Again on 6 September the Premier's media release says:

SA Water is also investigating vastly increasing the capacity of Mount Bold Reservoir.

On 11 September last year the Premier's media release on future directions for water security said:

Cabinet has also been considering the Mount Bold proposal to expand our storage capacity estimated to cost in excess of \$850 million.

However, yesterday during question time the Minister for Water Security said (and I am quoting from *Hansard*) 'Nothing new.' She said, 'we are investigating a range of sites in the Mount Lofty Ranges to double our catchment capacity. Mount Bold is one of those.'

**An honourable member:** What are the others?

**Mr HAMILTON-SMITH:** 'This is no news,' she said.

*The Hon. K.A. Maywald interjecting:*

**Mr HAMILTON-SMITH:** No, you didn't.

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Water Security.

**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) (14:29):** Thank you, Mr Speaker. I think the leader's explanation answers the question very well.

#### SPORTING EVENTS

**Mr PICCOLO (Light) (14:30):** Will the Premier please update the house on international sporting events coming to Adelaide?

**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) (14:30):** I am surprised that I did not get more notice about the question; however, following the previous question, I can announce to the house that we are one species up on where we were prior to the election. In fact, I cannot think of any jurisdiction in the world where the Leader of the Government can stand up and say, 'Not only do we have a zero species loss policy but we have got one back,' because we discovered that there was—

*The Hon. I.F. Evans interjecting:*

**The Hon. M.D. RANN:** No, you are wrong. We discovered that Sir George Gray (and members opposite, I am sure, reading Camus and others, existentialists that they are, would know), a Governor of South Australia, went to New Zealand to become Governor, and then became Governor-General—

**Ms CHAPMAN:** Mr Speaker, I rise on a point of order.

*Members interjecting:*

**The SPEAKER:** Order!

**Ms CHAPMAN:** How can this possibly have anything to do with sports events? It is insulting to the questioner.

**The SPEAKER:** Order! The Premier will take his seat. The deputy leader will address her points of order to the chair rather than the Premier. I am sure there is a connection to sports, and I am waiting to hear it.

**The Hon. M.D. RANN:** There is absolutely a connection. So, he was Governor, Governor-General and Premier in those days (now called Prime Minister) of New Zealand. He took some tamar wallabies from South Australia to his island off Auckland, and there they flourished while they became extinct here—

**Ms CHAPMAN:** I rise on a point of order, Mr Speaker.

**The SPEAKER:** Order! There is a point of order. The Premier will take his seat.

**Ms CHAPMAN:** Unless the Premier is announcing a new wallaby race in this state, he ought to get back to the question.

**The SPEAKER:** Order! There is no point of order. The Premier.

*An honourable member interjecting:*

**The Hon. M.D. RANN:** Yes, there is a leak, and I was about to come to that with the special events. What happened was that we brought back 100 tamar wallabies, which were extinct in South Australia.

*The Hon. I.F. Evans interjecting:*

**The Hon. M.D. RANN:** No, this is a particular breed—one with a New Zealand accent. They got me to open the first case so they did not feel threatened. There was a sort of a mid-Tasman accent. I am very pleased that they are doing well. They are at the Monarto Zoo. I make this pledge today that the tamar wallaby, the New Zealand accented, formerly extinct tamar wallaby—

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

**Ms CHAPMAN:** Mr Speaker, three times I have had to take a point of order on the Premier with respect to how this relates to major sports events in South Australia, and three times you have asked him to get to the point.

**The SPEAKER:** Order! The deputy leader will take her seat. Perhaps the Premier might turn to the substance of the question.

**The Hon. M.D. RANN:** And, so, the tammar wallaby has today been proclaimed in this house as the official world mascot of the Rugby 7s.

**Ms CHAPMAN:** Point of order, Mr Speaker.

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The house will come to order. The Premier will turn to the substance of the question.

**The Hon. M.D. RANN:** We have recently seen the outstanding success of the Tour Down Under, which this year was the first ever Pro Tour event held outside Europe and which attracted more than 500,000 people track side. Of course, only the Liberals would accuse cyclists such as Robbie McEwen and Stuart O'Grady of being B graders, but we get used to that. We have also had the Australia Day cricket test, and next week we mark the 10<sup>th</sup> Clipsal 500, an event that just keeps growing, with record ticket sales this year. Unlike the Melbourne Formula One Grand Prix (pipped to make a \$40 million loss this year), our race makes a profit.

Next month for the first time Glenelg will play host to the Beach Volleyball World Tour. I know it will be in the honourable member's electorate but, please, do not come down and bag the Glenelg beach volleyball; that would be really bad. Do not describe the world's best Olympic beach volleyballers as third rate, B grade or C grade. Also, I can announce today a new stadium—not one that will apparently cost \$1 billion and double up as an alternative reservoir; sort of mixed and matched, apparently.

I make this pledge today that by the end of next month we will build a stadium down at Moseley Square in Glenelg, a world-class 3,000 seat volleyball stadium. Then in April, Adelaide's reputation for hosting sporting events of world significance will be further enhanced, with the International Rugby 7s returning to the Adelaide Oval. Hence where the tammar wallaby comes in. New Zealand and Australia once again vying to be world champions.

The round in Adelaide is part of the International Rugby Board's 7s World Series, and the only Australian stop on a circuit that also travels through Hong Kong, London, Wellington, San Diego and South Africa. Thousands of interstate and overseas visitors will be heading for South Australia. I am really pleased to hear that 35 per cent of the advance sales are people from interstate.

Tourists from Great Britain, Germany, the UK, Singapore, the USA, Fiji and New Zealand have already purchased tickets to join the influx into the city for a high profile rugby tournament involving 16 teams from around the world. This tournament is not just for fans of rugby union, or former players like myself. Its fast paced style and carnival atmosphere make it a great outing for anyone.

As John O'Neill, the chief executive of Australian Rugby Union said, when I met with him at Adelaide Oval: even though we are not a traditional rugby city, we embraced the 7s last year, with 25,000 people coming, with a great carnival atmosphere. The inaugural Rugby 7s, played at the Adelaide Oval, received more than 175 hours of television coverage, with an audience of about 200 million plus, it is estimated, in 137 countries.

This boosts our profile internationally, as well as bringing more people to town, spending money and creating jobs. This year that international audience is expected to be even bigger, with our magnificent Adelaide Oval being seen in Japan, Hong Kong, India, the USA, the Middle East, the UK, Portugal, Ireland, Romania and Brazil. Certainly, we want to see that mirrored with an increasing attendance at this year's event, and I look forward to welcoming members of the opposition. I am happy to explain the rules, and perhaps to show them some of the enduring bruises and injuries that I still sustain.

#### **MOUNT BOLD RESERVOIR**

**Mr PEDERICK (Hammond) (14:38):** My question is for the Premier. Why did the government spend \$3 million to plant trees in Mount Bold, which would have flooded if the Mount Bold expansion had gone ahead?

**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) (14:38):** The Mount Bold reservoir is still under investigation, and we will continue to do the work that we have committed to do in relation to—

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Water Security.

**The Hon. K.A. MAYWALD:** We will continue to do the work that we have undertaken to do to investigate all options to double the capacity in the Mount Lofty Ranges, of which Mount Bold is but one of the projects we are looking at. The planting of trees happens all over the state, and major infrastructure investment does have impacts. We know that. Everyone knows that. You build a dam and it has impacts. The fact is that we have to be sensible about water security for the future of Adelaide. We are doing that, and we are doing the appropriate investigations.

*Members interjecting:*

**The SPEAKER:** Order!

### ROXBY DOWNS

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:39):** I have a question for the Premier. How many tonnes of carbon dioxide per annum will be put into the South Australian atmosphere by the expanded Roxby Downs mine when it is at full production, and how will these outputs be offset?

**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) (14:39):** We know that yesterday was the attack on Andamooka; now he has gone up the road a bit, a 30-minute drive, and he has now turned his attention to—

*Mr Hamilton-Smith interjecting:*

**The Hon. M.D. RANN:** Can I just say that when I introduced the first climate change legislation in the history of this nation—and one of the third in the world to reduce greenhouse gas emissions—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** —the Leader of the Opposition attacked it and said he would not support it because it was not tough enough. It needed to be stronger. Then he received a phone call from his then federal mates and I am told he received a phone call from the business community and, suddenly, the next day he was opposing it—not because they were not tough enough, but because they were too tough and were going to destroy local industry. That indicates how phoney the Leader of the Opposition is. He thinks that he can get away with saying different things to different audiences.

Let me tell you this: we have the transcripts. When you are a Leader of the Opposition, when you lead a political party—I have been in this job for over 13 years and had a long time in opposition—you have to think beyond the day; you have to think beyond the week; you have to think about costings; you need to be able to add up. You have to realise that on election day all the promises come home to haunt you, because you have to explain how you are going to pay for them.

That is why we will make sure that the desalination plant, which we are going to build—rather than your talking about developing a plan by the end of 2009—is powered by sustainable energy. That is why we lead this nation in sustainable energy.

I am happy to take advice in a bipartisan manner from the Leader of the Opposition or anyone else, but when it comes to a commitment to reduce greenhouse gas emissions only this government has taken action. Compare our record with the fact that you did nothing when you were in power.

### CARBON EMISSIONS

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:41):** My question is again to the Premier, as it seems he does not know how many tonnes—

**The SPEAKER:** Order! The leader has been warned once before about that.

**Mr HAMILTON-SMITH:** How many tonnes of carbon dioxide per annum will be (or are being) pumped into the atmosphere in this state by the brown coal-fired power stations in Upper Spencer Gulf, and what is the government doing about new plans for the future? Do you know that one?

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Transport.

**The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:42):** So far, the Leader of the Opposition has attacked the Roxby Downs mine expansion and is now attacking the—

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** —I've got an answer for you, sunshine—but he has now gone on to attack the electricity generators which, from memory, are named after Sir Thomas Playford. I say this about electricity generation in South Australia: South Australia's electricity generation—listen carefully to this because, you are right, it is a very important issue—is the lowest carbon footprint of all generation in mainland Australia.

We have one brown coal burner which, the last time we checked, will run out of fuel within five to seven years. My understanding is that the member for Stuart, far from criticising it, would like them to find more brown coal. I strongly suspect that the member for Gunn has a very different view from those expressed in these—

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** The member for Stuart. It should be called Gunn. He has been here for long enough—they should rename it Gunn, I have to say. However, the member for Stuart may have a very different viewpoint about some of the questions being asked about the uranium mine and about the coal burner, etc.

To come back to the topic, South Australia has the best carbon footprint by a long way in mainland Australia for electricity generation. If he believes that is a good reason to close the last coal burner when it is running low on fuel, then he can take that policy to the election—but it is bizarre. We also have more than half the wind generation installed in Australia. We have more grid-connected solar panels than anywhere else in Australia. We do this with virtually no hydro whatever. It is an outstanding achievement by this government. I point out that when we came to government there was not a wind turbine in South Australia.

If the opposition wants to talk about carbon from electricity generation, we will talk about it for hours, because it is an outstanding achievement that is recognised internationally. South Australia has been recognised internationally for its achievements in renewable energy. It has been recognised by the leading figures. Any time this bloke wants to stand up and talk about this government's commitment to lowering carbon emissions, he can do it.

### CARBON EMISSIONS

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:45):** I will take up that invitation from the minister. My question again is to the Premier. Will the government's plans for five wind turbines on city roofs, a carbon-neutral cabinet and a set of solar panels on the Museum fully offset the carbon output tonnage from the expansion of the Roxby Downs mines and the Upper Spencer Gulf power station? In November 2007 the Alternative Technology Association described the Premier's five mini wind turbines put on city roofs as 'a political exercise'.

**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) (14:46):** I am delighted to answer this question because, unlike any other government, we have already 50 per cent of the nation's wind power. You can add Victoria, New South Wales and Queensland together and we still have more. There was not one wind-powered turbine operating in South Australia before I became Premier. But we also said—and just wait for it—that we would set ourselves a target, unlike virtually anywhere in the world, of having 20 per cent of our power—20 per cent of the state's power, consumption and production—coming from sustainable means by 2014. What did people say? That it was unachievable. I will make this pledge to you today: I believe we will reach that target at the end of 2009.

Do you know something? Why is it that we have a greater take-up of solar panels than any other state, in fact, most of the other states put together? It is because we led by example. We did things such as solar powering the Museum, putting the panels on the Art Gallery, the State Library and the state parliament, and we rolled it out into schools. It was part of a community education exercise which has worked, because the fact is about 50 per cent of the nation's solar power is in this state. I compare our record to your record, and the fact was that you had no commitment.

We also have a commitment, of course, by 1 January 2008 to have 20 per cent of the state government's power needs for hospitals, schools and government buildings coming from certified green power. When we did that it forced other states to come out and match us. So you can argue as much as you like. You can argue with David Suzuki, you can argue with Al Gore, and you can argue with Mikhail Gorbachev. You can argue with all these people around the world who have been pointing to South Australia for its leadership.

### CARBON EMISSIONS

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:48):** I have a supplementary question, sir. In light of that response—and my question is again to the Premier—would not a more environmentally friendly strategy to reduce carbon dioxide output be to cut the number of government cars and staffers by reducing his cabinet from 15 to 12?

**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) (14:49):** You would be well aware of what we have done with the government car fleet.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** You would very well aware of the 50 per cent target for the government car fleet and, again, rather than talk about things, or bark like a chihuahua, or pretend that you have not been assassinated, or doctor the *Hansard*, we are getting on with the job.

*Members interjecting:*

**The SPEAKER:** Order!

### MARATHON RESOURCES

**Mr WILLIAMS (MacKillop) (14:50):** My question is to the Premier. What went wrong with—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr WILLIAMS:** —the environmental control measures required in the licence for Marathon Resources Exploration at Mount Gee and which minister signed off on the licence?

**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) (14:50):** I was hoping it was going to be the Leader of the Opposition because I am told his staff had been predicting that this would be the St Valentine's Day massacre in here in parliament today. But you can see he is getting nervous of Alexander Downer. No-one really believes that Alexander Downer is going to form a business with Ian Smith, some sort of lobbying firm. No-one believes that. We know what he really wants to do. It is time for another Downer in this parliament. Let's get 'on a Downer' in this parliament and support him. I am prepared to get out there and say 'Alex for the House of Assembly'. We need that kind of approach. No more blue stockings in the South Australian parliament.

Now let's get on with the answer to the question about Marathon Resources. We believed they were playing up and we acted. We said we were not going to tolerate cowboy behaviour and we acted, and the fact is there will be no further drilling by them because we are not the American Wild West. We are not going to tolerate cowboy behaviour by any company, contractor or employee, and what they did was cowboy behaviour.

**The SPEAKER:** I call the member for Ashford.

*Members interjecting:*

**The SPEAKER:** Order! The house will come to order. Show some courtesy to the member asking a question.

### INTERNATIONAL SOLAR CITIES CONGRESS

**The Hon. S.W. KEY (Ashford) (14:52):** My question is to the Minister for the City of Adelaide. What is planned for the third International Solar Cities Congress which is to be held in Adelaide next week? Given the discussion on sunshine this afternoon, this is probably a most appropriate question.

**The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (14:52):** I thank the member for Ashford for her question. I know that she is committed to sustainability and she is very supportive of the measures this government has put in place to protect our state in the future. The third International Solar Cities Congress will take place in Adelaide between 17 and 21 February at the Adelaide Convention Centre. Already 716 delegates have registered, and they have been attracted by not only the topics under discussion but the high calibre of speakers who have been attracted to this event. They include:

- Robert F. Kennedy Jr;
- Federal Minister Peter Garrett;
- Dr Rajendra K Pachauri, Nobel Peace Prize winner of 2007 and Chairman of the Intergovernmental Panel on Climate Change; and
- Dr Zhengrong Shi, Founder of China's largest solar PV company, Suntech Power Holdings Co.

South Australians can expect an extraordinarily international smorgasbord of debates, arguments and discussion. This will be a globally significant event with over 90 speakers from 23 countries. Also in attendance will be a student from Chennai, India, a young man called Jaswanth Madhavan, who is the overall winner of the third International Solar Cities Congress for a submission that predicted what could be done to Chennai to make it sustainable into the future. I commend him for his 150-page report setting out his vision for the future.

In addition to the conference, there is a Green City Festival on 17 February. I encourage everybody to go to Elder Park on that day because there will be demonstration pieces and stands and discussions about sustainability. It will be a public event well worth attending. The 190 international delegates have come to South Australia because we are one of the most sustainable cities and one with a government that has taken a leadership position not only in Australia but around the world. As members know, there were no wind power farms in South Australia before our government came into place and, since then, \$1 billion of investment has guaranteed that we are up to almost 50 per cent of Australia's wind power capacity. We are also proud of the number of grid-connected solar systems, reaching over 45 per cent when we are, as the Premier said, less than 8 per cent of the population.

It is also worth recognising that we, as a cabinet, are offsetting our travel activities (including air travel). South Australia, through this congress, is really positioning itself on a world stage for being one of the great leaders not only in Australia but in the world. I wish delegates every success in debating clean energy, sustainability and urban design. I encourage anybody who has the time to go to the Convention Centre or Elder Park in the next few days, because there will be much to learn and the standard of debate will be world class and well worth listening to.

### BORE WATER

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55):** My question is to the Minister for Health. Why is it important enough for the SA Health Department to issue a public warning against the consumption of bore water in the Beverley and Woodville South area after the discovery of the chemical trichloroethylene in groundwater, but not to issue a public notice to residents in the Woodville Park area adjacent to the General Motors Holden site when testing of their bores in 2004 revealed water heavily contaminated with chromium?

In 2004, a number of bores were drilled on the GMH plant site at Woodville revealing high levels of contamination by chromium. The yellow water was cleaned off some of the offending material and placed in 44 gallon drums, and the rest pumped back underground. This groundwater testing was all under the supervision of the Department of Water, Land and Biodiversity Conservation. The opposition is informed that the geologist at the time confirmed that it could 'take

up to 100 years to clean it', but no further action has been taken and no public warning has been issued.

**The Hon. J.D. HILL (Kurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:57):** I will have a close look at the question raised by the honourable member. She is going back to something that happened allegedly four years ago. However, it is a matter of great moment to her and I will have a look at it. I will just put into general context what the Health Department does: it gives advice to the public when the public is endangered. If the point she is making is that contaminated water was found, that is one thing. There is no need to inform the public if they are not at risk from that water.

Let me tell the member what happened in relation to the Beverley and Woodville South domestic bores. People in that area were drawing water out of the ground and using it for a range of purposes. The residents of Beverley and Woodville South had been warned not to use groundwater from residential bores for drinking, cooking or other domestic purposes. All residents in the affected area bounded by East Avenue, Findon Road, Glenlossie Street and Alfred Avenue have been advised in writing and through media releases issued on 18 December last year and 16 January this year. The warnings were issued following the detection of trichloroethylene (TCE) from bores in the area. Concentrations were well above drinking water guidelines. TCE is an industrial chemical widely used as a metal cleaner and degreaser, but long-term exposure may lead to cancer.

The Department of Health was notified of the contamination by the EPA and is collaborating with the EPA on further investigations to ascertain the extent of contamination. Following the initial media release on 18 December, the Department of Health commissioned testing of residential bores in the Woodville South area. The results from this testing established the affected area. The Department of Health has a duty to inform the public if they are at risk from any source of contamination, and that is what they have done in this case. If in the case the member refers to there was no threat to the public, there would be no basis on which the Department of Health could issue a warning. Of course, contamination of water and contamination of soil is something that the government does take seriously.

The member would be aware that, just recently, the parliament passed legislation which deals with site contamination, particularly in an historic context. I am happy to get a report for the member in relation to the incident that she referred to and let her know whether or not there have been any health issues in relation to that (but I suspect not if no public announcements have been made) and whether or not any clean-up arrangements are in place.

### RADIOACTIVE WASTE

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:59):** My question again is to the Minister for Health. Is radioactive waste still being stored in the basement of the Royal Adelaide Hospital and, if so, when is it to be moved to the government's proposed store and repository?

On 30 May 2007, the minister told us about the centralised radioactive store that the EPA was establishing to accommodate the radioactive waste stored at the RAH and, in fact, at a number of other sites around Adelaide. Then, on 26 July 2007, I asked the minister whether the radioactive waste was still at the Royal Adelaide Hospital, and I asked him for an update on the status of the new centralised store, to which, on 13 November 2007, he responded as follows:

The government has made a commitment to establish a store and repository for South Australia's radioactive waste. It is currently considering the roles of government agencies in conducting the implementation project.

**The Hon. J.D. HILL (Kurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:01):** I find it strange when members of parliament ask questions to which they already have the answers. As the member knows—

*Members interjecting:*

**The Hon. J.D. HILL:** I cannot understand a word you are saying.

**The Hon. P.F. Conlon:** They should do serial interjections.

**The Hon. J.D. HILL:** Yes, could you do serial interjections? It is hard to hear all of you at once. I am sorry that I have stimulated all of you. It is a bit like throwing a handful of grain into a chook yard; they all kind of get excited at once.



Members of this house know what the situation is, because when I was minister for environment and conservation I had a report produced which gave very clear information to the public about where all the radioactive waste is stored in Adelaide, and I tabled that in this house. The advice from that report was that waste is generally stored in good order and was looked after in an appropriate way. Some recommendations were made in that report about how improvements, particularly in the private sector, could be made, and no doubt that has been supervised by the EPA. We also said that, as a government, we would look after our own waste and would work to achieving that, and that is still the situation.

### MEDICAL RECRUITMENT

**Mr KENYON (Newland) (15:02):** My question is to the Minister for Health. What has been the success of the government's efforts to recruit new doctors and nurses to our public hospitals in 2008?

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:03):** I thank the member for the question—

*Members interjecting:*

**The Hon. K.O. Foley:** Do your best.

**The Hon. J.D. HILL:** I will do my best. I can assure members of the house that he does not know the answer to these questions, and that is why he is asking me this very important question. It is a good question, I thank him for it, and I acknowledge his great interest in the health system. I am very pleased to be able to inform him of the situation.

Members are aware that, at the same time as our population is ageing (South Australia on average is the oldest state in the nation), our workforce is also ageing at a great rate. This brings us a range of challenges, because we need to provide more services to the older population, as older people tend to require health services more. And, of course, the people who provide services are getting older, so we need to replace them as they retire. Since we have been in government, I am pleased to say that we have employed 2,406 additional nurses and 699 additional doctors, as well as a whole range of other allied health workers.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. HILL:** Our state, I am proud to say, has the best ratio of nurses employed in the public system of all the states, and South Australia exceeds the national average in the number of medical practitioners per capita. In 2006, we were very successful in lobbying the federal government to increase the number of places for medical students. We were able to win 60 additional places over the next three years. This is by way of background.

*An honourable member interjecting:*

**The Hon. J.D. HILL:** He is listening. We are also funding 30 full fee-paying medical student placements over three years to help address the workforce shortage. We know that if students train here they are much more likely to stay here. This is particularly important, of course, in country regions. We are making that possible by providing more training places in our public hospitals for local medical graduates. I can announce today for the first time that the 2008 medical intern intake has increased by over 6 per cent this year, or by over 20 per cent over the previous two years. So, 227 interns have now started clinical practice across our public hospitals, compared with 213 last year and 181 the previous year. I am also pleased to say that the number of overseas trained interns has declined by almost 30 per cent down to a low of 23 per cent.

So, out of the almost 230 interns in our hospitals, about 10 per cent are overseas trained. That is a great achievement for getting our local people into the hospital system. We of course welcome these graduates from overseas. We know we need more local graduates, and we are working very hard to achieve that. In addition, this year the government will employ up to 600 new nurse graduates—

*Mrs Redmond interjecting:*

**The Hon. J.D. HILL:** What are you going on about? In the nursing area we are employing 600 new nurse graduates in the public health system. That means 50 per cent more nursing graduate employees starting work in our public hospitals than four years ago—50 per cent more nursing graduate employees starting work in our public hospitals than four years ago. These

excellent figures are a testament to the good working relationship between the government, hospitals, universities and professional bodies such as the AMA and the Nursing Federation.

Initiatives, such as our medical careers fair which we have run now I think for three years in conjunction with the AMA, are attracting more South Australian medical graduates to work in our public system. I also pay credit to the graduates themselves who are making the choice to support their community by working in the public system. There is always more work to do to ensure that we have a strong health workforce for the future. Our aim as the government is to continue to encourage and support local students to remain in this state so that over time South Australia becomes fully self-sufficient.

### DESALINATION PLANTS

**Mr WILLIAMS (MacKillop) (15:06):** My question is to the Minister for Agriculture, Food and Fisheries. Does the South Australian Research and Development Institute (SARDI) have any role in ensuring that the proposed desalination plant at Point Bonython will not pose any risk to any of the various Spencer Gulf fisheries?

**The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests) (15:07):** As much as I understand the question, I am just wondering why the member would ask it of me, other than to the extent that SARDI, which obviously is a well-respected research arm of this government, is commissioned by other agencies. It is commissioned by industry to provide a whole raft of scientific-based services around sustainability and the impact on fishing grounds, etc.

On that basis, if the question is whether SARDI would be asked and whether it would have some capacity and capability in terms of the impact of saline solutions and the consequence of desalination being returned to the ocean, it could well provide that advice. I note that we raised that this morning.

I was fortunate to look at the desalination plant just south of Antofogasta, which provides water to service Escondida. What was of interest—I will check, but this is my recollection—was that in that environment the intake of saline water is within 60 metres of the outlet that releases the supersaline solution. Obviously, as indicated by a member of the opposition this morning, these supersaline solutions can be dispersed quickly depending upon the nature of currents and the environment.

So, again, we will obviously look at any desal plant, and the consequences of it will be looked at in terms of the local environment. Should SARDI have a role in that, it would certainly have some expertise in that regard. If it is asked to provide some advice, it would be the appropriate advice, we have the appropriate expertise, and we would be happy to do so.

### ABORIGINAL AFFAIRS

**Mrs GERAGHTY (Torrens) (15:09):** My question is to the Minister for Aboriginal Affairs and Reconciliation. What steps has the government taken to further improve engagement between government and the Aboriginal community?

**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) (15:10):** When the Aboriginal and Torres Strait Islander Commission (ATSIC) was abolished by the previous federal government, essentially it left a void in terms of hearing the voice of Aboriginal people across Australia. The South Australian government responded, first, by establishing an interim advisory council to assist it in working out how it should respond to that situation. That interim advisory council conducted a lengthy series of consultations across the state in an attempt to gather that information and advice for government.

It came up with three propositions, namely, that there was a role for a high-level sounding board so that Aboriginal issues could be heard in the context of decision making by ministers, chief executives and any other form of decision-making in government. So, it recommended the Aboriginal Advisory Council, a permanent body.

Secondly, it saw a role for an advocacy body, something that presented the voice of Aboriginal people in a much more public way, advocating on systemic issues about the way in which government services were provided. That particular role was seen as one which was separate and apart from the role that an Aboriginal person could play as a public servant. There

was a natural tension between being a senior Aboriginal public servant and an advocate for Aboriginal people generally. The second role was the Commissioner for Aboriginal Engagement. Of course, we acted upon both those recommendations, appointing Kerry Colbung (and a permanent board for Aboriginal advice) and Klynton Wanganeen as the Commissioner for Aboriginal Engagement.

Thirdly, it recommended that there ought to be some democratic representative body that represents Aboriginal people broadly, but it did not think it was sensible to replicate one in South Australia when there had already been commitments by the incoming federal government to create a new national body in relation to those matters. We accepted that recommendation also.

I want to pay particular tribute to Ms Colbung, a woman of Kokatha and Mirning descent. She is the Aboriginal Sports Training Academy Director and was the chair of the interim advisory council which undertook these consultations and led to these very sensible recommendations, upon which the government was very pleased to act.

## GRIEVANCE DEBATE

### WATER SECURITY

**Mr PEDERICK (Hammond) (15:13):** I wish to make some comments on water security in the Lower Lakes and on ministerial statements about water security made earlier this week. Premier Rann's visit to Narrung last week typifies the government's inaction on the severe problems faced by thousands of people in the Lower Lakes and Coorong region. Anything the government does now is a rearguard action. There has been no proactive forward thinking or planning for the area. Many people have already sold up their dairy herd or land and families have left—uprooted after generations of endeavour.

The Premier turned up last Friday unannounced and unexpected, long after the horse has bolted. Some locals were offended by this belated visit. They also wondered at the secrecy which left them in some ways unprepared for such an opportunity to speak with the one person they hold ultimately responsible for their fate. What was the purpose of this sudden and apparently hasty visit by the Premier and other members of his cabinet? Was it actually to do something or to be seen to be doing something? As it happens, I was present again that day on one of my many visits to the area. I was on another trip with about 70 people who would love to have heard from the Premier.

Those visits back up countless conversations I have with landholders and others in the region, who have received little or no acknowledgment by government of their plight, let alone assistance. How many times have I raised their plight in this house, often to the empty seats opposite?

Mr Rann and his colleagues would have seen first-hand how resilient, creative and courageous these forgotten South Australians are. He might have even felt a sense of pride in the determination of fellow South Australians to prevail in the face of adversity. Those people will tell you that Mr Rann can take no credit for their survival to date. They will undoubtedly be grateful for any future assistance, but left to wonder why it has been so long coming—if it ever comes.

On that trip the other day I first called in at Clem Mason's property, *Masondrina*, and he showed how many hundreds of metres he had had to extend his pipeline out into the lake. He also has a camp ground there, which is frequented by many people from the city and elsewhere. Then we went to Richard and Alison Hancock's property, where they have had to extend off-takes, way, way, way out into the lake whereby their normal pump cannot take up water.

At Yalkuri they are spending tens of thousands of dollars installing 225,000-litre tanks so they can pump the water 13 kilometres, and then it goes through another 55 kilometres of pipeline, to service the thousands of cattle they have on their property. They have to have the tanks because the pumps will not keep up the water flow otherwise to the many cattle that they need to water. Then we get to the property at Tauwitchere, David Harvey's property, where there is a bit of forward thinking. He will not just survive the drought but he is thinking forward to the years ahead, and has spent over \$200,000 installing a desalination plant.

Then we get to the shores of Lake Albert, which have receded up to 2 kilometres from where they normally are, where people go out on ropes so that they will not sink into the mud, so they can access water just for stock and domestic, because the dairy herds have long gone. And where was Rann? He was not out with me on the 4-wheel motorbike having a face to face inspection of what was going on out there.

There are two pipeline projects that need to crank up on the Lower Lakes, and I will acknowledge the government's work on the feasibility study in assisting with the funding of the Langhorne Creek project to get water to the vineyards and others down there, and the domestic pipe in from Strathalbyn. But out of the two and half billion dollars of projects named this week there is no mention of water security in the Lower Lakes. These plans need to be fast-tracked because these people are running out of water just to exist.

Kevin Rudd's national water policy, which came out before the November election, says that he wants equity and access to all. Well, let's see that enacted. I would also like to make a comment about Penny Wong, the new federal water minister, who happens to come from Adelaide, I believe. I wrote a letter to the minister several weeks ago, inviting her to the Lower Lakes and to show her around, and her message to my office on Friday morning from one of her staff was: no; I will not be there until the end of the year, if I get there at all. What sort of action is that from the federal Labor government?

*Ms Breuer interjecting:*

**Mr PEDERICK:** Yes, well get her to do her job.

**The DEPUTY SPEAKER:** Order! The member's time has expired.

### RAPE AND SEXUAL OFFENCES

**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) (15:19):** As a woman, and particularly as the Minister for the Status of Women, can I say that I am disappointed in the extreme in the statements that the member for Fisher has been making and continues to make. If his comments were not so harmful we could dismiss them as silly rantings. But when they come from a publicly elected figure they are much more serious. The last thing we need to give rapists and those who attack and abuse women is an excuse, justification for their actions. 'Her T-shirt said she wanted it. Her dress indicated she was available. Wasn't my fault.'

Rape and sexual assault are crimes of extreme violence. They are not crimes of passion. They are violent. They injure and scar people, some never able to recover. The member for Fisher's comments appear to be the Anglo version of the raw meat statements. Is he really saying that reading a few words on a T-shirt incites men to rape? That a short skirt is an invitation? Is he saying that we need to go back to covering our ankles to be safe from predatory male behaviour?

What about women who have been assaulted in their bed by people breaking into their home, or when walking in parks during the day or coming home from the railway station from work? Women do not ask to be raped or sexually assaulted. What he has done is direct attention away from the very important reforms in relation to rape and sexual assault that are being dealt with in these Houses of Parliament.

I called on the member for Fisher yesterday to withdraw his comments and apologise. I again repeat that request. Instead, he has chosen to elevate the issue. On what basis can he claim that young women do not help things by carrying a message on their T-shirt? He says that women are demeaning their sex—I think he means 'gender'—and that some clothes could lead men to lose respect for them. By whose measure? Who will be his fashion police? Can we place the same criteria on men?

A number of people have echoed my concerns. The chairperson of the Premier's Women's Council, Pat Mickan, said:

No matter what they wear, that person has a supreme right to be safe. That's the important focus here.

Michael Dawson of the Victim Support Service says that no-one should feel threatened because of what they wear. Women (and men) have an absolute right to dress however they like; to recreate where they wish, and to be safe in those pursuits of their lifestyle. Marilyn Rolls of the Women's Electoral Lobby said:

But it's often that situation where you're blaming one person or you're blaming the victim and a whole lot of it is about attitudes and I just think that women would feel that this is a step backwards.

Can the member for Fisher identify incidents linked to words on T-shirts with rape? I do not think so.

As I said, he is demeaning the important debates that are being undertaken at the moment, he is demeaning victims of rape and sexual assault, and he is demeaning our men here in South Australia. I take particular umbrage at that, being the mother of sons. He is providing justification and excuses where there are none. I urge him to stop doing so, and I urge him to apologise to women here in South Australia.

### FLEURIEU PENINSULA SWAMPS

**Mr PENGILLY (Finniss) (15:22):** I am seriously starting to wonder whether we live in a free and democratic society, or more particularly, a free and democratic state of South Australia. I have received a number of phone calls in the last week, including a couple this morning from dairy farmers and farmers in general on the Southern Fleurieu. I want to know who is pulling the strings and what is happening with regard to the department of environment and some of the activities being undertaken in an area called the Fleurieu swamps.

Last Saturday, on an NRM tour, I went to one of those swamps, and I asked the young lad who was explaining to my group what they were doing why these swamps had suddenly been put on the so-called endangered list under the federal Environment Protection and Biodiversity Conservation Act. I said, 'Who perpetrated this?' He said, 'A group of us.' I said, 'Did the farmers have any consultation before these swamps were put on this list?' And he said 'No, we just thought we'd do it, so we've done it.'

Now we have this group of petty bureaucrats running around, giving the farmers a hard time, wanting to know what they do on their land, trying to tell them how to run their properties, trying to tell them what they can do with their water, wanting to measure the amount of water and, generally speaking, being a pain in the proverbial.

This matter has come to a bit of a head, because a number of these farmers have received letters in the last 12 to 18 months from officers of the government asking if they could get some more advice. This would have been fine had the farmers been given a good briefing and some consultation, told what was going on, had a community meeting. But, no, that did not happen. So the farmers immediately got their backs up—which I would have done myself, and am probably doing now—and said no, that they could not come there.

So the farmers have now received a letter from this innocuous little bureaucrat named Ben Fee—and I name Ben Fee in this place because I have had a bellyful of him. The letters he wrote are terse, rude and totally bureaucratic, with no understanding of the way people operate and no understanding that people actually own their land. They farm their land, sometimes for generations, and they only seek to look after their families and put meals on the table and, generally speaking, provide economic support for this country and provide this country with food both for its own use and for export industries.

So I took it upon myself to ring the Minister for the Environment's office and suggest to one of her ministerial staff that perhaps it would be a good idea if we called a meeting at the Parawa Agricultural Bureau. Some of these government officers came down and had a night meeting with the farmers and talked about the swamps and what they would like to do to perhaps get them on side. But the minister's officers said, 'No, we are not going to do that. We are going to ring them one by one.' Divide and conquer: that is their attitude.

Ben Fee rang one of the well-known dairy farmers at Delamere the other day and started to crack the big whip, and he was hung up on. So I get another call this morning. While I am in the house another farmer rings up because he has been corresponded with. Madam Deputy Speaker, what is wrong with this government's officers and the way they are dealing with decent, honest, hard-working farmers and landowners on Fleurieu Peninsula, in this case, regarding these issues? It is lunacy.

I say to the government and the Minister for the Environment: for heaven's sake, get a handle on these people. Grab hold of this Mr Ben Fee by the scruff of the neck and give him a good kick up the backside if necessary. Tell them how to talk to people, and tell them how to look after people and communicate with them. Just give them some understanding of what they do. Perhaps they can help one another. But, if you are going to give people a hard time, you are going to get no response whatsoever from the farming community—or any other member of the community, for that matter. It is a stupid activity. I myself am interested to know what it is all about, but I am not going to stand here and allow my constituents to have this sort of treatment dealt out to them by government officers in such a stupid, off-hand and ridiculous manner.

Time expired.

### STOLEN GENERATIONS

**The Hon. L. STEVENS (Little Para) (15:28):** I cannot let this first opportunity to speak in a grievance debate in 2008 go by without making some remarks about the events of yesterday embodied in the apology to the stolen generation. Together with hundreds of other people in Elder Park, I watched the speech delivered by Prime Minister Kevin Rudd. His eloquent speech was inspirational and delivered with clarity, sincerity and humility. It reached into the hearts of people from all walks of life, as well as lifting the psyche of the whole nation, drawing past and present together and pointing the way forward.

The reactions of the Aboriginal people around me showed how important this moment was. These reactions were mirrored in the media footage of Aboriginal people all over the country. But it was also important for the rest of us. I found myself with tears in my eyes—a mixture of sadness, elation and relief that at last this simple act had taken place. But I also felt tremendous pride that a Labor Prime Minister had done this, and had done it at the beginning of a new era of our national government. Everyone I have spoken with since had these feelings to various degrees. Rudd had, in this moment of nation-building, drawn Australians (Aboriginal and non-Aboriginal) together spiritually and focused us all on going forward in a new partnership. He also outlined the long-standing issues that would be addressed in the near future: housing, health, education, especially early childhood education. I have no doubt that this is the best opportunity that we have ever had to make inroads into the massive discrepancy in life outcomes between Aboriginal and non-Aboriginal Australians. But it will involve concerted effort from the states and the commonwealth to mobilise all efforts to focus on achieving these outcomes.

Finally, I turn to the issue of compensation. I believe this has to be addressed. Just like the churches in relation to child abuse, this will not go away. How it will be delivered needs to be addressed. Tasmania and Western Australia have begun the process, but surely it needs a national approach.

Yesterday's apology was more than a significant moment in Australia's history. It was also a necessary first step in a new determination to ensure that every Australian has every chance to reach their potential. This challenge is before us. It will require effort from all of us. I hope that we will all work to make it a reality.

### LABOR GOVERNMENT

**Mr VENNING (Schubert) (15:31):** The people of South Australia are not silly and they are beginning to realise that, since the 2002 election of Labor government here in South Australia, the government is not delivering the leadership, development and growth to the state that it should be or that it says it is delivering, despite having the largest ever state budget to work with.

Taxes have gone up since Premier Rann came into office and he has an extra \$4 billion to spend every year compared to what we had just six years ago when we were in government, but what are South Australians getting for their money? Where is all the taxpayer-generated revenue going? There is one easy answer to that—spin. Labor's public relations outfit is ever expanding and swallowing up increasingly more taxpayer dollars as it grows out of control.

The people of South Australia are realising that they have a government that is not performing. They have a government that has provided insufficient leadership and solutions in dealing with the drought and subsequent water crisis facing our state. This is a government that is cutting jobs from rural areas and moving them to Adelaide, despite their claims that they are all for regional development. Shared services is a very cynical exercise. This is a government that has failed to provide an adequate public transport system. It is always breaking down. This government has closed public schools and hospital wards. South Australians have a government that is growing internally, burgeoning rapidly, at their expense—a cancer out of control.

Premier Rann is wasting about \$40 million over four years with a rapid escalation in the number of staff employed in ministerial offices. The total number of staff employed in the Rann Labor government's ministerial offices as of 1 October 2007 was 294; that compares to 191 staff employed in ministerial offices under the former Liberal government. Put simply, it means that Premier Rann is employing 103 more spin doctors and other staff—an increase of almost 55 per cent on the previous Liberal government's staffing levels. That was too high anyway.

Not only has the government's staffing numbers increased but, in mid-2007, Premier Rann afforded some members of his staff massive wage increases, the largest increase being an extra \$26,000 annually equating to a whopping 16.8 per cent. It is absolutely ridiculous. This ludicrous

increase in the government's public relations outfit spending is a disgraceful waste of taxpayers' dollars and demonstrates that Premier Rann is treating South Australians with contempt.

Last week our leader unveiled the Liberals' vision for a master plan for Adelaide, a plan which demonstrates that we believe that the state government of the day must take the lead and set the agenda in the best interests of all South Australians for the long term—something that the current Labor government has failed to do. All the Rann Labor government can do is criticise our ideas and claimed the plan to be completely out of reach financially. Premier Rann and his team should not be so quick to criticise when they have not released a plan or vision of such significance after six years in power.

Where is the money going to come from? That question has been asked repeatedly since the plan was revealed last Friday. Mr Rann says he has his 'spend-o-meter' tracking the cost of our master plan, and the cost of implementing the vision is already \$2 billion. The answer is quite simple. This is a long-term plan. It can easily be funded from the \$355 billion in revenue that will be generated in the next 20 years. How can you plan if you do not have a plan? If you fail to plan, your plan will fail. One must look at one's own house before saying that objectives such as electrifying the rail system or upgrading the Royal Adelaide Hospital are out of reach.

If Premier Rann aimed his 'spend-o-meter' at his own team, he may find that he can make enormous savings, with the extra revenue being used to provide better services and facilities for all South Australians—long-lasting, tangible assets that will give people something back for their tax dollars instead of just losing them in the great bureaucratic abyss.

The state government has collected \$30 billion in state taxes since being elected to power in 2002, including an estimated record tax of over \$3.4 billion this year. And what does South Australia have to show for it? A water crisis threatening to completely destroy parts of our state, a deteriorating hospital system and a transport system in utter disrepair. But Premier Rann and his government must think that it is okay to forgo development of the state in order to have a massive, well-paid spin team. The benefit of the massive spin team is, of course, that the state Labor government can try to fool the people of South Australia into thinking that it is actually doing something. Well, actions speak louder than words. I must say that people are waking up.

It is quite clear that Premier Rann has a complete and utter disregard for the people of South Australia, who elected him to his position and who pay taxes to fund his excesses. The Rann Labor government's spin team is yet another example of an arrogant Premier and government increasingly getting more out of touch with the priorities and expectations of South Australians. I think after a while he actually believes himself. It is now over six years since the Rann Labor government took over the running of South Australia, and people cannot wait for 2010 to change the government.

Time expired.

#### **MONTACUTE COUNTRY FIRE SERVICE BRIGADE**

**Ms SIMMONS (Morialta) (15:37):** During January, I was very privileged to attend celebrations to recognise 65 years of service to the community by the Montacute Country Fire Service and to meet many members of the CFS family in the Hills, both past and present. The Montacute Brigade was established in 1942 and was called the Montacute Firefighting Squad at the time. In 1977, it was absorbed into the newly formed Emergency Fire Service (EFS), which in turn eventually became known as the South Australian Country Fire Service.

It is interesting that the Montacute CFS Brigade is today still housed within the same section of shed first built in 1958 on Montacute Road, although I understand from the CFS Chief Officer, Euan Ferguson, that a new station is currently under discussion. Having seen the 1958 shed, I believe that the new premises are now long overdue. The current shed cost £200 and was opened by the director of the South Australian EFS, Mr Fred Kerr.

The state government of 1947 kindly supplied a trailer-mounted pump which was made surplus after the closure of the civil defence unit at the end of the Second World War. The pump was towed by a private vehicle owned by a local member of the community, Mr Eric Greene.

In 1957, the first dedicated fire appliance was a 1941 Chevrolet Blitz. This appliance attended both Ash Wednesday fires and was only decommissioned in 1986. In 1996, the Montacute Brigade acquired a Hino fire appliance capable of carrying 2,000 litres of water. In 1997, a Land Cruiser Quick Attack vehicle has proved vital along the narrow Hills fire tracks, and it has been my pleasure to travel with the CFS brigades in my area.

From such small beginnings, the Montacute CFS Brigade is now part of the East Torrens group which has 11 brigades within region 1, and services an area of approximately 260,000 hectares, covering Montacute Heights, Castambul and the Blackhill Morialta Conservation Park. There are currently 23 operational members in the Montacute CFS, several of whom were awarded long service medals at this celebration. I think it is important to name them: Richard Sturdy, 16 years of service; Donald Winter, 16 years; David Henderson, 17 years; William Spragg, 24 years; Frank Ackland-Prpic, 26 years; Garry Simcock, 29 years; and Ian Sparnon, 38 years. Ian also won an award on Australia Day from the Adelaide Hills Council for his volunteerism in the area. He really is a very special person and I feel very honoured to know him. I also mention Glen Trebilcock, 40 years; and Robert Possingham (our captain), 45 years of service. That is an amazing record for this group.

There are also 10 auxiliary members. Last year, the membership attended 35 call-outs in the local area. They also made themselves available for strike team requests, most recently and significantly in the Onkaparinga and Kangaroo Island fires at the end of 2007. This active group, led so admirably by their captain, Robert Possingham, also assists the community in bushfire education, community events and functions. What is so impressive about this activity is that the members demonstrate that they are not only a firefighting organisation but also play a vital role in attending road crashes, assisting victims, helping during heavy storms, and in providing fire cover for SA Police, SES, and SA Ambulance and emergency service workers.

This collaboration between all our emergency service workers provides the Hills area with a much safer community. The East Torrens group officers, Terry Beeston and Rob Possingham, also talked to me about the huge improvement in the standard of training and equipment now available through better government funding. This has enabled brigades to approach the many and varied incident types they face today with a higher degree of confidence and achievement.

The SA community has an ever-increasing expectation of our CFS volunteers. They wear great responsibility on their shoulders, and the support they receive from their families enables them to do a wonderful job for the rest of us.

I take this opportunity to pay tribute to the Montacute volunteers, their families and employers who support them. In providing their services, the people concerned all help to make our communities safer and better places in which to live, work and play.

#### **LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) (RATIFICATION OF AMENDMENTS) AMENDMENT BILL**

Second reading.

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:43):** 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 Lake Eyre Basin (the Basin) is a unique environment that is also important to South Australia's economy. Mostly arid, yet subject to some of the largest floods in the country, the Basin includes diverse landscapes, communities and economic activities.

It is an area rich in Aboriginal heritage, which has continuing significance for the culture and well being of the descendants of the early Aboriginal groups.

Environmentally significant, the South Australian portion of the Lake Eyre Basin includes the Ramsar listed Coongie Lakes wetland system. This mosaic of lakes is one of Australia's most spectacular natural attractions and in 2005, the South Australian Government declared the Coongie Lakes National Park in recognition of the importance of this area.

The rivers of the Basin sustain a variety of economic activities. Tourism, mining, pastoralism and service industries generate significant economic contributions to regional, state and national economies.

In 2005, the Flinders and Outback region, of which the Lake Eyre Basin is a significant portion, attracted an estimated 560,000 overnight visitors that stayed over 2.2 million nights in the region. This region attracts more visitor nights than any other tourism region outside of Adelaide and is an important tourism asset for South Australia. This supports the Government's Strategic plan target (T1.15) of increasing visitor expenditure in South Australia's tourism industry from \$3.7 billion in 2002 to \$6.3 billion by 2014. The Lake Eyre Basin is a key tourism asset for South Australia both internationally and domestically. The area's marketing success relies heavily on a favourable public perception of its attractions and of how it is being managed.



The Lake Eyre Basin and surrounding area is rich in minerals and resources, development of which could contribute to meeting the major economic targets in South Australia's Strategic Plan.

However, the largest economic sector in the Basin is pastoralism. In the South Australian portion of the Basin gross annual value of pastoral production ranges from \$47 million to \$97 million and represents 22.5 per cent of South Australia's beef and 4.5 per cent of sheep and wool production.

With significant economic production, fragile environments and communities reliant on balancing the interaction between the two, the need for a system of managing the Basin as a whole is clear. Experience in other parts of Australia and internationally has demonstrated that short term, insular decision making is not sustainable.

Responding to a proposal for a large scale cotton irrigation development on the Cooper Creek in Queensland, South Australia became the driving force behind an initiative to develop an inter jurisdictional agreement for the waters and related natural resources of the Lake Eyre Basin. After some five years of negotiation, the Lake Eyre Basin Intergovernmental Agreement was signed by South Australian, Queensland and Commonwealth Ministers on behalf of their respective governments on 21 October 2000. All three jurisdictions undertook to legislate to give effect to the Agreement and the South Australian Lake Eyre Basin (Intergovernmental Agreement) Act 2001 was passed by the SA Parliament on 3 April 2001.

The purpose of the Agreement is to avoid or eliminate, as far as reasonably practicable, adverse cross border impacts on the region's water and related natural resources. The Agreement has been effective in bringing together governments, communities and scientists to address natural resources management issues in the Basin. Specific achievements include continued cross jurisdictional cooperation in natural resources management and water planning, installation of three new automatic stream gauging stations to increase understanding of surface water hydrology, compilation of a hydrological atlas for the Basin, the development of the Rivers Assessment Program to track changes in resource condition over time, the hosting of two Lake Eyre Basin Conferences and the first Lake Eyre Basin Indigenous Forum. These initiatives have established the cooperative environment required for regional natural resources management bodies across jurisdictions to seek and secure funding for projects to address on ground natural resources management issues.

On 10 June 2004 the Northern Territory became a party to the Lake Eyre Basin Intergovernmental Agreement. As a result, South Australia undertook to review the boundaries of the Agreement area to complement the NT initiative.

A two stage consultation process was undertaken with community and industry interests. The consultation targeted pastoral, mining, petroleum, Aboriginal and specific community based bodies with an interest in the area. These included the SA Chamber of Minerals and Energy, the Australian Petroleum Production and Exploration Association, all mining and petroleum tenement holders and tenement applicants, the South Australian Arid Lands Natural Resources Management Board, the former Arid Areas Catchment Water Management Board, Rangelands Integrated Natural Resources Management Group, the former Aboriginal Lands Integrated Natural Resources Management Group, key individuals in the Pitjantjatjara Aboriginal Lands (specifically at Indulkana and Kenmore Park), the Oodnadatta Progress Association, the former Marla Oodnadatta Soil Conservation Board, the Lake Eyre Basin Community Advisory Committee, the Lake Eyre Basin Scientific Advisory Panel and the Conservation Council of South Australia.

Initially the review focussed on those parts of the Lake Eyre Basin with the closest connection to the Northern Territory (i.e. Finke and Hamilton/Alberga/Macumba rivers and catchments and Witjira National Park, Simpson Desert Conservation Park and Simpson Desert Regional Reserve). Several individuals and organisations indicated that they were keen to see the Neales and other catchments to the west of Lake Eyre also included in the Agreement area.

Subsequently a second stage review was undertaken with a view to including the Neales, Umbum, Sunny and Douglas rivers and catchments.

As there was general support for the inclusion of both the Stage 1 and Stage 2 areas within the Lake Eyre Basin Agreement and following the approval of Schedule 3 to the Agreement by the Lake Eyre Basin Ministerial Forum in February 2007, the Government is now pleased to introduce the Lake Eyre Basin (Intergovernmental Agreement) (Ratification of Amendments) Amendment Bill 2007.

The inclusion of these additional areas demonstrates the commitment of South Australia to the Agreement, and provides opportunities for cooperation and collaboration in managing catchments as a whole.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of Lake Eyre Basin (Intergovernmental Agreement) Act 2001

###### 3—Insertion of section 4A

This clause inserts a new section into the Lake Eyre Basin (Intergovernmental Agreement) Act 2001.

###### 4A—Ratification of amendments

Section 4A provides that the Ministerial Forum, which is a group of Ministers constituted under Part V of the Lake Eyre Basin Intergovernmental Agreement, has approved the addition of two new Schedules to the Agreement.

The two Schedules contain amendments to the Agreement. If there is any inconsistency between the amendments made by Schedule 2 and Schedule 3, the amendments made by Schedule 3 supersede those made by Schedule 2.

Section 4A(3) provides that the amendments to the Agreement are ratified and approved. This ratification and approval includes the addition of Schedule 2 and 3 approved by the Ministerial Forum.

#### 4—Amendment of Schedule

The amendments to the Schedule to the Act insert Schedules 2 and 3 into the Lake Eyre Intergovernmental Agreement.

#### Schedule 2

Schedule 2 is a deed between the Commonwealth, Queensland, South Australia and the Northern Territory dated that 10th of June 2004. This deed amends the Lake Eyre Basin Intergovernmental Agreement and becomes Schedule 2 to that agreement.

#### Schedule 3

Schedule 3 is a deed between the Commonwealth, Queensland, South Australia and the Northern Territory that amends the Lake Eyre Basin Intergovernmental Agreement and becomes Schedule 3 to that agreement.

Debate adjourned on motion of Mr Griffiths.

### **SUMMARY OFFENCES (DRUG PARAPHERNALIA) AMENDMENT BILL**

Second reading.

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:46):** I move:

That this bill be now read a second time.

At present, drug paraphernalia is openly advertised and sold by a handful of dedicated businesses, including some dedicated to selling the paraphernalia, including some tobacconists. The Rann government believes that the sale of drug—

*An honourable member interjecting:*

**The Hon. M.J. ATKINSON:** That is what I said and, unlike the Leader of the Opposition, I will not need to alter *Hansard* to have my saying something else. The government believes that the sale of drug paraphernalia encourages undesirable business and social practices such as commercial exploitation of an already illegal behaviour and the presentation of a conspicuous affront to society by openly advocating drug use. This, we think, has the effect of normalising such behaviour, especially for impressionable adolescents.

The bill is an excellent example of the Rann government working with the Independents in this place to make good law. The Rann government is not proud. We accept good ideas from wherever they come. I commend the Hon. Ann Bressington on her initiative. I am glad about the cooperation, patience and goodwill that has created a law—a proposed law, at any rate—that goes even further than first conceived by the honourable member.

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

Leave granted.

These concerns require a specific response directed against the supply side of the market. The present state of the law is not adequate to deal with commercial sale practices. It only criminalises possession with the intent that someone consume an illicit drug. That is difficult to prove against commercial operations for the very good reason that the businesses do not care what a purchaser uses the implement for. The Bill would amend the Summary Offences Act 1953 to include a new offence in Part 3, that deals with offences against public order, to ban the sale of certain paraphernalia and discourage the undesirable practices of the market's suppliers. The intent element will be the intent to sell—not the intent that someone consume an illicit drug.

What is required is a comprehensive list of products to be banned from sale, including devices commonly used to prepare or consume illicit drugs such as cannabis, methamphetamines and cocaine. This Bill closely defines drug paraphernalia and gives examples of devices known as bongs, hash pipes, ice pipes, cocaine kits and hookahs, narghiles, shishas and ghalyans. Adding the words 'known as' is important because it will allow expert evidence to be adduced to help prove an offence against the provisions.

The current offences in the Controlled Substances Act 1984 will be retained to deal with individuals in possession of equipment for the preparation or consumption of drugs, and to deal with the sale and possession of other types of equipment.

Until now, the relevant sections of the Controlled Substances Act 1984 are limited to cases where there is an intention, on the part of a person in possession of drug paraphernalia, that the equipment be used in connection with preparing or consuming an illicit drug by themselves or by someone else.

Proving this against a commercial operation is very difficult. I am aware of less than a handful of successful cases that have been brought against commercial outlets selling drug paraphernalia because of the difficulty of proving that they intended for the equipment to be used in connection with preparing or consuming an illicit drug. Therefore, for this initiative to succeed, it must be made clear that the seller's intention is simply to sell the paraphernalia, irrespective of what it might be used for.

In the years 2004 to 2006 the courts disposed of an average of 100 cases of possessing implements for drug use in one way or another. These numbers can in no way reflect the number of implements circulating in the State. Criminalising the supply side of the market would restrict the circulation of these goods and reinforce the message that drug consumption is illicit behaviour. SA Police has advised me that the amendments will disrupt drug activity.

Banning the sale of drug paraphernalia will restrict the circulation of these implements in the community. Making it more difficult to prepare and consume illicit drugs should mean that at least some people are put off the behaviour. That is the intent of this Bill.

Given the relatively small number of sellers and the requirement to only prove an intent to sell, a new offence criminalising the sale element should require few resources for enforcement.

The Bill sets tough new penalties which are doubled if the sale or supply is to a child. The Government wants to eradicate efforts to legitimise drug-taking by young people and this is in keeping with our child protection reform program as outlined in Keeping Them Safe. The penalties are also doubled if the offender is a body corporate because the ban is aimed at open market activities. The Bill also gives the Commissioner of Police the power to deal with and dispose of prohibited items in such manner as he or she thinks fit.

The definition of sale will be a wide one, including barter or exchange, and will include an offer, an agreement, exposing or possessing for sale, barter or exchange. The Bill also captures the supply of drug paraphernalia as part of another transaction so as to ban free giveaways of pipes, bongs and other illicit implements when purchasing something else.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

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

###### 3—Amendment provisions

This clause is formal.

##### Part 2—Amendment of Summary Offences Act 1953

###### 4—Insertion of section 9B

Proposed section 9B of the Summary Offences Act 1953 prohibits the sale of certain items connected with drug use. The new provision also prohibits the supply of these items in connection with the sale, or possible sale, of goods.

Sell is defined widely to mean the following:

- sell, barter or exchange;
- offer or agree to sell, barter or exchange;
- expose for sale, barter or exchange;
- have in possession for sale, barter or exchange.
- Supply is defined to include an offer to supply.

Sale or supply of water pipes, prohibited pipes and cocaine kits is prohibited under the proposed section. A water pipe is a device capable of being used for smoking by means of the drawing of smoke fumes through water or another liquid. The term also includes the following:

components that, when assembled together, form a device capable of being used for smoking by means of the drawing of smoke fumes through water or another liquid;

a device apparently intended to be used for smoking by means of the drawing of smoke fumes through water or another liquid but that cannot be so used without an adjustment, modification or addition.

A prohibited pipe is a device that is apparently intended for use or designed for use in smoking cannabis, cannabis resin or methamphetamine crystals. The definition also includes components that, when assembled together, form a device apparently intended for use or designed for use in smoking cannabis, cannabis resin or methamphetamine crystals.

The definitions make it clear that devices known as bongos, hookahs, narghiles, shishas and ghalyans are water pipes. Devices known as hash pipes and ice pipes fall within the definition of prohibited pipe.

A cocaine kit is a kit constituted by 2 or more of the following items packaged as a unit apparently for use for the purposes of preparing for introduction, or for introducing, cocaine into the body of a person:

- a razor blade;
- a tube;
- a mirror;
- a scoop;
- a glass bottle;

any other item apparently for use together with any item referred to above to prepare for introduction, or to introduce, cocaine into the body of a person.

The maximum penalty for the offence of selling or supplying a prohibited item contrary to the new provision is, in the case of an offence committed by a body corporate, a fine of \$50,000. If the offence is committed by a natural person, the maximum penalty is a fine of \$10,000 or imprisonment for 2 years, or both.

Where the offence is committed by a body corporate, any director or manager of the body corporate is also guilty of an offence. The director or manager is liable to the penalty applicable where the offence is committed by a natural person. However, if it is proved that the director or manager could not, by the exercise of reasonable diligence, have prevented the commission of the principal offence by the body corporate, he or she is not liable to the penalty.

#### Schedule 1—Related amendment

##### Part 1—Amendment of Controlled Substances Act 1984

###### 1—Amendment of section 33D—Sale of equipment

Under section 33D of the Controlled Substances Act 1984, the maximum penalty for selling a piece of equipment for use in connection with the smoking, consumption or administration of a controlled drug, or having possession of a piece of equipment intending to sell it for such use, is a fine of \$2 000 or imprisonment for two years.

This clause amends the penalty provision by increasing the maximum fine to \$10 000.

###### 2—Insertion of section 33GA

This clause inserts a new provision into the Controlled Substances Act 1984. Proposed section 33GA will be inserted into the Division of the Act relating to offences involving children. The section is similar to section 33D of the Act but imposes a higher maximum penalty for sale of equipment to children. The maximum penalty is a fine of \$20 000 or imprisonment for two years (or both).

Debate adjourned on motion of Mrs Redmond.

### **STATUTES AMENDMENT (ADVISORY PANELS REPEAL) BILL**

Adjourned debate on second reading.

(Continued from 18 October 2007. Page 1184.)

**The Hon. I.F. EVANS (Davenport) (15:47):** I indicate that I am the opposition's lead speaker and, I dare say, its only speaker on this particular issue. The Statutes Amendment (Advisory Panels Repeal) Bill is very simple in its intent. The opposition will oppose it for the following reasons.

For those who are not familiar with the bill, it seeks to abolish a number of advisory panels that are established under the act and the associated regulations to do with the building industry, the plumbing industry and the electrical industry. As the house might recall, I have a background in that industry of some 15 years prior to entering this place.

The bill seeks to repeal the mandatory requirement to have advisory panels. The reality is that the government wishes to replace it with a system whereby we are going to trust the minister and OCBA to talk to the industry when there are important matters at hand. Call me a cynic, but I think—and the opposition thinks—that this will be a poor system. The reason I think that it will be a poor system is that the proof is in the pudding under this minister. Go and speak to any of the—

**The Hon. M.J. Atkinson:** It is 'the proof of the pudding is in the eating.'

**The Hon. I.F. EVANS:** No, the proof of the pudding is with this minister. The reality is that under this minister's watch of the portfolio, the advisory panels have hardly met. The legislation and regulations do not stipulate that they have to meet bimonthly or monthly or at a stipulated time; they just have to be formed. When you speak to the various groups, they say that the advisory panel has met on a less frequent basis under this minister.

If the law requires a mandated panel, and then it hardly meets, you would have to ask yourself what chance there is of meeting when the panels become non-obligatory, when it is simply a case of, 'We will meet you when we have something to talk about.' The reality is that the building, plumbing and electrical industries are littered with people with complaints. I come from the industry and I know there are lots of complaints about the industry. There are also lots of great ideas from the industry about how to improve the industry, whether that be apprentice training, safety training or the codes under which they work. It does not matter, there are plenty of ideas. I see nothing wrong with having a mandated requirement that the minister must sit down and talk to the industry on a regular basis so that the communication can work both ways. It has not worked both ways currently because, in a formal sense, these panels rarely meet.

The minister and OCBA will say, 'When there is an important issue, we can just ring up and meet and talk to whoever in the industry,' and that is true. They can do that at any time. However, in my view, there must be something more formal than that so that the industry has a guarantee that OCBA will talk to these particular industry groups. The telling point here is that some of the groups involved in the panels did not even know that the panels were to be abolished until the opposition approached them. If your communication is that good in that the people on the panels do not even know they are being abolished and the system with which you are replacing them is 'trust us we will come to you when we need to', why would you trust that system if you are an industry group when they are abolishing advisory panels and have not even told you?

So, I do not hold the blind faith the minister or, indeed, OCBA does in relation to whether these panels should be compulsory or voluntary. I fought OCBA for six years on the Growdens issue. I know how some of the OCBA officers think. I think the panels need to be mandated so that the industry groups have a regular and guaranteed access to OCBA and the minister. If you are an industry group and you want to raise a series of negatives and tip a bucket on the government in a private meeting, if it is not a mandated meeting officers can shield the minister and the government from that meeting by simply not having it.

I think the building industry is too important. It has too many occupational health and safety issues, whether it be in the electrical, plumbing or general building industry. Training issues, skills shortage issues and a whole range of issues can be raised through these formal panels that may not be raised through the informal process. Who attends the formal panel is also mandated. There is not a selected meeting of like minds, whether that be in a positive or a negative sense. OCBA will not simply be saying, 'Well, we'll have you two in but not the other four.' There is actually a guaranteed invitation list to the meetings so that we know there is a truly representative spread of the industries through these advisory panels.

I know the previous opposition spokesman on consumer affairs considered amendments, but when one looks at the regulations virtually everything that was going to be considered in the amendments was already in the regulations, except for the compulsion to meet on a regular basis as in quarterly, bimonthly, six monthly or whatever. I have decided that the reality is that it is not worth moving an amendment for that one point. Ultimately, I think it is up to the minister to drive that and issue a request to OCBA that it meets on a set, regular basis.

The reality is this: what the government is saying is that the panels have not met very regularly over the last few years because there are less issues to discuss, and therefore—

**The Hon. M.J. Atkinson:** Fewer issues.

**The Hon. I.F. EVANS:** In the seat of Croydon there are fewer issues; in the seat of Davenport there are less of them! The reality is that the industry is jam-packed full of issues that need to be dealt with by government on a consistent and regular basis. The reason that the panels have not met is because OCBA have not called the meetings. The very group that have not called the meetings are now going to be placed under the government's scheme in charge of calling future meetings. Well, let's all trust that. I'm sorry, I've been a licensed builder, I have been before OCBA as a builder, my brother is a plumber, I understand how the building industry works—

**The Hon. J.M. Rankine:** Why did you go before OCBA?

**The Hon. I.F. EVANS:** Someone complained about some work. I will tell you what happened. You might want to look at this, minister. We tendered on a house at Upper Sturt, and the lady wanted us to put in large concrete in-situ paving, without construction joints. We said, 'Well, if you put it in without construction joints it will crack,' and so we argued for two months, and she wasn't going to pay some money so we did it. And would you believe: about 18 months later it cracked. They went to OCBA and complained of faulty workmanship, and OCBA said, 'Ah, you silly builders, what you should have done is not done the work.' So we had to fix the work, and we did. So I have dealt with OCBA. They are very sensible officers. When you tell someone it is going to crack, and it cracks, it was almost a guarantee.

The reality is that I think there are a thousand issues in the building industry that need to be addressed. Why would you be saying to an industry group: 'We are not going to have a guaranteed meeting, because the meetings that we are meant to be having the department has not been calling, and because the department has not been calling them the system has not been working, and, because the system is working, the only meetings we are going to have in the future will be when the department calls them. Really? I'm sorry, doesn't work for me, doesn't work for the opposition.

There is not one industry group, not one of them, that supports what the government is doing. The only people that support what the government is doing is OCBA. Why? Because it lightens their load. It will lighten their load because the meetings will only be called when ultimately there is either a frontpage issue, like there was the other night, about Peter Batson Homes, or there is some media issue that needs to be dealt with. There is a truckload of issues in the building industry. Go to any building site and look at the truckload of issues that are being discussed by these particular advisory groups.

So, the opposition is not moving amendments. This particular bill is going to upset the building industry. That will drive them towards the opposition. The opposition is not going to stand in the way of this issue. We will certainly be opposing it. We will certainly be encouraging all members of the upper house to oppose what is a stupid move to get rid of—

**The Hon. M.J. Atkinson:** You like committees and bureaucracy.

**The Hon. I.F. EVANS:** No, not at all.

**The Hon. M.J. Atkinson:** If you return the power these panels will proliferate.

**The Hon. I.F. EVANS:** No, the panels are not going to increase, Attorney. The Attorney makes some silly interjections, Madam Chair.

**The CHAIR:** Order!

**The Hon. I.F. EVANS:** The panels will just continue on in their current form. But I will tell you what would happen, Attorney. They would have a minister that would actually ask the panels to meet on a regular basis.

*Mrs Redmond interjecting:*

**The Hon. I.F. EVANS:** No, I would attend some of these. As a builder I would like to go along, because I have got some views about how the industry—

**The Hon. M.J. Atkinson:** You are certainly not going as minister.

**The Hon. I.F. EVANS:** Well, you don't know. You never know what is around the corner, Attorney. You never know what is around the corner. So, the reality is—

**The Hon. M.J. Atkinson:** It is well behind you now. You were an Indian summer.

**The Hon. I.F. EVANS:** You think so? Oh, we'll see.

*Members interjecting:*

**The Hon. I.F. EVANS:** Attorney, I am only 48. How old are you?

**The Hon. M.J. Atkinson:** 49.

**The Hon. I.F. EVANS:** Fair enough. I reckon you might finish before I do.

**The Hon. M.J. Atkinson:** I started before you did.

**The Hon. I.F. EVANS:** Yes, that's right; but I got there before you did. The reality is that there is no reason whatsoever to get rid of these compulsory panels. The industry is too important,

and I believe that the minister is making a very grave mistake. The minister should be doing the exact opposite: the minister should be saying to OCBA, 'We're not wearing this: re'—

**The Hon. M.J. Atkinson:** Invigorate.

**The Hon. I.F. EVANS:** That is a good word, I will use that—'reinvigorate'—particularly in the city of Croydon—all these committees so that the builders, plumbers and electricians, through their advisory groups, can raise appropriate issues to be dealt with by the minister's department.'

**Mr VENNING (Schubert) (16:00):** I have been in this place for some years, and I believe that the speech and the reasons just given by the member for Davenport are absolutely excellent. It is great that we have MPs with some expertise and commonsense. I wish to express how impressed I was with the member for Davenport's reasoning on the subject, because I have a fair knowledge of the building trade, having been a bush plumber and a bush electrician (when you were allowed). However, I understand the shonky practices that occur in the building industry, particularly today, when we have pre-formed steel fabrication, gyprock and external blueboard—materials which are very quick and very efficient to use but hide a million sins. Builders can get away with murder with inferior work.

Today is the time and the era when we do need effective advisory panels keeping a check on the building industry. At the moment, we know that the industry is extremely competitive and there is a strong push to keep the costs down so people can afford these houses. On the other hand, the houses must be safe and people must receive value for money.

I believe that the member for Davenport has put a very good case. I cannot work out the government's reasoning for doing this. Why would one hand the power to Sir Humphrey? For my birthday, I was given a full set of *Yes Minister*. I despair when I watch these episodes. Often I cannot laugh because it is so true. Here the government is—the classic case—handing the full power to Sir Humphrey. They will meet when they want and be in complete control.

I have been around for sometime—and I note the ex-mayor of Port Pirie sitting in the corner. We can recall, over the years, many instances of local government experiencing problems with shonky building work. I cannot believe that the government would do this at this point in time. I do not know the rationale. Maybe the minister will tell us in her speech why she is doing this. Yes, you can say that, from the outset, you are cutting bureaucracy. However, I believe the opposite is true.

I am horrified to learn from listening to the member for Davenport that the people sitting on these panels did not know they were to be rubbed out until they were contacted by the opposition. Not only is that deplorable, but that is jolly bad manners—just damn poor form. I presume people were paid for sitting on the panels, or, in some cases, probably volunteered to sit on these panels. I believe that it is not very professional for those people to hear from us that they were to be sacked.

I wish the government would listen to this—and I am not confident that it will change its mind. I believe that the case put by the member for Davenport today was very good, excellent—one of the best I have heard in this place. The opposition will certainly support the member for Davenport and we will certainly oppose this bill with a lot of vigour.

**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) (16:04):** This piece of legislation is, in fact, in response to some of recommendations that came from the Economic Development Board some time ago, because it was concerned about the proliferation of boards and committees across government.

The then commissioner for consumer affairs made an assessment. These particular boards were established back in 1995 to help develop appropriate licensing criteria at that time and policies and procedures around legislation and there appear to be fewer issues in relation to those specific issues. However, this is not an indication that the government does not want consultation with the industries: it does. It is just a simple matter of fact that they do not need to be meeting bi-monthly. We are committed to consulting with industry stakeholders and will continue to do so through a whole range of measures on specific issues. There is no point in very busy people in industry meeting when they have no issues to discuss.

*Mrs Redmond interjecting:*

**The Hon. J.M. RANKINE:** I have an open door policy. No-one has been refused a meeting with me since I have been Minister for Consumer Affairs. No industry-based organisation

has been refused a meeting with me. They meet with me and my staff and regularly meet with the Commissioner for Consumer Affairs. That is not an issue. This is just basically following up on some recommendations from the Economic Development Board and business leaders here in South Australia, and the government will proceed with the legislation.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

**The Hon. I.F. EVANS:** I have a couple of general questions—only three, I think, from memory. This is a very short bill, of course. All it does is delete two provisions, ultimately, in a couple of acts so there is not a lot of detail to ask questions on. The minister raises the issue that the abolition of these panels is the recommendation of the Economic Development Board. Can the minister confirm that the Economic Development Board did not specifically recommend the abolition of these three panels but, rather, recommended a reduction in government boards more generally and it was the government's decision to delete these panels?

**The Hon. J.M. RANKINE:** That is correct.

**The Hon. I.F. EVANS:** Can the minister explain why all of the industry associations involved in these panels were not notified that the panels were going to be abolished before the government announced it?

**The Hon. J.M. RANKINE:** My advice is that, in fact, the Commissioner for Consumer Affairs—the former commissioner, not the current acting commissioner—prior to my becoming minister in fact contacted all the members of those advisory boards and advised them on what action was going to be taken.

**The Hon. I.F. EVANS:** My question related to all of the industry associations, and the answer just given, as I understood it, referred to all members of the panels. Can the minister confirm that all members of the panels and all industry associations affected by this bill were contacted prior to the government's announcing that they were going to be abolished and advised of that course of action? Is that what the minister is advising the house?

**The Hon. J.M. RANKINE:** As I said, it was before I was minister. My advice is that is what the commissioner for consumer affairs did. If that is not correct, we will get that advice and bring it back to the member. I am advised that they were all contacted in writing.

**The Hon. I.F. EVANS:** My last question is: will the minister table the letter sent out by the commissioner and the list of people it was sent to?

**The Hon. J.M. RANKINE:** I will provide the member with copies.

**The Hon. I.F. EVANS:** On the understanding that will be before this is voted on in the other place, so that I can consider it?

**The Hon. J.M. RANKINE:** On the understanding that this is advice I have received and, as I said, it was before I was minister. But it was my understanding from my discussions with the former commissioner that that had taken place.

Clause passed.

Clause 4.

**The Hon. I.F. EVANS:** My understanding of the abolition of these panels is that the meetings between OCBA and the industry associations will occur now only when OCBA agrees and involve only those people OCBA agrees to.

**The Hon. J.M. RANKINE:** Some time ago I asked the commissioner to prepare a schedule of meeting dates with those industry associations and, as I understand it, that has been done.

**The Hon. I.F. EVANS:** But there is nothing to stop them being cancelled, and you did not answer the question about who controls and who attends. Can OCBA just invite only the people they want? Where is the obligation on OCBA to invite the same members of the panels? Is it not true that now it is purely at OCBA's discretion ultimately?



**The Hon. J.M. RANKINE:** As I understand is the case with all advisory panels. Because they can meet, they do not have to meet.

**The Hon. I.F. EVANS:** You consistently do not answer the part about who decides who attends. Who decides who attends these laissez-faire meetings now?

**The Hon. J.M. RANKINE:** The Office of Consumer and Business Affairs is very good at consulting with organisations, and I cannot imagine a situation where they would deliberately exclude a relevant industry organisation when an issue directly impacted it. I would be very disappointed and very annoyed if it did.

Clause passed.

Title passed.

Bill reported without amendment.

**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) (16:14):** I move:

That this bill be now read a third time.

**The Hon. I.F. EVANS (Davenport) (16:14):** I thank the officers for their input to the bill and the briefing of the previous shadow. I will make this point to the house: the minister has just told the house that she has asked OCBA to set up regular meetings with the industry groups about these panels. One could interpret that as meaning that the panels are going to continue in an informal manner. If the panels are going to continue in an informal manner, the only reason the government is doing this is so that it can go out and say that it has got rid of three panels. If the minister is to be believed, she has asked OCBA to set up regular meetings with these panels or industry groups, and everyone who needs to be involved will be involved, so that will involve everyone who is currently on the panels. Essentially, all the minister is saying is, 'Let's get three titles so that when the government goes to the election, it can say we got rid of these three panels.' But the reality is that—

**The Hon. M.J. Atkinson:** You'll be calling for the panels to be got rid of.

**The Hon. I.F. EVANS:** They will be continuing in an informal manner. I am showing the falseness of the argument, Attorney. I want to maintain the panels. I think the industry is important enough.

**The Hon. M.J. Atkinson:** Your leader has been calling for a cut in government committees and commissions.

**The Hon. I.F. EVANS:** Did he specify these three?

**The Hon. M.J. Atkinson:** No.

**The Hon. I.F. EVANS:** No.

**The DEPUTY SPEAKER:** Order!

**The Hon. I.F. EVANS:** The reality is that is what has happened with this bill. The minister has confirmed to the house, dates have been requested for meetings with the industry groups that are involved in those industries. Everyone is going to be included so, at least, the same panel groups are going to be represented. It is purely about a headline. I will be lobbying in the upper house to reinstate, because the costings obviously are going to be there. OCBA, according to you, is still going to be doing the work. Let's formalise it and keep it there so that the industry has a guaranteed voice.

Bill read a third time and passed.

#### **CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL**

In committee.

(Continued from 12 February 2008. Page 1907.)

New clause 14A.

**Mrs REDMOND:** I have a question or two. I want to be clear about the effect of the amendment and, to do that, we have to go back to the Criminal Law Consolidation Act. I note in

passing that here I am struggling with reading a section of an act and interpreting it, and today it is 38 years to the day since I began my legal career in the Crown Solicitor's Office in Sydney.

**The Hon. M.J. Atkinson:** Hear, hear! Congratulations!

**Mrs REDMOND:** Here I am still struggling with the reading of statutes. I will paraphrase section 268 of the act. It provides in subsection (1) that, if the objective elements of an alleged offence are established against a defendant, but his consciousness was impaired by being so drunk that he did not know what he was doing, he is still to be convicted provided it is established that he actually intended to commit the offence and that he deliberately became intoxicated to give him the Dutch courage that was necessary to commit the offence.

Subsection (2) provides that, if the objective elements of an alleged offence are established against a defendant and he was so drunk that he could not be in control of what he did, he is nevertheless to be convicted if he would (but for the drunkenness) have been guilty of the offence.

Subsection (3) as it currently stands reads that it will not extend to a case in which it is necessary to establish that the defendant realised what the consequences of his conduct would be or was aware of the circumstances surrounding his conduct.

Having gone through that section and the amendment that is proposed, and the explanation by the Attorney about the effect of the proposed amendment, I am still not exactly clear what is to happen. We seem to be dealing with double and triple negatives in this clause. So, we have the fact that if someone commits an offence and he is so drunk that he does not know what he is doing, he is nevertheless to be taken to be guilty except in circumstances where he foresaw the consequences or was aware of the circumstances surrounding his conduct.

Now it will say that if someone was drunk, and so drunk that they did not know what they were doing but, except for the drunkenness, they should be found guilty of the offence, that provision will not apply when either he foresaw the consequences of the conduct or he understood the circumstances; but that, in turn, will not apply in the case of rape. Can the Attorney manage to give me a more straightforward explanation of the effect of the amendment, because I still get muddled up? Even though I have been doing this for 38 years—trying to read legislation and understand what it says—there seems to be an enormous number of exceptions to exceptions to exceptions to reach a conclusion as to what precisely the effect of the law will be with this amendment compared to what it is at the moment.

**The Hon. M.J. ATKINSON:** On Tuesday afternoon, I was only halfway through my explanation of this clause. When we resumed today, the member for Heysen rose when the call should have been mine.

**The CHAIR:** That was also my expectation.

**The Hon. M.J. ATKINSON:** Therefore, I refer readers of *Hansard*, and the member for Heysen, to that part of my explanation of this clause which concludes on page 1962. I shall now continue for the benefit of the member for Heysen. She is right that it is an exception on top of an exception. Sometimes such impairment is as a result of intoxication. When intoxication is self-induced, a defence to criminal charges on this ground may be called the 'drunks defence'.

Section 268(2) of the act is an exception to the common law rule. It stops the drunks defence being used to deny criminal liability in the sense of voluntariness and intent once the objective elements of an offence have been established. Section 268(3) makes an exception to this exception. It allows the drunks defence in limited circumstances that are consistent with fundamental principles of criminal liability. It says—

*Mrs Redmond interjecting:*

**The Hon. M.J. ATKINSON:** We are not on the bill. For the benefit of the chair, we are on the existing law. It says that the prohibition on the drunk's defence is not to apply to cases:

in which it is necessary to establish that the defendant—

- (a) foresaw the consequences of his or her conduct; or
- (b) was aware of the circumstances surrounding his or her conduct.

So, we are dealing now with crimes of specific intent. Section 268(3) allows the drunk's defence where foresight of the results of one's conduct is an element of the offence, or where awareness of the circumstances surrounding one's conduct is an element of the offence.

In the broadest terms, the elements of the customary offence of rape described in proposed section 48(1) are: (1) engaging in sexual intercourse with another person—a physical element; (2) the other person not consenting to act—another physical element; (3) knowing of or being recklessly indifferent to that lack of consent—a fault element, and one that attaches to the previous physical element. It requires proof that the defendant was aware of the circumstances surrounding his act; that is, whether or not the other person consented to it.

For the kind of rape described in the proposed section 48(2), there is an additional element of compulsion. Section 268(3), clause B, allows a drunk's defence to rape because it is an offence that requires proof of an awareness of the circumstances surrounding the defendant's conduct—awareness of consent. That would be contrary to the policy behind this bill, which aims to stop defendants escaping liability by specious assertions that they did not know or could not have been expected to know that the other person was not consenting. The amendment will stop this happening.

Under this amendment, section 268(3), clause A, will still, however, allow a drunk's defence for a rape of the kind described in proposed section 48(2) to the extent that, in prosecuting the charge of this offence, it is necessary to establish that the defendant foresaw the consequences of his act. It is not necessary to establish that for the customary offence of rape in section 48(1); it is necessary only for the offence described in proposed section 48(2), the offence involving compulsion of the third party.

**Mrs Redmond:** The other party.

**The Hon. M.J. ATKINSON:** The other party, yes; thank you. Those 38 years have come in handy. They are triumphing at this late stage. This element, whether of an offence of rape or any other serious criminal offence, should always be capable of denial on the ground that the person did not know what the result of his acts would be, whatever the reason for that. There has been no suggestion in the review of the laws of rape and sexual assault that this approach should be changed in its application to this particular element of this particular offence. In summary, the effect of the amendment will be:

- that a person may not defend a charge of rape under the proposed section 48(1) or under the proposed section 48(2) on the ground that he did not know whether or not the other person consented because his consciousness was impaired by self-induced intoxication; and
- that a person may defend a charge of rape under the proposed section 48(2) (that is, rape in the form of compelling a person to have sexual intercourse with another to engage in self-penetration or to engage in bestiality on the ground that he did not foresee the result of his act of compulsion).

**The CHAIR:** Member for Heysen, I hope that we have been very helpful.

**Mrs REDMOND:** Clear as mud. Can the Attorney state the law in the positive as it will be in the circumstances? I have used the example, basically, of a female being raped by a male; although I accept that there is a range of possibilities within the law of rape that are not countenanced by that, but commonly that is the easiest way to refer to it. We have already dealt with the issue of a female who is unconscious or so affected by alcohol that she is unable to give real consent: I understand that.

What we are dealing with now is that for a male, who is relying on the consent of a female, or the lack of consent and proceeding without the consent of that female, the law is clear if he is not affected by alcohol. Once he becomes affected by alcohol, I assume that the existing section 268(1) applies in the first place: that if he, in fact, has decided to commit an act of rape and deliberately gets the Dutch courage to do that by consuming alcohol, then he is caught by the presumption in section 268(1) of our existing law.

But I am still puzzled about the situation for a male who, whilst under the influence of alcohol to the point of criminal irresponsibility—to use the term in the act—participates in an act of sexual intercourse without being able to form an intention either way, without being able to become aware of whether or not the female consents to that act of sexual intercourse. One might think that it is almost impossible for him to be both so consumed by alcohol and yet able to perform, but is it the case that a male who engages in sexual intercourse and is so affected by alcohol that he is incapable of forming the necessary criminal intent will be found potentially guilty of rape if the other elements are proved under the amended legislation?

**The Hon. M.J. ATKINSON:** The short answer is that he will be convicted. He cannot use his self-induced intoxication to argue that he was unaware that the woman was not consenting. I will correct the member for Heysen on one thing: it is not a question of deliberately getting drunk or drinking to get Dutch courage. Anyone who administers the alcohol to themselves comes under the category 'self-induced intoxication'. They do not get drunk for a particular purpose; they just voluntarily get drunk.

**Mrs REDMOND:** I understand what the Attorney is saying. In fact, the reference that I was making was to, in particular, the existing section 268(1), which specifically provides that if the objective elements of the offence are established, and you have someone who is intoxicated to the point of criminal irresponsibility, they have to be convicted if it is established that they formed an intention to commit the offence before becoming intoxicated and consumed the intoxicants in order to strengthen their resolve to commit the offence. I was referring only to the effect of that existing section in passing, not trying to tie that into the current amendment that I am trying to get my head around. I think I understand what the law will say.

New class inserted.

Schedule passed.

Title passed.

Bill reported with amendment.

Bill read a third time and passed.

*[Sitting suspended from 16:47 to 16:57]*

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

That the sitting of the house be extended beyond 5pm.

Motion carried.

*[Sitting suspended from 17:00 to 17:30]*

#### **ELECTRICITY (FEED-IN SCHEME—RESIDENTIAL SOLAR SYSTEMS) AMENDMENT BILL**

The Legislative Council agreed to the amendment and consequential amendment made by the House of Assembly to amendment No. 2 without any amendment and agreed not to insist on its amendment No. 4 to which the House of Assembly had disagreed. The Legislative Council insisted on its amendment No. 16.

Consideration in committee.

**The Hon. M.J. ATKINSON:** As to amendment No. 16 proposed by the other place, I move:

That the House of Assembly no longer insist on its disagreement to the amendment.

**Mr WILLIAMS:** The one disappointment I have tonight is that the minister responsible for holding us back to this late hour because of his intransigence over this matter over many weeks is not here. I am disappointed that the minister is too embarrassed to show his face after the backflip that has been forced upon him to turn this into a piece of real legislation with real teeth to provide real benefits to the renewable energy sector. The opposition has been very pleased to support the amendments of the Greens in the other place to make this a piece of legislation with some real teeth. The opposition is delighted that the government finally saw the error of its ways and has acceded to the amendments moved in the other place. The opposition is delighted that the government is now supporting the amendment.

**Mr HANNA:** In the past six years, I do not think I have ever had such a profound feeling of recognition of the goodness and wisdom of this Labor government as I experience now after it has supported the two amendments I moved in the House of Assembly in relation to the electricity feed-in laws.

Motion carried.

At 17:34 the house adjourned until Tuesday 26 February 2008 at 11:00.