HOUSE OF ASSEMBLY

Wednesday 15 July 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:01 and read prayers.

NATURAL RESOURCES COMMITTEE: ADELAIDE AND MOUNT LOFTY RANGES NATURAL RESOURCES MANAGEMENT BOARD

Mr RAU (Enfield) (11:02): I move:

That the 28th report of the committee, entitled Adelaide and Mount Lofty Ranges Natural Resources Management Board Levy Proposal 2009-10, be noted.

In so doing, I would like to make a couple of different remarks about this. My first remarks involve the Adelaide Mount Lofty board. The Adelaide Mount Lofty board is by far the largest and wealthiest of the NRM boards. It is therefore in a position to produce materials and undertake exercises which are probably well beyond the financial capacity of the other boards.

That said, it is something of a trendsetter or a leader, if you like, amongst NRM boards in the state. For those who are interested in NRM boards and how they are progressing, it is probably a good place to look to see what a well-resourced board might be able to do. In saying that, I am not saying that what they are doing is necessarily perfect or could not be done better, but it is the best example you will see of an NRM board in terms of being a funded body.

The second thing that I would like to say is that the actual funding increase in the current financial year is above the CPI increase for the last financial year of 5.1 per cent. The committee has always taken the view that increases above the CPI are necessarily something that need to be looked at critically. In this particular case, however, it needs to be understood that the board made a five-year proposal to the committee during the last financial year's round of discussions, and that proposal involved a flattening out of rates across various council areas in the NRM zone.

The increases that have been suggested or requested by the board were, in fact, foreshadowed last year and effectively given in principle approval by the committee last year. For that reason and that reason alone, the committee decided that we would approve, without any complaint, the proposals made by the board. That is really all that needs to be said about the Adelaide Mount Lofty board in particular.

However, I would like to say a couple of more general things about NRM boards and the way in which they interact with the Natural Resources Committee. Members of parliament may or may not be aware—because I guess most members are not as intricately involved with NRM boards as are members of this committee—and they might be interested to know that the legislation which governs this particular arrangement (that is, NRM boards), which is, in fact, the NRM Act, contains a provision which provides that if an annual increase is sought by a board in its levy (which ultimately is a tax, of course, paid by ratepayers and collected by local government) in excess of CPI, the process then requires the board's request to go to the Natural Resources Committee. The Natural Resources Committee has the power to accept, suggest amendments to, or reject any proposed levy increase, and it has suggested amendments on many occasions in the past. Generally speaking those suggestions have been taken up—at least in substance, if not in totality.

However, bear in mind that this is a tax that is, in effect, being imposed by an unelected body—namely, an appointed board. The only scrutiny of it exists, on one hand, at the level of the minister, who must consider what goes on in relation to any proposal for an increase by the board, and, on the other hand, by the parliamentary committee. Aside from that, the ratepayer has no recourse whatsoever and no right of remedy in the event of these rates being increased in a way they consider unfair. So, the parliament has given a very important function to the committee—that is, to be the public watchdog and to make sure that these boards are not excessive in their increases and impose undue burdens on ratepayers.

The second point is that the committee has always taken the view that if an increase is in excess of CPI, and since the legislation says that we must review any increase in excess of CPI, the more the increase is above CPI the more necessary it is for the committee to be critical of the processes underlying that increase, and it has been the case that the bigger the increase sought, the more scrutiny the committee has given to the proposers of those increases. An important factor includes the extent to which there has been consultation with the communities involved in paying

the levies. If there has been extensive consultation, and it has been a matter of basic agreement between the board and the communities, then an increase above CPI is fine; however, if there has not been proper consultation and people have not been involved, then the matter looks rather different.

Another point I would like to make about NRM boards generally is that it is very important for the state government to provide them with early advice as to their level of state government funding in the forthcoming financial year so that, when the boards are finalising their budgets towards the end of any current financial year, they know what the state government is offering them. It is no good for the boards to be left in a position where they have to guess what the state government might be giving them, and therefore propose exorbitant rate increases on the assumption that they might not get any state money.

Another matter of concern is that of water-based levies being imposed on ratepayers in circumstances where there is not even a water allocation plan in existence—again, a problem but, hopefully, one that appears to have now been rectified. Yet another matter, which came to light this year (and I will not labour the point much in relation to this board) is the idea of targeting what appear to be wealthy individuals in a potential ratepayer pool and getting stuck into them on the basis that they can afford to pay. The committee does not agree with the attitude that underlies that, but I will say more about that in connection with other proposals that will be coming forward.

The last point is that the committee, of course, has to be cognisant of the general state of the economy and of the fact that people are finding it tough at the moment. For these NRM boards to be able to increase their levies—above CPI in some cases—in the face of present global financial circumstances, seems to me to be a little odd, that they should miss out on the same sort of strictures and constraints being imposed upon them as ratepayers are finding in their own lives—and as governments around the world are finding. Those later remarks do not specifically target the Adelaide and Mount Lofty Ranges board.

Had it not been for the fact that the general proposals contained in the board's requests for increase this year had been foreshadowed and signed off on by the committee last year, the attitude might have been different but, given that they effectively put a five-year proposal to the committee in the last year and we basically agreed to it, in good faith we were in a position where we had to approve their proposals for this year, and that is what we have done. With those few words, I ask that the report be noted.

Mr GOLDSWORTHY (Kavel) (11:11): I wish to comment in relation to the report the member for Enfield has moved concerning to the Natural Resources Committee investigating the Adelaide and Mount Lofty Ranges Natural Resources Management Board Levy Proposal for the ensuing 12 months. It is of interest to me, because part of the geographic area that this NRM board looks to manage constitutes my electorate of Kavel. It has always concerned me from the start of the process in terms of the NRM levies that the two councils in my electorate, being Mount Barker and Adelaide Hills, have incurred higher levy figures than all the other council areas, bar one that I can see on the table presented in the report.

Adelaide Hills for the 2009-10 period is $45 and Mount Barker is $47. The only other council area that is higher is Walkerville at $50. When this was first put in place a number of years ago I wrote to the minister for environment and conservation at the time. I do not have a copy of that correspondence with me at the moment, but I got some fairly convoluted and confused response about how that levy component was calculated, and things have not changed over the past three or four years since the NRM has come into operation and these boards have been constituted and working. The reason I say it has not changed is that those two councils areas are still at the top of the table in the dollar amount being levied.

I took note of the comments from the chairman of the committee, the member for Enfield, that there is a plan or proposal that we have an equalisation process over the next five years, and those two council areas basically remain static, if I am reading this table correctly, where the other councils will catch up to that dollar amount in five years' time. That is fine. In five years' time, by 2012 or 2013, we will have some equalisation within all these local government areas, but it is unfortunate that those property owners in the electorate of Kavel have had to pay considerably more than the other councils over the preceding and subsequent years to 2012 and 2013.

That is an observation I want to make and a point I would like to highlight. Those two councils have arguably been dealt with in an unfair and inequitable manner. It also goes to the point (and this occurred when we were debating the legislation three or four years ago now) that I

have always maintained that the Adelaide and Mount Lofty Ranges natural resources management district is far too large. On this side of the house, we moved an amendment when we were debating the legislation to divide that area into three regions.

We could have the Adelaide metro area, the Hills and Fleurieu and the northern areas in three separate regions. However, the then minister rejected that, and so we ended up with this very large district encompassing the metropolitan area, the northern parts (the Barossa), all through the Adelaide Hills and the Fleurieu. That is where the vast majority of the population of the state lives; and you could say that there is quite a diverse range of natural resources through that area.

As I said, we have metropolitan Adelaide, which has different issues with the management of natural resources from the northern districts and the Barossa compared to the hills and, obviously, the Fleurieu. I note the member for Enfield's comments that it is a fairly progressive board and that it is a model for the other boards, but I think it is too large an area for the effective management of the natural resources aspect of our state. Also, when you look at the area, the level of population and the diversity in natural resources in the Adelaide and Mount Lofty Ranges district also goes to the issue of on-the-ground management of natural resources.

I know that structures have been put in place where there are different offices with departmental staff in those offices around the district, but I have raised with some officers within the NRM structure this issue of their actual community consultation process in terms of communicating what the regulations and the requirements under the acts are to the community. I had an example where some constituents contacted me. They were doing some remediation work on a watercourse, and it was really good stuff. They were putting in place really good practices in terms of filling in a potentially washed out watercourse with some large rocks in an effort to control the erosion and to rehabilitate the watercourse as that water ran down that creek line into the dam on their property.

They got a letter from the NRM office which basically said, 'Hang on a minute. What you're doing there is what is regarded as a water-affecting activity, and you've got to have a permit and you've got to pay a permit fee of about $40 to rehabilitate a watercourse and to alleviate any further erosion.' I had a look through the act and, sure, it is in the act, so the NRM officers were abiding by the law of the land, I guess you could say. However, those landowners were not aware of the requirement that, if they were looking to control some erosion and doing it properly—not a half-hearted attempt—they were basically contravening the act and they had to apply for a permit and pay a permit fee. To me that is red tape. We on both sides of the house, supposedly, if you listen to the Premier and believe what he says, are committed to reducing red tape.

There is another part to this issue. I did speak to someone within the NRM structure and they are looking to improve on the current act, which is encouraging. I have always said that I will give credit where credit is due. They are looking to improve some of the requirements of the act; that is, if a farmer is implementing best practice and is looking to implement other measures on the property, then they do not necessarily have to apply for a permit, which I think it is a step in the right direction.

Time expired.

Ms CHAPMAN (Bragg) (11:21): I wish to make a few comments in relation to this report and I thank the committee for considering this important review of the proposed levy for 2009-10. My understanding is that it has already been forwarded to the Minister for Environment and Conservation. I, too, am a member of this house whose electorate overlaps this district and, indeed, if I have the privilege of representing the constituents of Bragg after the 2010 election, then it not only will be on the plains of the eastern suburbs of Adelaide but it will penetrate well into the Adelaide Hills region, covering such areas as Crafers, Summertown, Ashton and the like, and I look forward to having the opportunity of representing those people.

Unquestionably, the most pressing issue for that area is the question of water prescription. I have noted in a number of meetings that I have had with representatives and employees of the board that that matter is under consideration and that a draft plan will be published some time this month. Well, that is what we have been promised. I am not sure when it will be coming—hopefully, before the end of the year—but at this stage I have had no indication that it will not be published this month. I note that we have only a couple of weeks to go and that a number of people in the constituency are looking to receive that material as soon as possible. I understand that there will be a consultation period. This is important work to which the natural resources management board for this district should and can make a considerable contribution.

The water boards have undertaken important projects which, effectively, have been concluded and are out for examination and inspection under the new natural resources management board. Many of those are welcome, appropriate and excellent. However, the levy which is under consideration by this committee and which has been presented to the parliament is to maintain the work of the new natural resources management board for this area and, if there is to be an increase in the levy (as has already been highlighted, it is a contribution through council districts which are disparate and differentiated), then there have to be appropriate outcomes, especially when the revenue is received from any South Australian.

I think it has been reasonable for this natural resources management board in the last three years to have undertaken its planning work, the collation of that material from departmental sources (largely) and groups such as the Australian Bureau of Statistics. That has been important for the purpose of setting its direction. It has taken an inordinate time. Some of the draft plans that I have viewed from around the state are fantastic; others are hopelessly inadequate. There are some aspects of the current plan in relation to this district under consideration today which I think are inadequate, but many of them are admirable and the objectives and visions contained in them are to be applauded. However, I note the wholesale inconsistency in the application of funds for projects in respect of the vision and aspirational targets contained in those plans. One of them relates to the spending of this levy money, together with money the board receives by way of a grant for the management of weeds and pests.

I recently read a publication from this board, and I was appalled to learn that new signs, which are illustrated with glorious pictures, have been erected outside public areas and some private landholdings informing the public which weeds might be found in the adjacent area. Hundreds of thousands of dollars has been spent by the natural resources board on signs, illustrated with large pictures, indicating which weeds are a problem. It is a disgrace that these funds are not being applied to the eradication of weeds and pests in these areas but are instead being used to fund glossy pamphlets and large billboards, and it should be the subject for examination by the parliamentary committee. When people pay a levy to be applied to the protection and enhancement of our natural resources, they are entitled to know how the money is being spent. I am bringing this to the attention of the parliament because I am appalled that these moneys are being spent in this way. As I have said, there are other good projects.

In the past, local councils, all of which are listed in the report, have undertaken pest and weed control management to ensure the eradication or containment of pests and weeds in the area. Some of this is done by way of prosecution and by requiring landowners to ensure that noxious weeds, for example, are not growing at large on their property or are not likely to escape into surrounding areas. This is an important instrument in the tool bag of ways in which we manage these things. Historically, there has also been the opportunity (and I think it still exists) for authorised officers either to remove the weeds themselves or to contract others to undertake that work. However, that is not happening in practice any more.

Councils are saying to me, 'That's now the job of the Natural Resources Management Board,' but the natural resources management board is so busy distributing pamphlets, sticking up signs and not doing the job that we have a weed problem out there. It is not enough that we have a problem with bushfires and flooding: we now have a weed and pest problem that needs to be managed but is being completely ignored. When we ask people to pay these levies, the application of those funds should be put under considerable scrutiny, and this house, via the committee, can apply a level of accountability to ensure that happens.

I for one will not endorse any further extension of any levy, other than to bring it into some parity between the councils. I thank the committee for its work. I think the house is well aware that we do not need pamphlets and signs: we need action to be taken by these groups. Well qualified people and the resources of departments are at their disposal. There are thousands of people in the different levels of government (local, state and federal) undertaking work, and they have all the resources available to them. It is not acceptable for them to say that action taken by them deals with an issue when, clearly, that action fundamentally fails the people of South Australia, particularly those residing within the Adelaide resources management area.

Motion carried.

STATUTORY OFFICERS COMMITTEE

Ms SIMMONS (Morialta) (11:29): On behalf of the Attorney-General, I move:

That the 2007-08 annual report of the committee be noted.

Motion carried.

PUBLIC WORKS COMMITTEE: LOCHIEL PARK AFFORDABLE HOUSING

Ms CICCARELLO (Norwood) (11:31): I move:

That the 324th report of the committee, on Lochiel Park Affordable Housing, be noted.

To demonstrate the principles of balanced residential development, the LMC invited Housing SA to engage in a collaborative venture to provide the minimum 15 per cent affordable housing component of the Lochiel Park development project. The South Australian Housing Trust will spend $7.5 million to acquire 2,712 square metres of land from the LMC and undertake a development of predominantly affordable housing at the Lochiel Park 'Model Green Village'. The development totals 25 dwellings made up of:

- two three-bedroom townhouses to be sold to the private market, providing partial development funding;
- four ground floor two-bedroom apartments with disability access which would provide special needs social housing to be retained by the Housing Trust and allocated to tenants;
- one three-bedroom double-storey townhouse with disability access to wet areas and a bedroom on the ground floor to allow for housing a person with a disability within a family unit will be retained by the Housing Trust and allocated to tenants;
- four first floor mews apartments provide a reduced land footprint and subsequent land value component that results in an affordable housing-for-sale component; and
- four first floor two-bedroom apartments also to be for additional affordable sales.

The remaining 10 dwellings, comprising two two-bedroom townhouses and eight two-bedroom apartments, will be for sale in community title lots as affordable housing. Twenty-three of the dwellings will provide 13 opportunities in affordable housing and 10 opportunities suitable for affordable rental under the National Rental Affordability Scheme.

There is also a Commonwealth Housing Affordability Fund submission seeking subsidy of some aspects of the sustainable initiatives. If approved, this will increase the total number of rental outcomes. The two three-bedroom townhouses to be sold to the private market will provide development funding for the whole Housing SA development.

The overall residential development by LMC relies on the integrated open space amenity of wetlands, detention basin and tree-lined boulevards. The project area responds to this by providing pedestrian access through the site to open space and community gardens to the south-east of the site, whilst presenting a public street frontage that defines defensible private space within the development.

The development will incorporate leading-edge environmentally sustainable design technologies, including innovative stormwater, waste water and rainwater solutions, biodiversity and energy conservation measures and efficient building and urban design. The purpose of these initiatives is to demonstrate to the general public and the development industry that such desirable outcomes are economically achievable in significant land developments.

The development seeks to minimise the ecological footprint, maximise energy efficiency through building design and by applying sustainable technologies such as rainwater harvesting and electricity generation through photovoltaic installations. The intention of this project is to provide a safe, secure and vibrant environment in which social housing tenants and residents have access to a range of housing options to suit their needs.

The density of development exceeds that of the adjoining residential allotments, but it has been imperative in the concept design to provide aesthetics which reflect and integrate with the surrounding housing proposed by LMC, thus providing a seamless architecture. The development will provide a housing mix of affordable sale and social rental opportunities to meet increasing demands from those experiencing housing stress.

The range of housing outcomes includes one and two-bedroom apartments and two-bedroom townhouses and increases the choice for homeowners and those seeking rental properties. The project is expected to generate $5.64 million in revenue to partially offset the cost of the project. Consequently, the net cost will be $1.857 million. Based upon the evidence it has

considered pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Ms CHAPMAN (Bragg) (11:35): I rise to speak on this matter and not to dampen the enthusiasm for this project because all housing affordability projects are important. This project will develop 23 dwellings on a 25 dwelling site, two of which are to be sold off privately with the sale proceeds invested into this particular project. It is a $7.5 million project.

As the member for Norwood has pointed out, the proceeds from sales will be about $1.35 million and the balance of the $5.6 million that she spoke of is to come from sales to non-government organisations. Essentially, it is government land being developed and then sold off to NGOs to provide a large lump of it for affordable housing for people who are under some disadvantage in not being able to access private ownership or rental property and particularly those with disabilities, as has been enumerated in the report.

All that is to be welcomed, but I think what needs to be understood is that the direct cost of this is $7.5 million, and the only money actually recovered (not by the government but in the sense of net to public housing) is the $1.136 million that is proposed to be recovered from the two properties that are sold for private housing. The rest of it is really just a cost transfer to the NGO, so the debt for social housing will remain.

Notwithstanding that, the committee has recommended that this be supported, and I do not raise any objection to support for the project. I think we need to understand that essentially what we are doing is creating 23 affordable homes for disability and special needs people, but there will be a very substantial cost. The concern I raise is that the government is selling 800 homes and dwellings every year from Housing Trust stock, and we would need 40 of these developments every year just to cover what is being sold off.

Therefore, whilst we welcome this initiative, and other announcements that the Minister for Housing makes of 10, 12 or sometimes 20 in a year, we should understand that, on the other side of the balance sheet, 800 of these dwellings are being sold off every year and they are not being replaced. This is what we are getting instead, so I think we need to appreciate what that contribution really is and that the net loss of public housing stock to this state continues to be deplorable.

It is one thing for the government to say, 'This stock is no longer fit for requirement. It is not suitable for the tenants we have,' whether they be refugees, people with a disability, new immigrants, single parents who are struggling in a circumstance of poverty, people who are victims of domestic violence, people leaving prison—all of the people with high needs. What the government is doing in this project is to say, 'Well, we are going to have this green model village of 23 affordable houses but, on the other side of the ledger, we are selling 800.'

In this state, there are 30,000 people waiting on public housing lists—that is a combination of people with disability and high needs, including Aboriginal housing. Those 30,000 people sitting on our lists will get no comfort or joy from this report because we are talking about only 23 single or family units that will be accommodated. That is the scandalous record of the government's failure to make real inroads into our housing affordability problem.

For the last few years we have heard about the difficulty to access affordable rental properties for those who are completely alienated from private purchase opportunities because of the huge increase in the cost of homes. There has been a massive shortage of rental properties and a very high rental payment is required. So, we have a growing group of people in the community who do not have any particular disability other than the fact that they are low income earners. Historically, the South Australian Housing Trust has been the base upon which these people and their families have been able to have access to affordable homes and to reside independently and provide an environment for their family to grow in. That is no longer available; that is the truth of the situation.

I am very disappointed that the government, in announcing these projects, is not making a commitment to South Australia if it bulldozes one dwelling or a set of dwellings or leaves them empty, which is even more concerning. I remember travelling to Port Pirie a few months ago and finding whole streets of Housing Trust properties empty. Some of the windows were smashed and the houses were unoccupied and left vacant. I am absolutely appalled to think that these properties are not being repaired and re-occupied.

There are 30,000 people on the waiting list. In the electorate of my colleague in Murray Bridge we see empty homes and there are also empty properties in the member for Unley's area. I went to the Julia Farr Centre the other day, which is now occupied by Disability SA as a bureaucratic headquarters. Some services are still available on the site, but there are whole multistorey buildings there still empty. Again, governments that had control of land are selling it off, flogging it off to someone else, and not maintaining a commitment to affordable housing, which has always been needed in this state and which has grown exponentially in light of the factors that have been obvious in the last few years in the housing affordability debate.

Access to affordable land, the building costs and the costs of regulation are all factors that have been raised in the housing affordability debate. However, whatever the factors are (and there have been Senate inquiries into this), the bottom line is that well over 20 per cent—some argue as high as 30 per cent—of the residents of the state need to have access to some kind of subsidised or affordable housing, and this government has really abandoned its responsibility in the provision of that housing. It has called upon NGOs to make a contribution. It has called upon every church group in the state that I can think of to donate land to go into joint ventures with it.

I do not have any problem with that. I have previously commended the opportunity to enter into a joint venture with those that might have land or resources and could share in the service delivery of affordable housing. I have never had a problem with that. However, what is scandalous is that they shove it over there, as they are doing here—23 of these homes given to NGOs to be able to continue to provide this service—and then just wipe their hands of it. The LMC and the department, having done their bit, leave the problem to someone else. That is really not acceptable.

Recently, I attended a reception for one of the housing charities in this state. In fact, the oldest charity in South Australia is a charitable trust for the provision of homes for people. We have trusts such as the Wyatt Trust in South Australia. These are trusts and benevolent organisations that over the years have received significant contributions from generous South Australians to ensure that some property and homes are available.

Aged Cottage Homes Inc. is another valuable player in this field, which provides accommodation usually for widows, for single people who are aged (I think they have to have assets of less than $15,000). So, those who are asset poor in our community and are largely reliant on a pension or a very small income are given the service. I have a number of them in my electorate and they are across the metropolitan area. I recently attended its annual general meeting at Prospect. These are important organisations that continue to provide for our state. It is scandalous to think that the South Australian Housing Trust, which was developed in the 1930s, is all but under a fire sale by this government. So, I welcome this report, but we need 40 of these every year just to cover the homes that are being bulldozed and sold off by this government.

Mr PISONI (Unley) (11:45): I have some quick comments to make on the report. It is interesting that, between the writing of this report by the Public Works Committee and its tabling in the parliament, there has been a significant change in the economy and the industry. One of the major builders of the Lochiel Park project (which is a series of projects, obviously) has fallen victim to the current economic situation; and I am pleased that a couple of other builders have stepped in to take over the responsibilities of that builder so that other projects in the Lochiel Park precinct can be finished.

The important point I would like to raise is that, finally, after a quest of many months to establish the definition of affordable housing, we finally got out of those presenting evidence to the Public Works Committee that the figure for affordable housing is $216,000. Obviously, land value is a very important part of the process of achieving that and, in order to reduce the amount of land being used, designs are tweaked so that, for instance, rooms are built on top of garages. So the footprint can be very small, and that works very well for projects such as Lochiel Park, which is only a medium density project (I would not say that it is a high density one).

I am sure that we will see more medium density housing popping up in existing suburbs under the government's proposed plan announced this week. If it is managed well, it will work well, but the key is that it needs to be managed well. We need to ensure that we preserve the character and heritage of our older suburbs. One of the things people who visit Adelaide from interstate remark on is our beautiful stone homes in the inner suburbs such as Mile End and Unley—and I know that Steve Marshall has mentioned how important an issue it is in Norwood and in other inner ring suburbs around Adelaide. So, it is very important, of course, that we maintain the character and heritage. From surveys that I send out to constituents, whether or not people are agreeable to

increased density, the consistent message that comes back is that they want to preserve the character and heritage of Unley. It is something that I know is important to my constituents, and it is important to all those living in the older character heritage suburbs particularly to the south and east of Adelaide.

That brings me to the government's attempt to spruik the affordable housing option for the Glenside site. It is interesting to note that land in Glenside is being valued at somewhere around $1,000 per square metre—and we heard our own housing bureaucrats tell us that land price plays a significant part in keeping housing affordable, because affordable housing needs to be achieved through the market. We have been told that it is not supposed to happen through government subsidies or subsidies elsewhere. However, 15 per cent of the land that is being sold off in Glenside must be put aside for affordable housing, so it is no surprise that we see that one of the purchasers of that land has put in an application for 10-storey buildings to go on the site in Glenside.

You can imagine how horrified those living in and around the Glenside site are about the prospect of a 10-storey building. We can see how the government has minimised the cost of land by introducing a very high density option for housing on the Glenside site. Of course, the value of that land changes significantly when existing planning laws are overridden by the government's desire to turn open space into cash for Treasury, where 10-storey buildings are proposed in order to make the best return possible for government and the best return possible for developers, but not the best outcome for those living around the Glenside site, whether they be at Eastwood, Frewville, Glenside or Parkside. They are not only losing precious open space but also seeing increased density in housing in and around what is a lower-medium density housing suburb.

Those living in Main Street, Frewville, already have enormous traffic problems with cars speeding up and down the street. Main Street is a narrow street which carries a lot of traffic every hour. I was amazed at the number of cars I counted in the three hours it took me to doorknock the area on a Saturday morning several months ago. It was extraordinary. On a weekend literally hundreds of cars were using Main Street at the time. It is difficult for residents to park their cars on both sides of Main Street, and this situation will only get worse, because this will be the feeder street for the 10-storey development proposed for that block.

In order to meet that $216,000 price tag, I foresee an enormous compromise in housing style and housing type in the new development site which has been proposed by the government and which the government is moving forward with. I recall minister Gago in the other place saying that it is necessary to sell the land at Glenside in order to take pressure off the urban boundary. I am paraphrasing a little there, but that is the emphasis she was making. Her only concern was for the urban boundary, not the nurturing of open space and immediate amenity for those living in and around the Glenside district.

I support the 324th report of the Public Works Committee, entitled 'Lochiel Park Affordable Housing', but I have used the opportunity to point out the concerns and complexity surrounding affordable housing projects, if they are not managed well. They can cause enormous concern and disruption to existing residents if they are not managed well; and I do not believe that the Glenside site and the Glenside sale have been managed well at all.

Ms CICCARELLO (Norwood) (11:53): I thank members of the opposition for their wide-ranging ramblings on this particular issue, not confining themselves to Lochiel Park. I point out that the former Liberal government in 1988 was providing only 50 new public houses. I remind members on both sides that through existing programs in the budget this year the state government will fund nearly 700 homes, particularly for people on low incomes and at risk of homelessness and for people with disability. The homes will include 407 new social housing dwellings, with 31 earmarked for people with disabilities, and another $25 million from the Affordable Housing Innovations Fund will go towards another 240 homes. Almost $110 million will help to maintain public housing stock, and this investment will also be a combined effort from the state and federal governments. Our government certainly has a great record of providing public housing and will continue to do so until we reach a figure of 2,000, which is certainly not what the previous government had done.

Motion carried.

PUBLIC WORKS COMMITTEE: LYELL McEWIN HOSPITAL STAGE C CAR PARK

Ms CICCARELLO (Norwood) (11:55): I move:

That the 325th report of the committee, on the Lyell McEwin Hospital Stage C Car Park, be noted.

The Lyell McEwin Hospital provides a comprehensive range of specialist and diagnostic treatment services to a population of approximately 196,000 people, living primarily in the northern suburbs of Adelaide and a wider catchment area including Gawler and the adjacent rural areas to the north. To facilitate the requirements for infrastructure to support this changed role, $201.65 million has been allocated in the forward capital program for the LMH redevelopment stage C. The exact details for undertaking stage C are yet to be finalised, but the core elements of the concept master plan include:

- a new multi-deck car park;
- a new acute inpatient building to accommodate potentially 150 beds, including a helipad on the upper level;
- internal works to meet increased service requirements;
- a new ambulatory care building to accommodate expanded outpatient and allied health functions; and
- a new support services building to accommodate expanded Women's Health Centre facilities.

A number of interdependencies exist between key elements of the LMH stage C master plan. For example, the multi-deck car park has to be built and operational before the new inpatient building can be constructed, and the existing wards cannot be refurbished until the new inpatient building is available. The proposed scope of work includes:

- a new roofed and multi-deck car park for approximately 1,242 cars, 10 motorcycles and 116 bicycles;
- a 828,000 litre above-ground rainwater tank to collect and recycle stormwater from the car park roof;
- landscaping and on-site pedestrian connections between the car park and the hospital; and
- safe lighting consistent with crime prevention principles.

The total capital cost budgeted for the project is $24.946 million excluding GST.

The location of the multi-deck car park on the western sector of the site conforms to the longstanding master plan to create the most efficient and accessible parking facility with safe and secure pedestrian access to the main building. The car park will securely house the existing and future staff cars and bicycles and also has an ability for the public and visitors to the site to use the building.

A traffic engineering study has been undertaken to assess demand and provision of car parking facilities during and following the construction of the proposed development. The assessment concludes that the proposed multi-deck car park will provide adequate on-site car parks for the future stage C redevelopment.

The design will reduce the need for artificial lighting to the maximum extent possible and use energy efficient lighting solutions where artificial lighting is required. A purpose designed screening solution will be used across the car park to enable full natural ventilation while screening headlight glare, avoiding general light spill from the periphery of the car park and addressing overlooking issues.

Advice presented by a traffic and transport planning consultant identified the requirement for car parking at the completion of stage C to be approximately 1,600 on-site car parks. The lease for the temporary car park expires in August 2011. If the multi-deck car park has not been established then the number of available car parks will be reduced to 690 spaces. This represents a significant shortfall in required spaces. The car park will result in a net decrease in the car parking footprint on the existing car park site and a net increase in landscaped area.

The zone selected for the project is currently occupied by on-grade car parking but, because of its location relative to the main clinical functions of the hospital, its best use is for staff car parking and some overflow patient parking associated with the Women's Health Centre and the new mental health unit. The site also provides an option for paid visitor car parking.

Various methods to harvest and/or retain stormwater run-off will be explored and evaluated. At a minimum, stormwater run-off will be retained to reduce the impact on stormwater infrastructure. At best, water will be retained and stored on-site for later treatment and use as potable water.

The project is consistent with the direction of South Australia's Health Care Plan in that it will enable the hospital's physical infrastructure and capacity to support its changed role. Stage C of the hospital redevelopment will be able to proceed by providing for its recommended car parking.

The development of a multi-deck car park will result in increased operating expenditure but that will be offset by increased operating revenue per annum when it is fully operational. The project is expected to be completed in December 2009.

Based upon the evidence considered during its inquiry and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Debate adjourned on motion of Dr McFetridge.

FIRE AND EMERGENCY SERVICES (REVIEW) AMENDMENT BILL

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (12:01): Obtained leave and introduced a bill for an act to amend the Fire and Emergency Services Act 2005. Read a first time.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (12:01): 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 purpose of the *Fire and Emergency Services (Review) Amendment Bill 2009* is to amend the *Fire and Emergency Services Act 2005* to incorporate recommended legislative changes emanating from three bodies of work that relate directly to or impact on the Fire and Emergency Services Sector.

The *Fire and Emergency Services Act 2005*, creating the South Australian Fire and Emergency Services Commission and incorporating the previous Acts governing the Metropolitan and Country Fire Services and the State Emergency Service, was passed in Parliament and assented to in October 2005.

When the Act was assented to in 2005, it specified that the Minister must cause the operation of the legislation to be reviewed after the 2-year anniversary of its commencement. On 1 October 2007 the review of the Fire and Emergency Services Act commenced.

Mr John Murray, a former Assistant Police Commissioner South Australian Police, and Deputy Commissioner Australian Federal Police, was appointed to conduct the review.

The reviewer made 49 recommendations, which have been analysed and, after taking into account the views of sector stakeholders, responded to by the government. Some of the recommendations require legislative change while others relate to changes in practice and administrative policy.

In addition, this Bill contains proposed amendments arising from the recommendations of the Ministerial Review of Bushfire Management in South Australia and the recent work undertaken after the Coronial Inquest into the Wangary Fires to bolster fire prevention and mitigation strategies and compliance.

The Bill proposes the following changes:

The South Australian Fire and Emergency Services Commission Board is to be expanded and voting rights be given to all members. The newly constituted board will comprise of the presiding member being the SAFECOM Chief Executive, the three respective Chief Officers of the Emergency Services Organisations, two Ministerial appointments, one CFS Volunteer Association nominee, one SES Volunteer Association nominee and one United Fire-fighters Union nominee. This constitutes a total of nine members with deputy members to act as proxies

The role of the SAFECOM Board is to be more focussed on strategic responsibilities for the whole sector and less concerned with the day-to-day administration of the Commission. This will become the responsibility of the Chief Executive in a manner more consistent with other government agencies and departments.

The general view of the emergency services sectors key stakeholders is that the sector has matured and does not require two formal Boards. Accordingly, a sector advisory committee that reports directly to the SAFECOM Board is proposed to replace the Statutory Advisory Board. The Volunteer Associations and the Fire-Fighters Union, who are key stakeholders in the current Advisory Board, support this approach.

The current three-tiered bushfire committee structure will be condensed to a two-tiered structure. A State Bushfire Co-ordination Committee is to be established. This committee will have the power to recommend to the Governor the establishment of bushfire management areas. It will also be given the responsibility to establish a

bushfire management committee for each designated area to undertake bushfire management and planning functions.

Bushfire and fire prevention powers and procedures in both the metropolitan and regional areas have been amended to place increased responsibility on owners of land to prevent or inhibit the outbreak of fire. The legislation will also recognise that bushfire risks may extend into SAMFS areas, by establishing a scheme under which the Commission may identify urban bushfire risk areas. Various controls and responsibilities traditionally associated with CFS areas will extend to these designated urban bushfire risk areas.

The sometimes costly and protracted process of appeals for disciplinary matters within SAMFS has been removed from the District Court to the jurisdiction of the Industrial Relations Commission.

The Local Government Association has been an advocate for flexibility in the amount of resources that councils can attribute to the risk factor of fire in their districts and this has been addressed through amendments relating to council fire prevention officers.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Fire and Emergency Services Act 2005*

4—Amendment of long title

This clause amends the long title of the principal Act, to provide further clarification of the role of the South Australian Fire and Emergency Services Commission.

5—Amendment of section 3—Interpretation

This clause amends definitions used in the principal Act. Of particular note is the amendment to the definition of *officer*, with the designation of officers now to be done by the Chief Officer of the relevant emergency service.

6—Insertion of section 4A

This clause will facilitate a new scheme to designate areas of urban bushfire risk. The Commission will be required to undertake a consultation process before such an area is established.

7—Amendment of section 8—Functions and powers

This clause amends section 8 of the principal Act to clarify the role of the Commission in respect of its strategic role in emergency management.

8—Amendment of section 10—Establishment of Board

This clause amends section 10 of the principal Act to provide guidance in respect of the responsibilities of the Board in terms of the Board's management of the Commission.

9—Amendment of section 11—Constitution of the Board

This clause amends section 11 of the principal Act, changing the makeup of the Board by adding 1 additional member who is to be a person nominated by the UFU. The clause also corrects an obsolete reference.

10—Amendment of section 14—Proceedings

This clause amends section 14 of the principal Act to change the quorum of the Board from 4 to 5 to reflect the change in numbers on the Board, and further provides that all members may now vote at Board meetings, rather than simply the *ex officio* members (that is, the Chief Officers and the CE of the Commission) as is currently the case.

11—Repeal of section 15

This section deletes section 15 of the principal Act, as the relevant conflict of interest provisions are now to be found in the *Public Sector Management Act 1995*.

12—Amendment of section 16—Chief Executive

This clause amends section 16 of the principal Act to clarify the role of the Chief Executive of the Commission.

13—Insertion of section 17A

This clause inserts new section 17A into the principal Act. That section requires the CE of the Commission to submit a workforce plan to the Commission at least once each year for approval. Appointments of staff to the

Commission must then only be done in accordance with the plan. This brings the staffing arrangements of the Commission into line with the emergency services.

14—Substitution of Part 2 Division 5

This clause substitutes Part 2 Division 5 of the principal Act, in effect abolishing the Advisory Board and committees established under that Division. In their place, the Commission will be required to establish a committee to advise the Commission in respect of matters pertaining to employees and volunteers of emergency services, with the capacity retained to refer any other matter to the committee for advice.

15—Amendment of section 42—Powers

The amendments to section 42 will facilitate greater coordination between SAMFS firefighters and the management of key classes of land—especially government reserves—in fighting certain classes of fire. The amendments 'mirror' the arrangements that already apply under section 97 of the Act in relation to the SACFS.

16—Amendment of section 48—Suspension pending hearing of complaint

This clause makes a consequential amendment to section 48 of the principal Act to reflect the fact that complaints may be determined by the Industrial Relations Commission rather than the District Court.

17—Amendment of section 49—Appeals

This clause amends section 49 of the principal Act to require appeals to be made to the Industrial Relations Commission rather than the District Court.

18—Amendment of section 50—Representation of parties

This clause makes a consequential amendment to section 50 of the principal Act to reflect the fact that proceedings will be before the Industrial Relations Commission rather than the District Court.

19—Amendment of section 51—Participation of assessors in appeals

This clause makes a consequential amendment to section 51 of the principal Act to reflect the fact that proceedings will be before the Industrial Relations Commission rather than the District Court.

20—Repeal of section 56

This clause repeals section 56 of the principal Act, as the substance of the section has been moved to section 105F in proposed Part 4A (inserted by this measure).

21—Amendment of section 68—Establishment of SACFS

This clause amends section 68 of the principal Act to allow the Chief Officer of the SACFS alone to set out requirements attaching to constitutions of SACFS organisations. The clause also deletes the express consultation requirements in relation to proposed dissolutions of SACFS organisations, with the consultation requirements to be shifted to the regulations.

22—Amendment of section 69—Country Fire Service Volunteers Association

This clause amends section 69 of the principal Act to correct an obsolete reference.

23—Substitution of Part 4 Division 7

This clause substitutes Division 7 of Part 4 of the principal Act as follows:

Division 7—Fire prevention authorities—country areas and urban bushfire risk areas

Subdivision 1—State Bushfire Coordination Committee

71—State Bushfire Coordination Committee

This clause establishes the State Bushfire Coordination Committee, and sets out procedural requirements in relation to the committee.

71A—Functions of the State Bushfire Coordination Committee

This clause sets out the functions of the State Bushfire Coordination Committee. The clause also provides that SACFS is to provide an Executive Officer for the committee, and further that the committee is subject to the general direction and control of the Minister.

71B—Power of delegation

This clause provides a standard power of delegation for the State Bushfire Coordination Committee.

71C—Use of facilities

This clause provides that the State Bushfire Coordination Committee may use the staff, equipment and facilities of certain bodies.

71D—Validity of acts

This clause provides that an act or proceeding of the State Bushfire Coordination Committee is valid despite a vacancy in its membership or a defect in the appointment of a member.

71E—Annual reports

This clause requires the State Bushfire Coordination Committee to provide an annual report to SACFS.

71F—Specific reports

This clause enables the Minister or the Commission to require the State Bushfire Coordination Committee to provide reports on specified matters.

Subdivision 2—Bushfire management committees

72—Establishment of bushfire management areas

This clause enables the Governor to divide the State into bushfire management areas. Such division may only occur on the recommendation of the State Bushfire Coordination Committee, which must have regard to specified matters when formulating the recommendation.

72A—Establishment of bushfire management committees

This clause requires the State Bushfire Coordination Committee to establish a bushfire management committee for each bushfire management area in the State.

The clause provides that the bushfire management committee will have the composition determined by the State Bushfire Coordination Committee, and makes procedural provisions relating to the committees.

72B—Functions of bushfire management committees

This clause sets out the functions of the bushfire management committees. The clause also provides that SACFS is to provide an Executive Officer for each committee, and further that the committee is subject to the general direction and control of the State Bushfire Coordination Committee.

72C—Power of delegation

This clause provides a standard power of delegation for bushfire management committees.

72D—Use of facilities

This clause provides that a bushfire management committee may use the staff, equipment and facilities of certain bodies.

72E—Validity of acts

This clause provides that an act or proceeding of a bushfire management committee is valid despite a vacancy in its membership or a defect in the appointment of a member.

Division 7A—Bushfire management plans

73—State Bushfire Management Plan

This clause requires the State Bushfire Coordination Committee to prepare and maintain a plan to be called the *State Bushfire Management Plan*.

The clause sets out what must be in the plan, and provides for a 4-yearly review of the plan by the committee. It also sets out procedures in respect of consultation on the proposed creation or amendment of the plan. The public are also to be given an opportunity to inspect any proposed plan and certain amendments and to make submissions in respect of the proposal.

The plan must be approved by the Minister before it has effect, who must consult with the Chief Officer of SACFS before doing so.

73A—Bushfire Management Area Plans

This clause requires each bushfire management committee to prepare and maintain a *Bushfire Management Area Plan* for its area.

The clause sets out what must be in a plan, and provides for reviews of the plan by the relevant committee. It also sets out procedures in respect of consultation on the proposed creation or amendment of the plan. The public are also to be given an opportunity to inspect any proposed plan and certain amendments and to make submissions in respect of the proposal.

The plan must be approved by the State Bushfire Coordination Committee before it has effect.

24—Amendment of section 78—Fire danger season

This clause makes a consequential amendment to section 78 of the principal Act.

25—Amendment of section 79—Fires during fire danger season

This clause amends section 79 of the principal Act to delete the expiation fee provision for contravention of the section, which will be shifted to the regulations. This clause also deletes the circumstances in which a fire may be lighted or maintained in the open air, which will also be shifted to the regulations.

26—Amendment of section 81—Permit to light and maintain a fire

This clause amends section 81 of the principal Act to allow an application for a permit to light and maintain a fire to be made in a manner and form determined by the Chief Officer of SACFS. The clause also allows the regulations to establish a scheme for the review by the Commission of a decision to revoke a permit.

27—Repeal of Part 4 Division 8 Subdivision 5

This clause repeals sections 83, 84 and 85 of the principal Act. The relevant provisions are to be recast and will appear as part of proposed new Part 4A—Fire prevention.

28—Repeal of section 88

This clause repeals section 88 of the principal Act (dealing with fire extinguishers in caravans), with the requirements under that section to be shifted to the regulations.

29—Amendment of section 89—Restriction on the use of certain appliances etc

This clause amends section 89 of the principal Act to delete the expiation fee provision, which will be shifted to the regulations.

30—Repeal of section 90

This clause repeals section 90 of the principal Act (dealing with burning objects and materials), with the requirements under that section to be shifted to the regulations.

31—Amendment of section 91—Duty to report unattended fires

This clause amends section 91 of the principal Act to expand the list of government officers to whom an unattended fire can be reported.

32—Repeal of section 92

This clause repeals section 92 of the principal Act, as the substance of the section has been moved to section 105C in proposed Part 4A (inserted by this measure).

33—Insertion of section 95A

This clause inserts new section 95A of the principal Act to clarify that nothing in Part 4 Division 8 of the Act limits or prevents requirements or prohibitions under the Act from applying at any time.

34—Amendment of section 101—Annual reports

This clause makes a consequential amendment to section 101 of the principal Act in relation to annual reporting of the activities of the State Bushfire Coordination Committee and the bushfire management committees established under the Act as amended by this measure.

35—Insertion of Part 4A

This clause inserts a new Part 4A into the principal Act, consolidation requirements and powers in respect of fire prevention.

Part 4A—Fire prevention by owners of land etc

Division 1—Interpretation

105A—Interpretation

This clause defines terms used in the Part. In particular, it sets out who are authorised persons in relation to particular land.

Division 2—Fire prevention officers

105B—Fire prevention officers

This clause requires each council that is a rural council or that has a designated urban bushfire risk area within its area to appoint at least 1 fire prevention officer. In doing so, the council must take into account any policy developed by SACFS for the purposes of the proposed section. A fire prevention officer must be suitably qualified or experienced.

105C—Functions of fire prevention officers

This clause sets out the functions of fire prevention officers.

105D—Delegations

This clause provides a power of delegation for fire prevention officers.

105E—Reports

This clause enables the State Bushfire Coordination Committee, or a relevant bushfire management committee, to require a fire prevention officer to provide reports on specified matters.

Division 3—Duties to prevent fires

105F—Private land

This proposed section imposes a duty on owners of private land—

(a) to prevent or inhibit the outbreak of fire on the land; and

(b) to protect the land from the spread of fire through the land; and

(c) to protect property on the land from fire.

Failure to comply with the duty can result in a $5,000 fine.

The clause sets out procedural matters in relation to determining whether a person has complied with the duty, and, most notably, deems compliance with a code of practice prescribed under the section to amount to compliance with the duty. Conversely, failure to comply with a code will be taken (in the absence of proof to the contrary) to be a failure to comply with the duty.

The clause also provides that an authorised person can require an owner to take certain action (and, in doing so, the authorised person must comply with guidelines published by the Minister). Failure to comply with the notice will result in a fine of up to $10,000.

105G—Council land

This section replaces section 83 of the principal Act. It will apply to council land in the country or in a designated urban bushfire risk area.

105H—Crown land

This section replaces section 84 of the principal Act. It will apply to land under the care, control or management of a Minister or an agency or instrumentality of the Crown if that land is situated in the country or in a designated urban bushfire risk area.

Division 4—Related provisions

105I—Additional provision in relation to powers of authorised persons

This clause sets out powers of authorised persons in respect of the administration, operation or enforcement of this proposed Part.

If an owner of land refuses or fails to comply with the requirements of a notice under proposed section 105F, an authorised person may proceed to carry out those requirements, with the costs of doing so recoverable from the owner. No compensation may be claimed by or on behalf of the owner in respect of action taken under the proposed section.

105J—Review by Chief Officer

This clause confers a right of review by the Chief Officer of SAMFS or SACFS on a person given a notice under proposed section 105F(5).

36—Amendment of section 116—SASES units

This clause amends section 116 of the principal Act to allow the Chief Officer of the SASES alone to set out requirements attaching to constitutions of SASES units. The clause also deletes the express consultation requirements in relation to proposed dissolutions of SASES units, with the consultation requirements to be shifted to the regulations.

37—Amendment of section 127—Protection from liability

This clause makes a consequential amendment to section 127 of the principal Act.

38—Amendment of section 148—Regulations

This clause amends section 148 of the principal Act to insert a standard regulation making power to adopt codes and standards etc by reference.

39—Repeal of section 149

This clause deletes a spent provision.

40—Amendment of Schedule 1—Appointment and selection of assessors for appeals under Part 3

This clause amends Schedule 1 of the principal Act to reflect the fact that matters are to be heard in the Industrial Relations Commission rather than the District Court.

41—Repeal of Schedule 3

This clause deletes Schedule 3 from the principal Act, the relevant provisions having been deleted from the Act by this measure.

42—Repeal of Schedule 4

This clause deletes Schedule 4 from the principal Act, the relevant provisions having been deleted from the Act by this measure.

43—Amendment of Schedule 5—Regulations

This clause amends Schedule 5 of the principal Act to make it clear that the regulations can be made to regulate or prohibit any activity, practice or act, or the use of any plant, equipment, apparatus or device. This is to enable certain matters to be shifted from the Act to the regulations. The clause also inserts a regulation-making power to make regulations of a saving or transitional nature following the amendment of the Act (including by this measure) and increases the maximum penalty available under the regulations to $10,000.

Schedule 1—Transitional provisions

1—Transitional provisions

This Schedule makes transitional provisions in relation to the measure by stating that certain amendments effected by the measure do not affect proceedings instituted before the commencement of the clause.

The clause also preserves any right of appeal in existence before the commencement of the clause by deeming the right to be a right of appeal under the Act as amended by the measure.

Debate adjourned on motion of Dr McFetridge.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

The Hon. P.F. CONLON: I indicate that we will be opposing the amendment of the Legislative Council. I move:

That the Legislative Council's amendment be disagreed to.

I will set out the reasons now. It is, once again, a demonstration of the rabble that is the Liberal opposition that we bring to this chamber a matter of national reform to create a national system for the better management of heavy vehicles. The truth is that, in this country, the lack of uniformity of vehicle regulation—particularly heavy vehicle regulation—is a very sad indictment of the capacity of state governments and the federal government to engage in meaningful reform.

If we look at Europe where a number of countries actually were engaged in war with each other not that long ago, certainly within the bounds of Australian federation, we see greater uniformity in the regulation of heavy vehicles between countries there than there is between the states of Australia. I think that is very sad.

Dealing with this national reform the way the Liberal opposition has done here shows one of the reasons why there have been difficulties with that. I will put on the record that it is extraordinarily difficult to deal with an opposition that supports legislation in the lower house and opposes or amends it in the upper house. It would be easier for me, having carriage of the legislation, if we had a clearer idea of the attitude of the Liberal Party when debating the matter in this chamber and if we did not find out that they do not actually agree among themselves. It is no wonder we cannot get national uniformity when we cannot get an agreed position between the lower house Liberals and the upper house Liberals.

As it stands at the moment, if the upper house Liberals insist upon their amendments, this bill must fail, because it is not open to me to make an agreement for a national approach and then amend it as a result of changes from the Legislative Council. The reason that the Liberals in the Legislative Council have suggested they are doing this—although I would put on the record that I believe it is more attention seeking than any good work—is that the South Australian Road Transport Authority did not agree with it. It is sad, because these national approaches are created through very extensive negotiation and consultation with industry. It is impossible for a regulator to do everything that industry wants, but these national approaches are brought about after extensive consultation.

We have a regular Heavy Vehicle Industry Forum, and we have discussed this matter at a recent forum, which included representatives from SARTA. We have given indications to SARTA in writing that the IAP regulation-making power will create a regime that would definitely be voluntary. It has been given that assurance. It would apply only to vehicle types on new routes. It would be a commercial decision for the operator and would not be retrospective. In my view, we cannot go much further without rendering pointless the national reform.

We have also indicated to SARTA that it may see the regulations as requested. That would be the approach, because I think it is a national framework set of regulations, in any event. So, the chamber understands that this is about getting access to new routes and protecting the safety of movement, and protecting the pavement in those movements by having a better method of understanding the vehicles that would be using them. Ultimately, if we do not make some progress on national reform, it will be industry that will pay the price. It will still be regulated. It will be regulated in different ways in different places and not as well as is proposed in this measure.

I stress the point that it remains the South Australian Road Transport Authority, as I understand it, that has had difficulties with this. My understanding, having been shown the regulations and told those things, is that the attitude may be different. I invite the other house to talk to Steve Shearer.

I am concerned that there appears to be more a political campaign than a campaign on its merits out of the South Australian Road Transport Authority. I was very surprised to hear the comments of Steve Shearer after the state budget, suggesting that there was no more investment in roads, which is completely wrong. In fact, it is completely contrary to the comments from the Livestock Transport Association, which congratulated the government on being able to maintain strong road investment in light of the global financial crisis. Then I read a newsletter from SARTA, which seems to be celebrating a political campaign against the legislation in conjunction with the Liberals in the upper house.

So, I just place on the record that I do not know that political campaigns by the leadership of SARTA are of much benefit to their membership. I think that anyone who wants to place their future and that of their industry in the hands of the Liberals of the upper house may well inherit the wind, in my view; I do not think it is a wise thing.

I suggest to SARTA that it deals with this issue on its merits, that it deals with it as a result of the assurances given to it by the chief executive of the transport department as a result of the recent heavy vehicle forum and that it supports this national reform, which will ultimately be in the interest of industry. It is sad that this sudden eruption from Steve Shearer of SARTA is inconsistent with what has been a very good relationship between the heavy vehicle industry and the department and promoted by the Heavy Vehicle Industry Forum.

I suggest that this matter go back to the upper house and that SARTA reassess its view and advise the Liberals in the upper house, because this amendment would prevent our embracing a national reform which, ultimately, would be to the benefit of all Australians, particularly the industry. I stress that it would help us as a government if we could actually have the same attitude between Liberals in the upper house and Liberals in the lower house, but I have no doubt that I am about to hear some pathetic explanation as to why its upper house members do not hold the same view as those in here.

I indicate that we are opposed to the amendment of the upper house. This will be a setback but, make no mistake, if the upper house insists upon its amendment, it will simply mean the defeat of a national reform that all other governments have signed up to.

Dr McFETRIDGE: I can tell the committee that nobody wants this bill to fail. The minister said that there is a disagreement between our upper house and lower house members; that is not correct. When I spoke on the second reading of the bill on 29 April, I said that we had contacted the South Australian Road Transport Association to get some feedback but that we had not received any, which was perhaps an indication that the association had no issues with it.

As in life, when facts change often you have to change your opinion, and that happened between the upper house and the lower house. At that time, in my second reading contribution I said many things in support of the IAP, and I still think that there are many things in support of the Intelligent Access Program, and the Road Transport Association has also said that there are many good aspects of the IAP.

However, in a two page document supplied to the Hon. David Ridgway on 9 July by Mr Steve Shearer of the South Australian Road Transport Association, (which I am happy to read, but I am also happy to table), Mr Shearer points out a number of issues the association has with new section 110AC regarding the Intelligent Access Program. In point 2, in relation to discussions with the CEO of the Department of Transport, Energy and Infrastructure, he states:

The discussion has NOT resolved many of our concerns and whilst we still support IAP in principle, we remain opposed to its implementation at this juncture because—

and a lot of dot points follow. I am happy to table this document and have it included in *Hansard* for completeness, or I will read it into *Hansard* now.

The CHAIR: Is the member seeking to insert information into *Hansard*? There is no provision for the member to table a document. He can insert information into *Hansard* only if it is statistical in nature and of no more than one page in length.

Dr McFETRIDGE: Then I will read the comments from Mr Steve Shearer on 9 July to the Hon. David Ridgway into *Hansard*. The document states:

1. Yesterday we had the regular (4 to 6 monthly) Heavy Vehicle Industry Forum meeting at parliament House with the DTEI CEO and his senior staff. IAP was the major topic and it was discussed for over an hour. The key points were:
    a. DTEI tabled a new and public document setting out the proposed Policy for IAP in SA, saying that this would address the issues we'd raised and which the Opposition had pushed in Parliament (copy attached);
    b. The industry, unanimously and not just the SARTA reps but all of the 30-odd in attendance, remained concerned despite the assurances;
    c. The Department stressed, as set out in the policy paper that:
        i. IAP would NOT apply to existing access and other benefits—so if the industry currently has access to Whoop Whoop Street or Higher Mass for B-Doubles on Approved Route X, we kept it without any need for IAP;
        ii. IAP will only apply to new benefits where it is justifiable:
            1. So if a major new road (Northern Connector) is built, it should be built to Higher Mass Standards and IF SO, IAP would NOT be required.
            2. BUT if its not built for HML (because unlike the Northern Connector it's not expected to be used by enough HML trucks to warrant it) then IAP would be required to run HML on that route;
            3. If a new short extension is granted to an existing route (eg into one of the many new mines) then IAP MAY be required but maybe not;
            4. If one or more operators already have access to a route with restricted vehicles like B-Double, other seeking that same access would NOT have to have IAP (we had to squeeze this out of them and there was dispute between several senior officers at the meeting—so we have real reservations about the reality);
        iii. IAP will be Voluntary and not mandatory—meaning that IF you want the benefit that is tied to IAP, then you make the judgment about whether the cost of IAP is warranted by the benefit—fair enough.
2. The discussion has NOT resolved many of our concerns and whilst we still support IAP in principle, we remain opposed to its implementation at this juncture because:
    a. Despite the assertions of DTEI, the IAP system and technology remains incomplete and hence can NOT deliver the claimed outcomes as:
        i. The technology can NOT yet monitor the on-board mass of the truck and load or the dimensions of the truck and load or the particular truck configuration (semi-trailer versus B-Double etc) and as such:
            1. The use of IAP for EFFECTIVE MANAGEMENT of Higher Mass operations will be ineffective and they are still proposing to use a singularly naive and ineffective method of getting the driver to 'self-report' the Mass:
                a. So the people who need to be managed and targeted—the cheats—will continue to cheat with impunity;
            2. In relation to Mass Management (Higher Mass operations) they are offering the operator can do away with the requirement to specify prior to a trip which approved HML route they'll use (which we have been used to doing since Di Laidlaw was Minister) by opting to use IAP instead:
                a. Why would anyone do away with a paper system that perhaps costs them hundreds of dollars [per annum] per truck and replace it with an IAP system that will cost them some $3,000 just to set up for each truck and then over $2,000 per truck to run? They won't of course;

3. The use of IAP to manage access by specific configurations (eg B-Double) to routes that are limited will be absolutely ineffective until the system can accurately identify and record the configuration;

4. The same argument applies to dimension of the truck and its load—eg on low-loaders carrying bulldozers, IAP will NOT have the capacity to identify and record the width of the wide load and so the driver will have to self-report and, guess what, those who choose to will simply cheat and miss-report;

5. The failure of the Department to understand the serious impact of cheating is a key issue because:

   a. The whole point of the system is to stop cheats from cheating, so they must NOT be given a system that actually facilitates it—self-reporting;

   b. If this is not addressed, then once again the responsible operators will cop a substantial cost to their serious competitive disadvantage as the cheats either operate without IAP or use IAP to cheat.

   c. So there will be NO SAFETY or INFRASTRUCTURE PROTECTION GAIN and yet there WILL be a massive cost burden added to the industry;

3. In relation to costs, the Department simply does not have its facts right:

   a. They claimed again yesterday that the costs are low and quoted some $1,200 per truck;

   b. The fact this, and this is from operators who have sought comprehensive and competitive quotes from the 4 approved IAP suppliers that the costs are:

      i. $3,500 per IAP unit in each truck (costs plus installation);

      ii. $150 [per annum] per truck to maintain the IAP box;

      iii. $150 [per annum] per truck to receive reports from the provider (the provider will report to the Government BUT if the owner actually wants to get the information, they must pay separately for this—DTEI was in complete ignorance of this);

      iv. The actual costs to an operator with some 20 trucks would be over $300,000 in the first three years and to meet these costs:

         1. The operator must grow their business by $9 million (as we have a mere 3 per cent profit margin) in that time.

Accordingly, SARTA remains opposed to the IAP regime until the above issues are successfully resolved. In addition, as to the legislation, if and when it eventually goes through, if the government is genuine in its stated policy position regarding no retrospectivity and only applying IAP to new genuine benefits etc., then they should not object to the legislation being amended to enshrine these limitations, eg:

1. The minister may make regulations for the implementation of IAP in relation to the application of IAP to the access by the HV industry to operational benefits.

2. Such application of IAP:

   a. Must not be in relation to operational benefits that existed prior to the implementation of IAP;

   b. Shall relate to operational benefits where the minister is satisfied that the extent of the operational benefits justifies a requirement for IAP; and

   c. Implementation of IAP and access to the associated operational benefits shall be on a voluntary basis.

I want to make it very clear that at the time of my second reading contribution on 29 April I was not in possession of those facts. I see no problem with our position having been improved, the information being put out there for everyone to read and understand, and if the government insists on not accepting this amendment then the opposition will continue to oppose the government's position.

The Hon. P.F. CONLON: I go back to this campaign by SARTA and its political nature. It is peculiar that the shadow minister in another place has a long list of their issues in writing, when they have not gone out of their way to make sure that I have a copy of that. It does make you wonder. I repeat, the very first dot point in the letter sent to people by the chief executive states:

I am now writing to confirm that the DTEI policy for the application for IAP:

- will definitely be voluntary—

what is this lengthy argument about the cost of IAP when it is voluntary; I am struggling to understand that—

- may be applied to a vehicle type as a condition of new route access, but take-up of IAP and hence the concession by individual operators of that type of vehicle will be voluntary—

again, what is this cost issue; I wonder if it is genuine—

in every case will be a commercial decision for the operator whether the additional benefits outweigh the cost of IAP installation and monitoring; and

- will not be retrospective—it will not be required for existing access routes where vehicles are currently able to operate under *Gazette* notice or Permit.

So, I am struggling to understand the alleged cost. However, I am sure that Mr Shearer and his friends in the Liberal Party upstairs will think of something.

Regarding the issue of cheats, there is on-road compliance for cheats at present; that is not going to stop. I now have a copy, so I am sorry, I will take back at least that criticism. Apparently we do have an email from him which may well be the same as the one read by the Hon. Mr Ridgway. The inference that there will somehow be less, the suggestion that the introduction of IAP will somehow benefit cheats, is a nonsense; the on-road enforcement will continue. Self-declaration is an interim measure until provisions can be made in about two years' time. However, the view of all jurisdictions—not just South Australia—is that an interim measure of self-declaration, but with the continuance of roadside compliance checking and enforcement (I understand that is correct) is an improvement on what applies at present.

It is flagrant nonsense to suggest that it assists cheats to cheat more. If they cheat at present they are the subject of roadside enforcement, and that will continue with the interim measures. It will be a superior system, not an inferior one. We simply have to differ with Steve Shearer. It is a second contribution in recent months, which makes me wonder whether there is some sort of political campaign going out of SARTA. I invite members to look at the press release of SARTA saying that it is the end of the road for road funding when in fact it remains at record levels, as does new investment in roads, when at present we are building one of the biggest new roads the state has ever seen.

We have released a route into the future for the northern interconnector and are doing works on South Road that have never been done before, and we have $500 million from the commonwealth to continue works on South Road. The suggestion that has been made is simply a nonsense and is in stark contrast to the press release of the Australian Livestock Transporters Association congratulating this government on being able to maintain road investment in very difficult times. How two organisations, both responsible for trucks, can look at the same set of facts and come up with completely contrary viewpoints puzzles me.

Make no mistake, the Liberal Party in this state is so hopeless, so bereft, so completely without a policy or point, that it thinks that a good outcome for the opposition is to collude in this strange campaign from the South Australian Road Transport Authority to defeat a national reform that has been the result of national consultation and has been agreed between jurisdictions. Such an outcome would set Australia and South Australia back and would not take it forward. There is no doubt that they can achieve that. What they cannot achieve is to be an intelligent, reasonable opposition, an opposition that can see the pros and the cons. They would have opposed this, I am told, if they had known SARTA did not like it. Of course they asked SARTA—they had not thought of it at that stage (somebody else can explain that to them—I am sure they have some more mealy-mouthed explanations for that)—but the bottom line is that we have an opposition whose only policy as a point of difference is a sports stadium no-one wants to use (apparently it may not have been a policy at all), and its only other approach to get noticed is to oppose things that have been agreed by every jurisdiction for the good of the industry. Congratulations!

Make no mistake, the government will not accept the amendments. We will not be defeating national reform. It will be entirely in the hands of SARTA and their friends in the Liberal Party if that is to occur, and that is a very sad outcome. It says volumes about the blokes in this Liberal Party that they have two women in the lower house who are not retiring and they fought out the leadership. It says a lot about the blokes and their capacity. 'Thank God for the women', they cry over there. Maybe they should preselect a few more.

Mr Pederick: They get where they get on merit.

The Hon. P.F. CONLON: They get where they get on merit! Apparently there are only two women in the Liberal Party with the merit to be in the lower house. The ones retiring will be replaced by blokes. They get where they get on merit and they have a tough job proving their merits.

Dr McFETRIDGE: On a point of order, Madam Chair: relevance.

The Hon. P.F. CONLON: That is exactly my point: what is the point of this bunch of useless blokes in the Liberal Party? What is their relevance? By an accident of circumstances they finally found a point in being in opposition: they are going to defeat a national reform and that is all they can achieve. No wonder they are more likely to lose than gain seats at the next election.

Dr McFetridge: You wish!

The Hon. P.F. CONLON: I wish! I must congratulate Duncan McFetridge: they stripped him of almost all his portfolios, but he still moved up to third place on the bench. That is amazing, fantastic! Forgive me for being disparaging of this opposition—

Dr McFetridge: Look at you!

The Hon. P.F. CONLON: Look at you! You have no point and you have no future. Forgive me for being disparaging to members of the opposition, but one day they may well be the government and, God forbid, they will know the difficulty and the time that is spent in trying to achieve national reform to improve the regulation of heavy vehicles in this country (and all vehicles), in trying to make sure that there is no duplication between jurisdictions and in trying to improve a system that allows people to get access to routes in the best way possible while protecting safety and pavement. It is a very long and tedious process.

We do have a completely unsatisfactory lack of uniformity in regulation in this country, and it will continue that way while we have oppositions that are not prepared to see the state interest and the national interest and are only prepared to get a little attention by knocking off a national reform. Make no mistake, you can achieve it, and I hope that you are all proud of your work.

Motion carried.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 June 2009. Page 3194)

Dr McFETRIDGE (Morphett) (12:30): I indicate that I am the lead speaker on this bill for the opposition. We will not be opposing the bill, but I can tell the house that some further discussions are to be undertaken, and some amendments may be introduced in the other place. This bill was introduced with the purpose of creating a single facilities fund to pay for establishing, maintaining and improving harbours and other such facilities. As well, the Minister for Infrastructure is proposing to increase maximum penalties and expiation fees applying to the registration of prescribed vessels.

The history of the Recreational Boating Facility Fund and the Commercial Fishing Vessels Fund was originally structured in 1995 by the then minister for transport, the Hon. Diana Laidlaw, and I will read it into *Hansard* in a few moments. The background for this piece of legislation is that regulations dictate the levies imposed on the registration of certain recreational vessels and a corresponding levy on commercial fishing vessels. Payment of these funds is made into either the recreational or commercial fund as prescribed by regulation, and the funds are expended on the related facilities.

The bill removes these regulations, and one facilities fund is created under the act. While this appears to be a positive measure in terms of the equitability and transparency of the fund, recreational fishers and the Boating Industry Association are nervous about some of the aspects of the establishment of the fund. The South Australian Recreational Fishing Advisory Council (SARFAC) has questioned the wording highlighted with regard to decisions made by the Treasurer on the use of this fund. I should say that those highlighted words appear in the briefing paper I have been given.

The facilities fund is to be established. The fund must be kept as directed by the Treasurer, and I understand that the Boating Industry Association and the recreational fishers have some questions about the way in which that fund will be directed by the Treasurer. The fund is to consist of facilities levies payable under the regulations on, first, the registration, inspection or survey of

vessels; and, secondly, income from investment of money belonging to the fund. The facilities fund will be established by the certificate of registration, inspection or survey of vessels and the levies payable upon that registration and inspection.

Another matter about which the recreational fishers are very concerned is that the minister may, with the approval of the Treasurer, invest any of the money belonging to the fund that is not immediately required for the purposes of the fund in such manner as is approved by the Treasurer. The recreational fishers are concerned that the funds should be used as expeditiously as possible.

The other concern that the fishers had is that the payment of expenses of administering the fund is going to be excessive. Both the boating industry and the recreational fishers, as I understand, are concerned that the administration of the fund should be limited, say, to less than a maximum of 10 per cent of the total of that fund. The concerns of the recreational fishing industry about this bill are spurred by ongoing issues about an apparent conflict between the commercial and recreational fishing industries.

The Recreational Fishing Advisory Council purports that anglers are losing ground against commercial and government interests and that funding, projects or interest in developing the $350 million per year industry is negligible in comparison to the development being made in aquaculture. The recreational industry asserts that much more can be done (as in other states) to develop the industry. Some examples are upgrades of boat ramps and jetties and artificial reefs to attract fish.

In his second reading speech, the minister said that the recreational and commercial funds are being rolled into one because it is often not possible to distinguish between vessel facilities that benefit recreational as opposed to commercial users. Understandably, the recreational fishing industry is nervous about a pooling of funds where the expenditure is no longer limited to the commercial or recreational industries respectively.

Other notable changes to the act would be an increase in the maximum penalty and expiation fees applying to the registration of vessels. For the information of those reading *Hansard* and members of the house, it includes, if a vessel to which this division applies is operated in a jurisdiction contrary to this section, the owner of the vessel, and the master or operator of the vessel, are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated without the owner's consent). The penalty has gone from $750 to $2,500.

The expiation fee, if the vessel is registered but not marked in accordance with the regulations, has gone from $55 to $210. If the vessel is neither registered nor marked in accordance with the regulations, the fee has gone from $80 to $315. One of the other concerns is that the CEO may, subject to conditions as the CEO thinks fit, grant exemptions from requirements of this section. The need to provide good facilities for recreational and commercial fishers in South Australia, without any doubt, is supported by the opposition.

I refer to a letter written to a constituent of the member for Davenport (I think he was the member in 1995). This letter was from the Hon. Diana Laidlaw, the then minister for transport. The letter states:

As reported in the newspaper article to which you refer there are to be two different levies to be applied, viz:

a) for recreational boats.

b) for commercial fishing vessels.

While the article does not expand on the differences, you will appreciate that the range of facilities provided for the two groups differ significantly.

Also recreation boats cover a very broad range of vessel types, from trailer transported boats to quite large blue water sailing craft. Hence there is a broad spectrum of 'needs' even within the recreational boating category.

Keeping these points in mind, I will address the specific points you raise as follows:

Separation of Levies:

Funds collected from the recreational boats levy will only be used on establishing, maintaining and improving facilities for recreational boating. In the area of recreational boating the funds will be used predominantly on boat ramps.

Funds collected from the commercial fishing vessel levy will be used only on commercial fishing facilities. In the area of commercial fishing, funds will need to be used on jetties, slipways, navigation aids and facilities used by the commercial fishing fleet.

There are some areas of shared resources, but in the main, the facilities can be separately identified.

Jetties:

There are 19 jetties/wharves throughout the state which are designated as fishing industry facilities. The remaining 54 jetties are classified as recreational jetties. The maintenance and upgrade of these recreational jetties will not be funded from either the recreational boating levy or the commercial fishing levy, but separate allocation within the Department of Transport's budget.

Navigation Aids:

A large proportion of the 1,034 navigation aids owned and maintained by the government in South Australia are day marks. According to research with boating user groups these navigation aids are widely used by recreational boating, as well as the fishing industry. Therefore some of the funds from both the recreational boating levy and the fishing industry levy may be required for maintenance of those navigation facilities, according to the location and purpose.

Where navigation aids are provided for commercial shipping the costs associated with these will be met exclusively by the commercial shipping, even if the same navigation aid is regularly used by both recreational boats and commercial fishing vessels.

Marinas:—

and this is a sign of the times in 1995—

There are 4 major boat havens built and maintained by the government. They are the Port MacDonnell, Robe, North Arm (Port Adelaide) and Port Pirie. The marina at Lincoln Cove in Port Lincoln was initially built with funds provided by the government, but this marina is now operated by a private sector business.

Permanent users of government facilities pay fees which contribute to the maintenance of these facilities. Levy amounts will be structured to impose greater costs on those who derive permanent benefit from such facilities.

Committee:

The South Australian Boating Facility Advisory Committee will be advising me on boating facilities throughout South Australia. The administration for the committee is being funded by the Department of Transport, and the committee members have been selected for their expertise and experience. Appointments have been made after consultation with industry representative groups, including the Boating Industry Association and the South Australian Fishing Industry Council. The committee members are not paid for their services.

Work Programs:

The committee met for the first time in March this year and will be considering specific works programs over the ensuing months.

Jetty Fees:

The maintenance of the recreational jetties will not be funded by either boating levy unless it can be demonstrated that the jetty is frequently used by boat owners.

Diana Laidlaw finishes the letter by saying:

I hope this explanation gives you a better insight into the purpose of the boating levy and the intention of the government.

That was in 1995, and the intent of this government is to change that. In a letter from the minister to a constituent of the member for Stuart (Hon. Graham Gunn) dated 28 February 2009 (a copy of which was provided by the minister), I am heartened to note that the minister says:

As you are aware, a new structure for recreational boating registration and facilities levy was introduced from 1 July 2008.

By way of explanation, this letter was in response to a complaint about the increase in boat registration. The letter goes on to say:

This government is committed to marine safety and every dollar from the revenue related to these fees will be directed to the provision of marine facilities and safety for the benefit of all boat users as is required under the Harbors and Navigation Act 1993.

The minister goes on to point out:

Nearly $11 million over the next five years will be directly invested to improve safety for South Australia's recreational and commercial mariners through vital upgrades of infrastructure and services.

The government is to be congratulated on this initiative. The changes to the structure of the levy are to be watched—and watched carefully—and we await further information from stakeholders on this issue.

I want to talk about some of the concerns that the Boating Industry Association expressed in correspondence to the member for Unley back in December last year relating to the Recreational Boating Levy Fund. It states:

> When the last Liberal government introduced the recreational boating levy in the 1990s it was accepted by the South Australian recreational boating public only on the basis that the government would annually also deliver significant financial support to the program.

The fellow who sent this submission to the member for Unley also enclosed copies of brochures that were issued on the day. The letter continues:

> During the course of that Liberal government's existence, such contributions were delivered and Minister Laidlaw was also able to make access to a discretionary fund to assist 'borderline' projects that may not have been able to meet all the everyday protocols of the hypothecated fund and/or to provide prompt emergency assistance in the case of storm damage being sustained to marine assets for emergency dredging.
>
> The government's contribution by way of (both) providing a 'match' for these boaties' levy 'investments' and 'special case' funding through the Discretionary Fund have now been syphoned off by the 'State Treasury'. This situation is of grave concern to the 55,000 recreational craft.
>
> Recreational Boating Levy Fund—Commercial Craft: On the introduction of the Recreational Boating Levy in the 1990s, it was the intention of the government(s) to introduce a similar levy 'on' the operators of commercial craft (generally commercial fishers) who, generally, make substantial use of facilities which are 'funded' by the recreational boaties and these users are often, through the frequency of use and the structure and power of the engines installed on their craft, responsible for extreme wear and tear on the facilities. It seems extremely unreasonable that these operators make no contribution at all. This situation is of grave concern to the owners of (55,000) recreational craft [owners].
>
> Recreational Boating Levy Fund—SA Boating Facilities Advisory Committee: Further to the previous paragraph, even though the commercial operators, operating commercially registered craft, are not asked to contribute to the Levy Fund, 'their' representatives, for some unfathomable reason, occupy positions within the Minister for Transport SA Boating Facility Advisory Committee...whose only real reason for existence is to make recommendations to the Minister on the distribution/investment of Boating Levy Funds, altogether collected from the Recreational Sector. This situation is of grave concern to the...55,000 recreational craft [owners].

The last point I want to make relates to the Recreational Boating Levy Fund—Navigation Aids, where it is stated:

> It has, it appears, traditionally, been the responsibility of the Minister for Transport to construct and maintain navigation aids in South Australian waters. Generally for commercial craft. This is now changing.

This is from a letter in December, if I remember correctly:

> During the last month or two it has become abundantly clear that the Department for Transport, Energy and Infrastructure will seek to recoup the costs of installing and maintaining navigation aids from the hypothecated fund. Annual revenue delivered to the fund from recreational boaties is in the order of $1.5 million. Annual forecast budget requirement for the navigation aids program is around $800,000...again [this] seems...unreasonable.

With those comments, I look forward to seeing what the government does in answer to the concerns of the stakeholders. The opposition is not opposing this legislation and at this stage will not be amending it, but there will be some more consultation undertaken between the houses. I cannot guarantee the minister that there will not be amendments introduced in the upper house.

The DEPUTY SPEAKER: The member for Goyder, and my congratulations to the new Deputy Leader of the Opposition.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (12:45): Thank you, Madam Deputy Speaker. I sincerely appreciate those kind words. I thought I would make a brief contribution to this bill today to reflect some of the personal experiences that I have had, coming from a local government background in a community which I am told has approximately 20 per cent of the state's recreational boating facilities, and the importance that the fund has played in accessing dollars to upgrade those facilities.

When I read the briefing paper prepared on this bill I had some concerns about the suggestion for a consolidation of the two accounts: the recreational and the professionals. My concerns are in support of recreational fishers (there is a significant number of them in the Goyder electorate) and the important role they play in the provision of food supplies to our state.

It is a bit of a worry that the shadow minister has identified that there are some 55,000 recreational craft in South Australia. In addition, my understanding is that there are approximately 300,000 recreational fishers within the state. Admittedly, not all of them will actually use boating facilities, as many would use jetties which have been funded and repaired by a combination of local government and, predominantly, state government funds—that is recognised.

It is important that we get the process right to ensure that resources are going to be available for the continued need to upgrade boating facilities. In the five and a half years that I spent with the District Council of Yorke Peninsula, I think I can recall probably four applications for significant dollars that came through for 50 per cent of the capital costs of upgraded recreational facilities. It would have been impossible for those facilities to be upgraded without the recreational fund being in place. I know that a lot of boat owners were rather upset about the introduction of the levy. I am a partial boat owner myself, with some friends.

Dr McFetridge interjecting:

Mr GRIFFITHS: I am not sure which end either; I am not sure about that. I have heard people saying on radio how they were upset about the $25 levy that was in place; then the GST component went onto that, and now the structure of the levy costs has been changed again, I think, as part of the registration fee review that has occurred.

All I have said to people is, 'The fact that you pay the levy ensures that you have the greatest opportunity to use a modern boat ramp facility which, in effect, is the best form of insurance that you can ever get for your own boat,' because if you have a good boat ramp that offers you floating pontoons, it gives you protection from the prevailing winds and it gives you the greatest chance to not only get out but, importantly, to actually get back in when the weather turns and things get a bit rough and scary for a lot of people.

So, there is no debate from our side or, indeed, from the government, about the need for the fund to exist. As I see it, the issue is based solely around whether there should be a consolidation of the funds for the recreational and professional fishers, because it then produces some concerns about where, indeed, those funds will be allocated.

There is no doubt that pro fishers need to have better facilities too. I know that the pro fishers contribute enormously to the economy of the state, so they need support. There is a vast number of rec fishers, and in some cases there is a crossover of the use of facilities, especially for smaller professional fishing operations. There is a real desire out there, especially from my own electorate, which has a very strong component of its economy based around tourism and the recreational fishers who form that tourism market, to ensure not only that the fund is preserved but that the fund is identified so as to allow a large component of it that is derived from rec fishers to remain as accessible for facilities predominantly for rec fishers. So, that is where I have some personal concerns.

The shadow minister has indicated that, between the houses, the opposition will be considering the possibility of moving amendments. I know that our shadow ministry will be consulting over the next few days with interested people. I want to ensure that local government is part of those discussions, because it is recognised as the body that is able to access the Recreational Boating Facility Fund, because it needs it.

I have had debates within my community about the need to upgrade boating facilities and, as part of that, some people objected to the introduction of ticket machines. They did not like to see that occur. They listened to the argument that it provides them with a good facility, but they were very upset about the requirement to pay, on top of the levy which is part of their registration, a fee in the range of $5 to $7 in some facilities. Ticket machines have been dragged around car parks, vandalised and gummed up as people have tried to stop them being used as much as they can, but it is an important part of upgrading facilities in the vast areas of infrastructure for our state that needs to be done.

I just wanted to put those few brief comments on the record. I understand the need for funds to exist for the upgrade for recreational and pro fishers, and no-one would debate that. However, it is important that we get the process right to ensure that both the recreational and professional components of the fishing industry have access to dollars to upgrade the very important facilities that provide not only the pros with an opportunity to get their catch off and to have safe wharfing facilities and maintenance areas but also the rec fishers the ability to launch and, importantly, return to their boat ramp in safe weather.

Mrs PENFOLD (Flinders) (12:51): On the surface, this bill appears innocuous. However, the operation of the facilities fund raises danger signals. The fund is to replace the Recreational Boating Facilities Fund and will establish, maintain and improve facilities for use in connection with vessels, both recreational and commercial, and also to pay the expenses of administering the fund.

This government is not noted for sound financial administration and, therefore, the likelihood that a large proportion of the fund that should be used to build infrastructure will be dissipated in management costs is all too real. The $6 million administration cost of the emergency services levy is an example where a significant portion of the levy is not spent on what it is collected for.

In response to an article in *The Advertiser* criticising the government for the cost of collecting the emergency services levy, Labor—despite criticising the former Liberal government for setting up the beneficial levy—has not come up with any new ideas on setting up an efficient and economical collection system. It was under the guidance of the retired Liberal and former minister for transport Diana Laidlaw that the SA Boating Facilities Advisory Committee (SABFAC) was founded to make recommendations to government for investing the funds collected from the Recreational Boating Facilities Levy into the development of boating facilities.

The South Australian Boating Facilities Advisory Committee consists of seven members appointed by the minister from a number of organisations including the Boating Industry Association of South Australia, South Australian Recreational Boating Council, South Australian Recreational Fishing Advisory Council, two members from Wildcatch Fisheries SA, the Local Government Association of South Australia and a special ministerial appointee. The minister vested the South Australian Boating Facilities Advisory Committee with the responsibility of assessing applications for funding assistance for recreational boating projects from the Recreational Boating Facilities Fund. Each project is assessed on its merits. This has worked well for years.

Then there are two alarming subsections relating to the facilities fund under new section 90A:

> (2) The Fund must be kept as directed by the Treasurer.

and

> (5) The Minister may, with the approval of the Treasurer, invest any of the money belonging to the Fund that is not immediately required for the purposes of the Fund in such manner as is approved by the Treasurer.

I question these provisions. Recreational and commercial boat owners must be given an assurance that the levy will be put back directly into boating facilities and not into general revenue. In 2003, Boating Industry Association General Manager, Glen Jones, said:

> The 52,500 recreational boat owners that continue to pay into the fund through the levy incorporated within their annual boat registration were satisfied that Ms Laidlaw had ensured that these funds were put back directly into boating facilities and not, as was first feared by many, put into general revenue.

The minister and the Treasurer should not have the authority to invest any of the money belonging to the fund other than for the purposes for which the fund is collected. Facilities in this state are not of such a standard that there would be money to spare if the fund were being administered for its designated purposes.

The purpose of the fund is to establish, expand or improve recreational boating facilities. These might include boat ramps, temporary mooring facilities or wharves, channel improvements or aids to navigation. Any local council or established community organisation may apply for up to 50 per cent of funding assistance.

Currently, local government or community organisations are required to contribute to the cost of facilities on a dollar for dollar basis and accept ongoing ownership, management and maintenance of the facility. This prevents smaller councils or organisations with a lower revenue base from accessing the fund so that it can be used for the purpose for which it is collected. It seems common sense that, if the levies are collected for building of infrastructure and facilities, that is what it should be used for. If there is spare cash in the fund it would be better spent on providing more funding to local government or community projects, perhaps on a two for one rather than a one for one basis.

The levy has enabled the development of new boating facilities and navigational aids which, in turn, have added to the regional economy of the state by encouraging more tourism and

visitation to urban and regional areas for various boating activities. The improved facilities encourage more people to invest in housing for retirement or holidays in many coastal towns. The network of marinas along our coastline, lakes and the river can be attributed to the injection of these funds.

The average revenue collected over the past seven years is about $1.35 million per annum, which is a small amount when compared with the cost of most of the projects. The expenditure committed towards projects for the same period is about $9.2 million. For example, the new boat ramp at Coffin Bay was a $500,000 project. Without the assistance of the Recreational Boating Facilities Fund, the District Council of Lower Eyre Peninsula would not have been able to undertake this much needed and appreciated project.

Coffin Bay is a popular fishing spot and was restored to its former success following the Liberal government's introduction of fishing net bans and the consequent return of fish to the area. It attracts recreational fishers from across the state and interstate. Yet it is the locals who, through their taxes, provide the facilities for visitors to use. It should be a shared responsibility. The Advisory Council on Recreational Fishing contends that anglers are losing ground against commercial and government interests and that funding projects or interests in developing the $350 million per annum industry are negligible.

The recreational industry asserts that much more can be done, as in other states, to develop the industry. Some examples are upgrades of boat ramps and jetties plus artificial reefs to attract fish. The minister stated that the fund can be used to provide facilities for the 'installation, maintenance and improvement of navigation aids and emergency marine radio'. Emergency marine radio is a safety necessity for all shipping. However, setting it up and operating it involves a huge cost. It should be a responsibility for the federal and state governments on a national basis in association with border patrols and national security, but the federal government, like the state government, is continually shedding its responsibilities and passing the buck.

Some of this safety work is now being done by volunteers operating their own radio systems. Mr Mick Dinon at Louth Bay was instrumental in a number of sea rescues when he passed on the emergency messages he picked up. Mick, a World War II veteran, has now retired from this voluntary community service. The Volunteer Marine Rescue Communications has been taken up by a Tumby Bay resident, Mr Gary Smith, who spends many hours a day manning his radio, and another Port Lincoln resident. This service not only serves South Australia's recreational and commercial fishing and boating interests but also has assisted international shipping in the relay of emergency messages.

There is a government marine radio service. However, due to climatic conditions it is not always able to receive emergency messages, thus compromising the safety of mariners. Its range on the West Coast of South Australia is also limited. One wonders whether the Labor government considers the more than two-thirds of South Australia west of Port Augusta as part of the state. Emergency services are responsible for the cost of the marine rescue radio. Madam Deputy Speaker, I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

EYRE PENINSULA WATER SUPPLY

Mrs PENFOLD (Flinders): Presented a petition signed by 29 residents of Eyre Peninsula and greater South Australia requesting the house to urge the government to immediately investigate measures to improve the quality of water on Eyre Peninsula, including a desalination plant near Ceduna.

PAPERS

The following paper was laid on the table:

By the Speaker—

Police Complaints Authority—Report 2008-09—Ordered to be published

LEGISLATIVE COUNCIL REFORM

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: Today I announce to the house that the government will honour its pledge to reform the Legislative Council through a referendum coinciding with the 2010 general election. In November 2005, the Premier announced the government's intention to seek the views of South Australian voters at the 2010 election through a referendum. The government has listened to the people of South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: The government has listened to the people of South Australia and decided that it would be inappropriate to abolish the Legislative Council. We have received enough feedback from the public to know that it would be a waste of time and money to go to the people with a question to which we already know the answer. Instead, the government believes that the appropriate question is whether to reform the Legislative Council.

In 2003, as part of the government's constitutional convention, participants were interviewed after the convention. The post-deliberation survey results of delegates interviewed indicates that there is support for the retention of a bicameral system. In particular, it disclosed these opinions:

- 80 per cent of those surveyed believed in the need to continue with two houses of parliament.
- 75 per cent of those surveyed believed that the term of members of the Legislative Council should be four years rather than eight years.

Two bills will be introduced into parliament to reform the Legislative Council. One will seek to amend the Constitution Act and the other will ask for the consent of the parliament to hold a referendum on reforming the Legislative Council.

The two bills—the Constitution (Reform of Legislative Council and Settlement of Deadlocks on Legislation) Amendment Bill 2009 and the Referendum (Reform of Legislative Council and Settlement of Deadlocks on Legislation) Bill 2009 include a series of changes to the structure of the Legislative Council and the system of electing its members. The changes include:

- reducing the number of members of the Legislative Council from 22 to 16—a reduction in the number of members of parliament;
- reducing the length of term of office of members of the Legislative Council from eight to four years;
- giving the President of the Legislative Council a deliberative rather than a casting vote;
- providing a deadlock provision where the House of Assembly may resolve that it would be appropriate for both houses of parliament to be dissolved on account of a position taken by the Legislative Council on a bill. If that occurs the Governor may dissolve both houses by proclamation and a general election would then be held.

The last mechanism is similar to that operating at the commonwealth level, and it gives the Legislative Council several opportunities to consider and negotiate on a bill about what is effectively today a right of veto. This is far closer to the proper review character of a second chamber than what we have today

Both houses of parliament must first pass the bills and then a referendum would be held in conjunction with the 2010 general election. The ball is now firmly in the court of the opposition, and the minor parties, to decide whether South Australians should get the opportunity to vote for reform.

Members interjecting:

The Hon. M.J. ATKINSON: Well, apparently the Leader of the Opposition thinks fewer MPs is funny.

The Hon. J.D. Hill: They have had to deal with fewer MPs on their side for some time.

The Hon. M.J. ATKINSON: Well, they have had to deal with fewer MPs themselves. The Liberal opposition under its previous leader has demanded that we put to a referendum other questions, such as whether we have a new hospital or a new sports stadium, so it would be inconsistent for the Liberal Party to vote against having a referendum on such an important question as Legislative Council reform.

Members interjecting:

The Hon. K.O. Foley: Vickie, aren't you slightly embarrassed?

The Hon. M.J. ATKINSON: Way down. Should the bills be passed and should the referendum be successful, the changes to the election of members would take effect at the 2014 election, whereby all members of the Legislative Council would be up for election and there would be only 16 vacancies to be filled.

The government cannot call a referendum on the issue without the passing of the bills, so we cannot do this without the consent of the Liberal opposition. The Liberal opposition can veto reform of the Legislative Council if it wishes. This means that for reform to occur the Legislative Council must vote to reform itself.

Only time will tell whether the members of the Legislative Council in the opposition and on the cross benches have the courage to let South Australians decide their future.

SWINE FLU

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: On 17 June I announced that South Australia, in line with the rest of the country, was moving to the 'protect' stage in the pandemic response to swine flu. The containment measures initially employed, such as closing schools and providing Tamiflu to close contacts of patients, successfully delayed the spread of the virus in South Australia. All the evidence so far shows that, in most cases, swine flu is a mild illness and not everyone who contracts it needs to see a doctor, get tested or receive antiviral treatment.

However, the growth in confirmed cases across the country and across the world is evidence that it is no longer possible to contain the virus in any particular geographic area. The 'protect' phase focuses on identifying and treating those who are most vulnerable to developing serious complications from the virus—and we remain, of course, in the 'protect' phase.

I am pleased to inform members that a clinical trial of a candidate vaccine against H1N1 will commence shortly at the RAH in partnership with CSL Limited and clinical research organisation CMAX. The trial will involve participants receiving two injections of the vaccine three weeks apart and will compare standard and increased dosages. Volunteers will be tested to check that they are generating an appropriate immune response to the virus. The trial is being conducted as part of the efforts to meet the federal government's commitment to ordering 21 million doses of an H1N1 vaccine.

The best protection, however, remains the practice of basic hygiene, including washing your hands, wiping down surfaces and covering your mouth when you sneeze or cough—wash, wipe, cover, don't infect another. We have now had 1,162 confirmed cases of H1N1 in South Australia out of nearly 10,000 confirmed cases nationwide. In addition, there have been 835 cases of seasonal influenza A and B. Interestingly, 877 of these cases (over 75 per cent) have been in people under the age of 30. Predominantly, this virus is not affecting older people as we would expect from seasonal influenza.

The number of cases of both H1N1 and seasonal influenza have contributed to increased demand on hospital and GP services. For instance, during June there was a 9.1 per cent increase in metropolitan emergency department presentations compared to the same time last year. Currently, 12 people in South Australia who have tested positive to H1N1 have been hospitalised, with one person in ICU.

Today, it is with sadness that I announce that a second person has died with H1N1 in South Australia. This is the first person from South Australia. On Thursday 9 July the man was

admitted to Modbury Hospital and on Friday 10 July to the Lyell McEwin Hospital. He had a number of pre-existing major medical conditions which became critical over his six days in hospital. He died early this morning in the intensive care unit. His diagnosis as positive H1N1 was confirmed yesterday.

Both the Lyell McEwin and Modbury hospitals have undertaken appropriate infection control procedures and practices to limit the spread and risk to other patients, visitors and staff. Staff who may have been exposed to at-risk situations with this young man are being provided with antiviral medication on a case-by-case basis. I am sure that all members would join me in passing on our condolences to the young man's family and friends.

The total number of people who have died with H1N1 in Australia now stands at 21. I would like to take this opportunity to thank hospital staff, GPs and staff in the Communicable Diseases Control Branch for their very strong commitment to helping our state weather this virus.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:14): I bring up the 24th report of the committee.

Report received.

QUESTION TIME

STORMWATER HARVESTING

Mrs REDMOND (Heysen—Leader of the Opposition) (14:15): My question is to the Minister for Water Security. Does the minister stand by her statement on radio this morning that the science is not there for use of stormwater for drinking purposes? On radio this morning the minister claimed that the science is not there for the use of stormwater for drinking purposes. However, re-use of stormwater has been successfully implemented in the United States, Europe and Singapore over at least 40 years. Singapore has four water recycling plants. The Queensland government's western corridor recycled water project has the capacity to produce 182 megalitres per day of recycled water for industrial and potable purposes, including supplementation of their major dam; and, in New South Wales, Orange is already using stormwater for drinking water. They clearly think the science is there.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:16): I welcome the first question from the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! The Minister for Water Security has the call.

The Hon. K.A. MAYWALD: As I was saying, I very much welcome this question from the Leader of the Opposition and I welcome her formally to her position as the first woman 'major' leader of a party in this state, given that for 12 years I have been leader of the National Party. I just thought I would make sure that was on the record.

An honourable member: You are the first woman leader to be a minister, though, aren't you?

The Hon. K.A. MAYWALD: I am the first woman leader to be a minister, and I am very pleased to be in this role.

In relation to the question asked, I point out that there is a very big difference between treated stormwater being put directly into the drinking water supply and treated water being put into what they call an IPR, which is a non-direct way of putting into the potable system—in other words, going through an alternate route.

The South Australian government feels the science that has been undertaken to date does not give us confidence that we can put treated stormwater directly into our drinking water, and we would not do it. We would not put at risk South Australians' health on the basis of putting road water, no matter to what level it is treated, into the stormwater because the science does not give us confidence that all risks can be mitigated.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: Secondly, the issue of rainwater and stormwater depends largely on where that rainwater and stormwater falls, where it is captured (as to what the quality of that water is) and what the costs are associated with treating it. The science tells us that, in areas where you have great dilution capacity and the dilution component of those contaminants is small, then it is much easier to treat. But when you are running off a major capital city—even the Salisbury council is not seeking to put it into the drinking water supply. The Salisbury council, Colin Pitman—shall I quote from this morning—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: Can I speak directly to a comment that was made by Colin Pitman this morning on ABC 891, when asked by David Bevan, 'Should we seriously be thinking about using stormwater and adding it to our drinking water supply?' Mr Colin Pitman's reply was:

> The option of drinking water from stormwater is an option, but to notch up the production of drinking water from stormwater will add a significant cost to the economics of production of that water. That work requires significant matter of search work.

What I think he is saying there is that it requires significant research before we would be able to do it. He continued:

> We however do know that, on a small scale, drinking water can be reduced from stormwater. It is not the target that Salisbury council is targeting because we believe the community's consumption for non-drinking purposes is the target where we should be directing our intention, and that's what we're doing.

And that is what the state government is doing. That is what the scientists are telling us. The science is telling us—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: The scientists are telling us that, yes, on a very small scale, they can produce drinking water to directly—

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will come to order.

The Hon. K.A. MAYWALD: —put water into our drinking supply. However, on a larger scale, the costs would be prohibitive, and not only would the costs be prohibitive, but they could not guarantee the quality at this point in time. We have said in our Water for Good plan that it is not our intention, at this stage, to consider stormwater for potable purposes. What we do say, however, is that we will monitor the science and, should the science improve over time, and give us the confidence—

Members interjecting:

The Hon. K.A. MAYWALD: It is on about page 118 or 119. If you look at the document, it is written clearly there. We will consider the science and, if the science changes over the course of the plan and it does become economically and scientifically feasible to mitigate all risks associated with using stormwater directly into the potable supply, then of course it will be considered. But to supply water now: no, we are not going to put at risk the South Australian water supply into our homes for drinking water by putting stormwater directly into the supply—end of story.

FRUIT FLY

Mr BIGNELL (Mawson) (14:20): My question is to the Minister for Agriculture, Food and Fisheries. What is the importance of maintaining South Australia's fruit fly free status, particularly for our Riverland communities?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:20): I thank the member for Mawson for his question and note his keen interest in pests, in particular ensuring that South Australia remains both fruit fly and phylloxera free.

Members interjecting:

The Hon. P. CAICA: You try saying it three times: fruit fly free zone three years out of five. It is very difficult. I am very pleased to report that the government's fruit fly program, which has

been operating for over 60 years, continues to be successful, to the point where South Australia can continue the claim to be the only mainland state free from fruit fly.

I repeat, for the third time in five years, South Australia has managed to record another season with no outbreaks of fruit fly, an achievement that provides a huge boost to our state's fresh fruit and vegetable industry. South Australia's fruit fly free status ensures that horticultural producers have access to export markets worth more than $100 million annually, and our fresh fruit and vegetable industries (worth some $480 million annually) are well protected from these damaging pests through PIRSA's fruit fly program. A fruit fly incursion can be devastating to our horticultural industries—particularly those already impacted by the drought—by cutting access to markets and placing additional treatment costs on the sector.

I am very pleased to report that South Australia's fruit fly free status comes despite significant fruit fly activity in the Eastern States, where one jurisdiction alone experienced over 40 fruit fly outbreaks in 2008. To illustrate the success of the fruit fly program, prior to—

The Hon. P.F. Conlon interjecting:

The Hon. P. CAICA: Exactly. To illustrate the success of our fruit fly program, prior to 2002-03, there was an average of 4.6 fruit fly outbreaks per season in South Australia, while in the six years since there have been only five outbreaks in total. The key to having no fruit fly outbreaks and to maintaining South Australia's fruit fly area freedom status are the efforts of the fruit and vegetable industry, as well as the growing awareness of the travelling public to do the right thing by binning, eating or declaring fruit and vegetables before coming into South Australia or travelling to the Riverland.

I want to pay tribute to the South Australian public for their awareness and the role they have played with respect to this very important program. Our community awareness campaign is an integral part of an operational strategy consisting of multiple components with—

An honourable member: What about phylloxera?

The Hon. P. CAICA: Listen, mate, I am happy to speak to you any time. You do not need to talk across the chamber like this. You know that you can come and talk about phylloxera any time but, today, we are talking about fruit fly.

I want to highlight our community awareness campaign and the important role it has as part of the operational strategy, consisting of multiple components, as I said, with the others being fruit fly trapping grids; fixed quarantine stations; signage and quarantine bins on key entry points to the state; random mobile roadblocks in the Riverland and South-East; quarantine bins at airports, the Great Southern Rail Terminal, seaports and bus terminals; and the imposition of fines and quarantine detector dog teams at the airport.

South Australia's new Plant Health Act, which comes into effect later this year, further strengthens our state's range of biosecurity activities and will focus more of our efforts on compliance and enforcement. Other jurisdictions, with more than a touch of envy, I might add, have acknowledged the success of our fruit fly program. The Victorian government has recently expressed appreciation for South Australia's collaboration and direction in renewing its efforts to combat fruit fly.

Recent research funded by industry confirmed a high level of awareness amongst the community of the ongoing need to protect our state from the ravages of fruit fly and that there is strong public support, as I have mentioned, for the quarantine strategies used to date. The research confirmed that all components of the government's fruit fly program are effective and have made a positive impact. The government remains steadfastly committed to supporting industry, jobs and investment in our regional communities through this and many other successful programs.

WATER FOR GOOD

Mrs REDMOND (Heysen—Leader of the Opposition) (14:25): My question is again to the Minister for Water Security. Can the minister advise why she did not use the $2.4 million spent on marketing the Water for Good 2050 campaign to purchase water for critical human needs? It has been publicly revealed that the government will spend $2.4 million on marketing its Water for Good campaign (whatever that might be). On 15 June 2009 the Budget and Finance Committee was told that $2.4 million could buy 6.7 billion litres or 2,700 Olympic-sized swimming pools of temporary water.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:26): Again, I am really pleased to be able to answer the question asked by the Leader of the Opposition. When we are talking about the $2.4 million that has been allocated to the education and marketing programs for our Water for Good it brings me to a very important part of that investment that occurred this morning.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: This morning I was very privileged to be part of the launch of a book that has been developed by SA Water, which will be distributed through all of our schools. It is a story about Captain Plop. I read to a group of about 60 young people aged between about four and eight what you need to do to save water in the house and how you as a child could also save water and how you can help your parents save water. These are the kinds of programs that are going to help us to be a water-wise community in the future, to ensure that we can educate our community to understand the value of water and how they can contribute to demand management in this state.

The only way that you can deal with demand management is to provide incentives, which we are doing through a $24 million incentive package for water saving devices, gardening goods and a range of other water saving initiatives; plus we have an education campaign, which we believe is critically important to assist our community to use water more wisely in the future. If anyone in this chamber believes that it is not important to educate people, then I think they seriously need to consider why they are here in the first place.

COUNTRY HEALTH SERVICES

Ms BREUER (Giles) (14:28): My question is to the Minister for Health. As I have nine hospitals and 10 health services in my electorate, this is very important to me. How will the Country Health SA Board Health Advisory Council work with Country Health SA in the planning of country health services?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:28): I thank the member for Giles for her question. I acknowledge that she has many health services in her community and that she is a strong advocate for all of them. I was very pleased, just recently, to visit the Whyalla Hospital, where I met with over 100 volunteers who have given and continue to give great service to that hospital.

The Health Care Act 2008 dissolved local hospital boards and ensured that the Department of Health and, ultimately, the Minister for Health, would have direct responsibility and accountability for managing South Australia's public health system. This ensures a systemic approach to the delivery of health services.

In order to retain local knowledge and expertise within the system, the Health Care Act provided for the establishment of local Health Advisory Councils (HACs) to advise me on health issues related to specific groups or regions. In country areas the HACs will ensure that the strong link between communities and their health services is maintained. Individual hospitals have their own HACs and the Country Health SA Board HAC operates as an umbrella body to provide advice from a whole of country health perspective.

The Country Health SA Board works closely with other HACs and Country Health SA in planning country health services and advocating on behalf of the people of country South Australia. Today, I can announce that the new presiding member will be Mr Peter Blacker. Mr Blacker has been—

Members interjecting:

The Hon. J.D. HILL: How predictable? Well, it is predictable, because Mr Blacker has been a farmer on Eyre Peninsula for over 40 years and has been strongly involved in regional development issues across South Australia. He was a former and proud member of this house. He supported the conservative side for most of that time, I understand.

The Hon. K.A. Maywald: He was a former leader of the National Party.

The Hon. J.D. HILL: He was a former leader of the National Party. He did not achieve such high office as the current leader of the National Party, more is the pity, and, of course, he cut

his teeth as a member of the Cummins Hospital Board and was very much involved in defending that hospital over the years.

He is well known and respected by country South Australians for his commitment to rural communities and, most recently, the wonderful work he did as chair of the Country Health Care Plan Task Force, and also for his role as chair of the Regional Communities Consultative Council.

Members of the HAC also include representatives from country communities, rural doctors, nurses, local HACs and Aboriginal health. The board will continue to hold meetings in country areas in order to meet with local HAC members as well as gain an improved understanding of the issues and circumstances that impact on local health service delivery.

The government is committed to providing country South Australians with the best possible health care. The 2009-10 budget guaranteed over $39 million in additional operating funds for country health in South Australia to help meet the increasing demand for health care services. The total operating expenditure budget for Country Health SA in 2009-10 is $630.4 million, which is a massive 66 per cent more than when we came to office in 2002.

I look forward to working with the new Country Health SA Board on the many health issues facing rural South Australians and looking at ways that we can improve and increase health services to those communities. I would also like to thank the outgoing members of the council for their assistance and advice over the past 12 months, and in particular the presiding member, Ms Barbara Hartwig. I am pleased to announce that Barbara's knowledge and expertise will not be lost to SA Health as she has become a member of the Health Performance Council.

STORMWATER HARVESTING

Mr PEDERICK (Hammond) (14:32): My question is to the Minister for Water Security.

The Hon. K.O. Foley: What about asking at this end of the bench?

Mr PEDERICK: Well, you can answer it, if you like. It is up to you. What research has the government undertaken on community acceptance of the treatment of stormwater to drinking standards, who undertook the research, what scenarios were included in the questions and will the government release it publicly? On radio this morning the minister said that the government knew what the community wanted to do with stormwater because it had undertaken extensive research.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:32): I am glad that the Liberal opposition is again reiterating their commitment to put treated stormwater directly into our potable water supplies, because I think that is going to be quite a point of difference between—

An honourable member: It's gutter politics!

The Hon. K.A. MAYWALD: It is gutter politics at its worst. The one thing that we will not do is put at risk the public health of this state by taking a gamble on non-proven technologies to put water into our fresh water drinking supply. I do not think that would be any responsible government's position, so it is just as well that you are in opposition.

In relation to the research that has been undertaken, I have been to many public forums where it has been expressed that people are not at all happy about water being put into the public drinking supply from treated stormwater and other wastewater sources. We have also undertaken work with SA Water internally, and SA Water have also undertaken some work internally and I will get the details of that and bring that back to the house.

I can assure you that you do not have to be out in the community for very long, walking around the streets and talking to people in your community, to understand that people do not want stormwater to be put directly into their drinking supplies. They do not want to be drinking water off roads. They do not want to be drinking water that has gone down the gutters with all the dog and animal faeces that goes with it.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: They do not want to drink that water, I can assure you.

GLENSIDE HOSPITAL REDEVELOPMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:34): My question is for the Premier. Will the government reconsider its decision to build the Premier's film hub at the Glenside site? In a letter to me dated 9 February 2009, Jonathan Phillips, former director of mental health in South Australia, stated:

> South Australia will lose its most outstanding health asset if Glenside becomes a multi-purpose campus or, worse still, should it be sold.

He goes on to say:

> In my opinion Glenside is far too important to be broken up for the sake of expediency. It fills me with dread to even contemplate this.

When appointing Jonathan Phillips to the position of director of mental health services in South Australia, the then minister for mental health stated:

> Dr Phillips is a highly respected clinician, teacher and administrator and I consider it to be a tremendous coup for South Australia to recruit someone of his calibre.

She went on to say that 'the Rann Labor government has made mental health a priority'.

Members interjecting:

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) (14:36): This is an extremely old question, I guess. Can I just say that I do not know why the opposition is delaying the reshuffle: if everyone's going to get a prize it is not that hard. The thing about this is that it is really important to understand that this government has announced the greatest commitment for mental health in the history of this state.

Members interjecting:

The Hon. M.D. RANN: Absolutely—if you want to laugh. The government is committed to the more than $250 million reform of the mental health system that included a $130 million 129-bed new state-of-the-art mental hospital at the centre of the new system. Of course, the previous government, the Liberals, had allowed the mental health system to languish and fall behind the standards of the rest of the world.

A key part of the mental health reform is the introduction of a whole new level of intermediate care, so that people can get the help and support they need before they become acutely unwell, and this is a key part of the new stepped model of care that was announced some time ago. Under that, there would be 86 additional adult mental health beds across the whole of the mental health system and we are creating usable purpose-designed open space. In fact, there will be more usable open space, I am informed, than currently exists on site.

Just in terms of the film industry, only the Liberals do not believe that the film industry is important for the state.

Mrs Redmond interjecting:

The Hon. M.D. RANN: No, no, no! Just a few weeks ago, your rival—the once and future queen of the Liberal Party—said that she wanted us to put money into saving a cinema—millions of dollars.

Members interjecting:

The Hon. M.D. RANN: To buy it; $2 million to buy a cinema, which happened to be—

The Hon. K.O. Foley: In her electorate.

The Hon. M.D. RANN: Very close to her electorate, but services her electorate. Indeed, it is in the honourable member for Hartley's electorate, who has been at the forefront of lobbying to get, and she secured it, a very extensive donation from the government, a grant of $25,000 towards the heritage restoration of the area.

The film industry came to see me and said, 'If you want to keep filmmaking in this state, then you are going to have to have state-of-the-art facilities,' because if you go down to the Hendon studios—and the Leader of the Opposition should realise, having been involved as a shadow spokesman for the arts—you will see that they are simply not adequate, not well-equipped enough, not state-of-the-art enough to sustain a modern film industry.

My advice to the Leader of the Opposition is to go and talk to Scott Hicks, go and talk to Rolf de Heer, go and talk to Rising Sun Pictures, go and talk to Kojo Pictures, go and talk to the people from the industry who want world-class facilities to sustain a film industry in this state. In case you think that we do not have any credentials in this area, just think of what has happened to the film industry since we have been in government. We have seen not only multiple winnings of AFI awards by films like *Ten Canoes*, *Look Both Ways*—

The Hon. P.F. Conlon interjecting:

The Hon. M.D. RANN: No, not the Bollywood film, that's the one that I'm in. It hasn't yet won any awards that I'm aware of, but you never know.

The Hon. J.D. Hill interjecting:

The Hon. M.D. RANN: Maybe the longest film ever. But the fact of the matter is that the industry is saying to the government, 'We want state of the art facilities,' and they are going to get them and they will be located at Glenside.

ARTS AND CULTURAL FESTIVALS

Ms CICCARELLO (Norwood) (14:40): My question is to the Premier. Can the Premier update the house on midyear arts and cultural activities?

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) (14:40): It would be nice to have had more notice of such a question. While the media likes to refer to March in Adelaide as 'Mad March', given the long list of activities on offer culminating at that time—and stretching Mad March back to the end of January, as people tend to, including the Tour Down Under, the Adelaide Film Festival, WOMADelaide, Adelaide Fringe, Clipsal 500, the Rugby Sevens, and, of course, every second year, the Adelaide Festival of Arts—they could just as easily dub our cooler months in Adelaide 'Wild Winter'—

The Hon. K.O. Foley: Wild Winter!

The Hon. M.D. RANN: —who wrote this—since there is plenty happening on the arts and cultural scene.

The 2009 Cabaret Festival wrapped up in late June. In its ninth year and with David Campbell now at the helm, this event once again achieved outstanding results, including over 48,000 attendances for ticketed and non-ticketed events. I take this opportunity (because bipartisanship is at my core) to praise Diana Laidlaw for what she did in terms of setting up the Cabaret Festival in South Australia.

The sales for ticketed events, which reached 36,000, represented 105 per cent of the budgeted target for this year, and were 17 per cent ahead of last year's ticketed attendance figures. These outstanding results are no doubt a reflection of David Campbell's high quality programming, which included a mix of international stars such as Bernadette Peters and John Bucchino, as well as a range of local and national artists—and wasn't it wonderful to see the Argentinian Paris-based singer Barbara Luna here at the event? This programming has earned more positive media coverage and is helping to raise the profile of the festival both nationally and internationally.

The biennial Festival of Ideas—and it was good to see the Leader of the Opposition, I think at one of her first functions, at the launch of the Festival of Ideas—

Mrs Redmond: Not my first function; my first function as leader.

The Hon. M.D. RANN: First function as leader, that is right; I knew you had been to functions before. It was great to see people such as Phillip Adams and other great thinkers. In fact, it was a room full of great thinkers—I think the Leader of the Opposition would agree with me on that—and when they turned out the lights there was a frisson of ideas.

The biennial Festival of Ideas, which aims to engage people in debates and inspire and enliven them through the ideas that are presented, ran over three days and three nights from 9 to 12 July. Since it was launched a decade ago, this event has addressed a variety of themes, including ethics, reconciliation, addiction and theology. This year, the theme was 'Pushing the limits'. It aimed to challenge us to consider how the global community might address situations where the limits may have already been pushed too far. It was great to see Islamic issues such as relations with the Islamic world and feminism in the Islamic world being addressed.

The Festival of Ideas program offered some of the most inquiring, fertile and inspiring minds from across the world. As with the Cabaret Festival, patrons came out in droves, in the depths of winter, for this event. Despite the cold and wet weekend, there was no decrease in the overall attendance figures, with around 30,000 attendances across 58 sessions presented. I understand that sessions are available as podcast downloads through the websites of the Adelaide Festival of Ideas and Radio National. Seventy five per cent of Festival of Ideas sessions were recorded for broadcast on ABC2's *Fora* program and 75 per cent of the sessions will be streamed through Australia's free internet TV channel, Slow TV.

The South Australian Living Artists Festival, commonly known as the SALA Festival—and I guess each year having contributed a work of art to the urban myth—

The Hon. M.J. Atkinson: SALA, not *Salo*.

The Hon. M.D. RANN: No, not *Salo*; that was a film that I think you banned. The SALA Festival will soon be upon us, running from 7 to 23 August. It will showcase works by over 1,000 South Australian visual artists at 250 participating venues across metro and regional venues.

I should mention this breaking news. From 3 to 17 October, we are in for a treat with what promises to be a fantastic third OzAsia Festival. If the pre-release shows, *Bahok* and *Into the Fire*, are an indication of the quality of the program, this promises to be an exciting two weeks. Of course, a couple of years ago former prime minister Bob Hawke was the keynote speaker, and Prime Minister Kevin Rudd has also addressed an audience of over 1,100 people in the Festival Theatre—and we both spoke in Mandarin. I am looking forward to announcing the details of this year's keynote address speaker, who I think will attract a major crowd.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg) (14:45): My question is to the Premier. Will the government at least reverse its priorities and advance the mental health facility at Glenside before the Premier's film hub? We have just heard from the Premier about his priority to mental health. However, in December last year the Treasurer announced a two year delay in construction of the new Glenside facility, while progressing the Premier's $43 million film hub on the same site. Numerous coronial inquiries have recommended the extension of these services and the chair of the Parole Board has now said:

> We have people frequently falling into this category [affected by drugs] who do need to be detained but James Nash House isn't the suitable place for them and there really is nowhere else. Recent events illustrate that it is an ongoing concern; unfortunately nothing has been done about it.

It should also be noted that the construction of the new forensic mental health facility to replace James Nash House has been cancelled in this year's budget yet the film hub is being progressed.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:46): I am happy to take the question in the absence of the minister.

Ms Chapman: It was a question to the Premier.

The Hon. K.O. FOLEY: And I am the Treasurer. The Minister for Mental Health and Substance Abuse is not with us. I am the Treasurer and I will answer it.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I am a little disoriented. I am used to talking to Vickie over there, but she has moved down the board a little bit.

The Hon. P.F. Conlon: That's what Christopher Pyne will do for you!

The Hon. K.O. FOLEY: Yes. As we have said from the very beginning, the government has a substantial, aggressive capital works program that we are delivering for the betterment of this state. Something occurred in October last year—the global financial crisis. What that required of government was to make some very hard decisions. We had to reschedule a substantial amount of our capital program, as it related to the new prisons. We had to cancel the new prisons project and, by cancelling that, we also cancelled the new secure mental health facility.

Mr Pisoni: And you imported swimming pools.

The Hon. K.O. FOLEY: Imported swimming pools? Anything arriving in your letterbox lately? You must be very happy with your track record in recent months. You destroyed a leader,

destroyed a deputy leader and destroyed the career of the member for MacKillop—and you get promoted! I have never understood the Liberal Party. This guy ends the career of a leader, ends the career of a deputy leader, ends the career of the member for MacKillop yet ends up on the front bench. That is a bizarre logic.

The Hon. M.J. Atkinson: He betrayed everyone!

The Hon. K.O. FOLEY: The Liberal Party of South Australia will never cease to amaze me, how they can knife each other. Ultimately, at budget time we announced that we have put aside an allocation to deal with the capacity issues of the state's prison system. We have put aside a contingency that will be available to expand the men's prison system and, amongst that resource, money is available for high security mental health prisoners and patients, as well as issues to do with youth detention. We are working through those issues. I will give an absolute commitment to the house that there will be more than adequate secure facilities available for those who are mentally disturbed and require the most stringent high security detention. Government, through a global financial crisis, is a difficult task. We have had to make some hard decisions that in any other economic framework we would not have to make. What this government has demonstrated, as we had our AAA credit rating reaffirmed by Standard and Poor's and Moody's, is that it has been able to take decisive action in response—

Mr Williams: Backflips!

The Hon. K.O. FOLEY: Backflips? I think you have done a backflip. He has done a backflip. He has gone from the front bench to the back bench. That is not a bad backflip. This government has demonstrated its ability to manage this economy through the global financial crisis, and we have been able to make hard decisions that have been in the best interests of this state's financial and economic security. We do not resile from the fact that, after seven years of government, we have demonstrated that we are the government of ideas, we are the government of economic management and we are the government of vision. Whilst the opposition fights amongst themselves, whilst the opposition is only worried about their own jobs, this government will continue to govern in the best interests of South Australia.

CRIME STATISTICS

Mr WILLIAMS (MacKillop) (14:51): My question is to the Attorney-General. Has a change in the national and international availability of heroin been a major factor in the reduction of break and enter crimes; and, if so, why has his government claimed credit for that decrease but not accepted responsibility for increases in non-drug related crimes? In his early morning thoughts posted on news website Adelaidenow, the Attorney-General stated that the crime figures relating to burglaries and car thefts have fallen 48 per cent due to:

> A shift in drug use away from expensive imported heroin and towards cheaper locally produced amphetamines.

In the same item, the Attorney recognises the increase in assault, which reflects increases in other major crime categories such as murder.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:52): What I said on that occasion was absolutely correct, and I have said it time and again. I thought that I detected an insinuation in the question that somehow this was inaccurate. Well, let me tell you who told me that: it was at one of my meetings with Frances Nelson in my boardroom, where Frances Nelson, Chairman of the Parole Board, went through the changes in drug use in our society during the life of the Rann government, during the past seven years, and she pointed out the consequences of the change in drug use for the patterns of crime.

It so happens that in the seven years of the Rann government crime has gone down 38 per cent. I know that the opposition members are very depressed by that. It is a statistic which is most unwelcome. But I am not so bold as to claim that the 38 per cent reduction is entirely caused by the policies of the Rann Labor government. Many factors determine the way the crime rate goes, and one of them is the proportion of young men in society—the demographics. We all know that most crime is committed by males between the ages of 16 and about 40; and, so, depending on their proportion of the population so will go crime rates.

I stand by exactly what I contributed to *The Advertiser* blog site. I notice that, in prefacing her mentioning my contribution to *The Advertiser* blog site, the Leader of the Opposition yesterday noted that I was working late and commented 'get a life'. I do not think that the Leader of the

Opposition has any idea what working as a minister entails. She has never been a member of a government, and, if she is to be an alternative premier, she had better get used to the requirement of ministers that sometimes they work into the early hours of the morning. I am often in my office at that time, and I think if the—

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The Hon. M.J. ATKINSON: Sorry?

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I think if any member of the front bench here had used the words 'get a life' to the Leader of the Opposition, we would be portrayed as bullies and insensitive, but apparently the Leader of the Opposition has benefit of clergy to make such catty remarks about members of the government.

As to the effect of changing patterns of drug use on the crime rate, I think it is noteworthy that when the Leader of the Opposition attended the rave party with Sandra Kanck—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: That is Dr Caldicott, the man who wants to legalise all drugs.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Yes. The Leader of the Opposition told Channel 7 on 10 December 2006 when she was downplaying the risks of ecstasy, 'Ecstasy doesn't seem to be as big a risk as a number of other drugs.' I will quote the Leader of the Opposition again. These are her own words at a time when she was the shadow attorney-general, the Liberal Party spokesman for criminal justice. She went to a rave party with Sandra Kanck, and after going to the rave party the Leader of the Opposition—the alternative premier—told Channel 7 on 10 December 2006, 'Ecstasy doesn't seem to be as big a risk as a number of other drugs.' That is when she was consorting with Sandra Kanck who proposed giving ecstasy to war veterans. This was the same Sandra Kanck—

An honourable member: Of blessed memory.

The Hon. M.J. ATKINSON: —of blessed memory—who advocated giving ecstasy (that is, MDMA) to the victims of the Eyre Peninsula bushfires. Knowing the position of Sandra Kanck on the legalisation of drugs, the Leader of the Opposition was happy to be her consort at a rave party and to say afterwards that ecstasy does not seem to be as big a risk as a number of other drugs. If you look at the national coroners database, there were 112 ecstasy related deaths in Australia between 2001 and 2004.

KANGAROO ISLAND, FERAL GOATS

The Hon. S.W. KEY (Ashford) (14:59): My question is to the Minister for Environment and Conservation. This question deals with the fact that the Natural Resources Committee is going to Kangaroo Island very shortly. Can the minister detail to the house what is happening in regard to pest animal eradication schemes on Kangaroo Island?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:59): We had a significant issue on Kangaroo Island with goats. They are running rampant. We are running a very effective program on Kangaroo Island that involves a couple of our rangers who are very good shots.

We also have a particular scheme using a piece of technology: we hang an electronic tracking device around the neck of a goat. That goat then finds its way into the herd among other goats and we are able to track it and shoot all of its mates. This is not a popular goat, but that goat survives and all the other goats are shot. It is called a Judas goat, and it does rather remind you of someone. While it might not be a very popular goat, it is a very effective program. The member for

Finniss and I had first-hand experience actually watching this in operation. On a serious note, the goats—

Mr Pengilly interjecting:

The Hon. J.W. WEATHERILL: Yes. We are much kinder to koalas on Kangaroo Island. We gently desex those, but there is no mercy for the goats. This program has been scientifically proven and is doing a tremendous job in thinning out those very dangerous feral animals on Kangaroo Island.

PRISONS, DRUG TESTING

Mr WILLIAMS (MacKillop) (15:01): My question is to the Minister for Correctional Services. How many drug tests were conducted in South Australian correctional centres in the years ending 2006, 2007 and 2008, and how many of those tests returned a positive result?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (15:01): Surprisingly, I do not actually have that with me, but I will endeavour to get a result for the member for MacKillop. Perhaps when he takes the time to visit a prison, we can show him how we do it, and drug test him.

HOON CAR CRUSHING POLICY

Dr McFETRIDGE (Morphett) (15:01): My question is to the Attorney-General. Does the government's proposed hoon car crushing policy propose to crush cars with a substantial market value, such as the Subaru WRX, or is the policy restricted to crushing old cars? At yesterday's launch of the government's yet to be written policy, the Attorney-General alluded to an exception to the car crushing rule for cars which may be of reasonable commercial value.

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) (15:02): A number of people have contacted me—and some, I have to say and confess, on my Twitter site—and asked why we would crush cars when we could sell them and put the money into the Victims of Crime Fund. Well, the answer is that we will sell cars and put the proceeds into the Victims of Crime Fund, because that is what we do now. However, there are some cars that are so defected—basically weapons on wheels—that they are not worth selling and, indeed, we would not want to put them back out into the community, and they will be crushed.

People have suggested some kind of a stockade in Victoria Square, or what have you, but the point of the matter is that that is obviously why we are giving the discretion to the police commissioner. People say, 'Oh, this is terrible. Oh my God, you should be selling these things.' I wonder whether they would say after our gun amnesty that we should collect them all, sell them and put them back out on the market. We crush those as well. The idea is that rather than putting a car—some souped-up bomb, a weapon on wheels—back out into the community, rather than putting the police through the process of putting it up for auction, we will give the police commissioner the discretion. I have confidence in the police commissioner; I have confidence that he will do the right thing. Where it is the best thing to crush, he will crush, and where it is in the best interests of the state to sell the Jaguar, or whatever it is that has been hooning down the street, and return the money to the Victims of Crime Fund, he will have the discretion to do so.

HOON CAR CRUSHING POLICY

Dr McFETRIDGE (Morphett) (15:04): My question is again to the Attorney or the Premier, or whoever wants to answer. Will the government be crushing vehicles used by hoon drivers that are owned by a third party?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:05): Hoon cars will only be crushed when they have been forfeited. So, one cannot crush them, confiscate them or sell them at government auction until such time as a court hearing has been heard.

The Hon. P.F. Conlon: What, not even Fords?

The Hon. M.J. ATKINSON: No, not even Fords. There will have to be a court hearing at which the car is forfeited. It may be that, for some reason, although the owner of the car is not the hoon, the owner is complicit in the hoon behaviour in which case it would be open to the court to order the car forfeited and, therefore, it will be open to the police commissioner to crush it.

WATER FOR GOOD

Mr PEDERICK (Hammond) (15:06): My question is to the Minister for Water Security. Will the minister guarantee that any annual water surpluses in South Australia will be retained in the River Murray? The government's Water for Good plan identifies that by 2050 South Australia will have an annual water surplus of between 22 gigalitres and 58 gigalitres, subject to climatic conditions. The report calculates the surplus using a constant allocation of River Murray water of 130 gigalitres for Adelaide in both 2009 and 2050.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:06): It is an interesting question asked by the member for Hammond, and once again demonstrates his lack of knowledge of how these water systems operate.

Members interjecting:

The SPEAKER: Order!

Ms Chapman: Your electorate's dying.

The Hon. K.A. MAYWALD: One of the interesting things is that my electorate is not dying anywhere near as quickly as the career of the member for Bragg. However, what I will say is that the lack of understanding of water supply issues and River Murray management issues, and the lack of understanding of how they interconnect and how—

Mr Pederick interjecting:

The SPEAKER: Order! The member for Hammond has asked his question.

The Hon. K.A. MAYWALD: Let me explain it step by step for the member for Hammond. South Australia has a water allocation out of the River Murray for metropolitan Adelaide. It is a 650 gigalitre rolling licence. Of that, South Australia can take more in dry years and take less in wet years, depending on how our Mount Lofty supplies fare, and that means how the rainfall in the Mount Loftys fares.

We have used that 650 rolling licence particularly well over the past decades to supply water into Adelaide. What will happen with the desal coming on line is that it gives us another option of water supply that can actually help to underpin and ensure that we have a climate dependent supply of water. The metropolitan Adelaide licence is non-tradeable licence, which means that if we do not use it for the metropolitan Adelaide use, then the only other use that it can be used for is the environment. That is the current situation, that will be retained, and that will remain.

When we are using water from the desalination plant and we are not needing to draw from the River Murray we have a number of options available to us. We have negotiated space in the dams of Hume and Dartmouth, and we can save some water up there for a not so rainy day, and we can use that water for the environment, and we will be very happy to use that water for the environment.

OFFICE FOR YOUTH A-TEAM

Mr KENYON (Newland) (15:09): My question is to the Minister for Youth. Can the minister inform the house about Dr Genevieve Bell and her work with the A-Team, which was made up of young people from the state's Riverland, and do they still love it when a plan comes together?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (15:09): Yes, Mr Speaker, I can. Last week I had the pleasure of meeting anthropologist and former Adelaide Thinker in Residence Dr Genevieve Bell. Dr Bell is currently Director of User Experience at Intel in the United States.

During her residency, Dr Bell met and worked with the Office for Youth A-Team, which was made up of 10 young people from the Riverland. A-Teams are groups of young people who come together, with support from the Office For Youth, to investigate and make recommendations on key policy issues. They bring a youth perspective to issues facing government and communities in South Australia by creating a mini think tank through which innovative and challenging ideas are generated.

The A-Team focused on engaging young people with information and communication technology to build and connect regional communities. The team participated in a series of

mentoring sessions (that is, teaching people older than them to use technology), speaker panels and facilitated discussions with experts from government, industry and community. The team had the unique opportunity to work with Dr Genevieve Bell during two workshops.

The A-Team looked at how young people are using information technology to communicate, whether that be Twitter, SMS, Facebook, My Space, and other social networking formats. Other issues discussed included what were the barriers to and opportunities for further technology uptake in the Riverland region and how technology can be used to build and connect communities in the Riverland region.

I am pleased to advise that the government is progressively working through the A-Team's recommendations, which include utilising effective e-learning to improve the amount and accessibility of educational resources and courses in Riverland high schools and establishing a website where the public can participate in government consultations, communication with members of parliament and watch parliament discussions. I am sure that will involve some new skills being developed by some members of parliament who may not be as user friendly with new technology. I am sure that the opposition spokesman for youth can help people with that.

During my discussions with Dr Bell she told me how impressed she was to work with such a diverse, switched-on and driven group of young people. She applauded the Office for Youth for having its own Facebook page, which the opposition criticised. She commended the office for its forward thinking.

The Hon. I.F. Evans: Criticised the website.

The Hon. A. KOUTSANTONIS: No, you criticised the Facebook page. Dr Bell's residency in Adelaide finished earlier this month. I will check the *Hansard*, but I am pretty sure that the opposition spokesman said that he thought the Facebook page was inappropriate for its lolly-counting jar that was on the page. I am sure that if he is wrong he will apologise as well.

Dr Bell's residency in Adelaide finished earlier this month. I am delighted that she gave her time to work with the Riverland's A-Team and I am confident that her recommendations will be taken into account when IT and communications decisions are made by this government. Dr Bell has an—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Maybe by Twitter. Dr Bell has an exceptional reputation in her field and her research provides considerable insight into the adaptation of technology in everyday lives. I would like to officially thank Dr Bell and the A-Team for their work this year.

MURRAY FUTURES

Mr PEDERICK (Hammond) (15:12): My question is to the Minister for Water Security. Will all river communities from the border to the Murray Mouth, including those around lakes Alexandrina and Albert, benefit from the River Industry Renewal and Riverine Recovery programs? In the performance commentary for DWLBC's water security in the recent budget, it is stated that under the Murray Futures program the $110 million River Industry Renewal to reinvigorate irrigation communities, including the uptake of newer and smarter irrigation technology, and the $100 million Riverine Recovery to improve our river wetlands and floodplains are managed from the South Australian border to Wellington.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:13): The answer to that question is yes, and you also need to include the third project, which is the long-term plan for the Lower Lakes and Coorong, which is a further $200 million.

The Industry Renewal component of the Murray Futures program is $110 million towards industry renewal programs. We are still continuing to negotiate with the federal government on how that funding will be invested to support industry to deal with climate change and to be able to adjust to a future with a more variable supply of water in the future.

The other program, the Riverine program, will have benefits below Lock 1 and above Lock 1. It includes the removal of pumps off wetlands so that we can better manage wetland complexes and ensure that we can have better biodiversity outcomes on our floodplain as a consequence of managing river levels behind our locks and weirs, and also through structures on the floodplain to allow water to enter at certain times and introduce wetting and drying programs to

the floodplain to increase the health of the floodplain. So, that program is from Wellington to the border.

Below Wellington there is also a $200 million program for the long-term planning measures that will need to be undertaken to manage the Lower Lakes and the Coorong in the future. That program is well and truly underway with extensive consultation occurring at this stage.

DNA PROFILING

Mr RAU (Enfield) (15:14): Can the Minister for Police advise how DNA is enabling the police to solve more crimes?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:14): I thank the member for Enfield for his question. DNA profiling is the single most important advancement in police investigation techniques since the development of fingerprint classification systems. The Rann government has a good story to tell in terms of the use of DNA.

We changed the law to force all prisoners in South Australian gaols to be DNA tested. We also introduced the toughest DNA laws in the country which has meant that DNA can be taken from any person suspected of having committed an indictable offence or any summary offence punishable by imprisonment. We also changed the laws to allow all lawfully obtained profiles to be permanently retained. Currently, the only jurisdiction to have similar legislation is the United Kingdom. Its laws were changed in May 2001 to allow profiles to be retained. This followed two cases that demonstrated the potential value of the retention of profiles on the database.

Since 14 May 2007, when the second round of amendments to the Criminal Law (Forensic Procedures) Act 1998 came into operation, removing procedural technicalities that unduly complicated the procedures and limited the law enforcement objective of the act, the suspect/offender index of the state's DNA database has increased from 21,451 profiles to 53,061—an increase of 147 per cent.

In the 12 months to 31 March 2009, around 20,000 profiles were added to the suspect/offender index. In August 2007, South Australia signed an agreement linking us to the National Crime Investigation DNA Database which enables our police to share information freely with the commonwealth and other states and territories. As at 31 January 2009, this database contained 327,538 person profiles.

As the number of DNA profiles on the database begins to grow, the number of DNA matches reported also begins to increase, illustrating the potential intelligence value of the database. Between 1 January 2008 and 31 December 2008, the DNA Management Section prepared and disseminated 1,110 DNA investigation packages that linked a person to a crime scene. These packages resulted in 498 offences being charged which may have otherwise not been cleared.

DNA Management Section now processes between 1,600 and 2,000 DNA mouth swabs per month. By comparison, for the full 12 months up to 30 June 2007, only 6,718 DNA mouth swabs were processed. The collection of DNA samples will help prevent future crimes. An offender who is not caught quickly remains free to commit more crimes. This is a downward spiral. Police now have the tools at hand to catch these criminals. Through tough legislation, advanced technology and improved policing practices, DNA has meant that more crimes are cleared up ensuring South Australia is a safer place.

GRIEVANCE DEBATE

URANIUM MINING

The Hon. G.M. GUNN (Stuart) (15:18): The first matter I want to raise is that I was surprised to hear the Greens' member in the other place talking down developments in South Australia. The extension of the Beverley uranium mine will be of great benefit to the people of the state and is an expansion of another good Liberal initiative. Without the Liberal government, that particular project would never have got off the ground because at that time, the Labor Party was telling people that, if you developed uranium mines, the sun would not come up in the morning.

Now we have this great development and we have those people who want to live in tents with candles because that is the sort of process that they really think we should be involved in instead of developing clean, efficient energy products. Everyone knows that the nuclear industry is

expanding around the world and we are well placed to participate in and benefit from it, and to create jobs and opportunities for the people of the state which is a really good thing. I am proud to say that I voted for the Roxby Downs development and I am the only one left in this place who did.

I want to make a brief comment in relation to what happened up at Yunta and the great difficulties and the attacks that were made on my constituents. I really do want to know who was responsible, or who recommended that Mr Robinson be let out of prison, because an aged constituent of mine who lived by herself on her station was subjected to physical violence, which is absolutely unacceptable. She is a good, hard-working person who would have never breached the law in her life or done anything but good for the community she lives in. I know her personally. It is appalling that a woman of her age would have to go through that sort of trauma, through no fault of her own. A police officer also suffered injuries when he was carrying out his duties, another person was run down, and the community in general was put through a great deal of stress.

There was great anger in that community about how the local residents were treated and why a person of this type—a person who has committed such tremendous crimes against the community—was allowed back into society. I sincerely hope that steps are taken so that people who have engaged in this sort of outrageous behaviour are not allowed to again inflict vicious attacks on ordinary, law-abiding citizens going about their business.

People living by themselves or in isolated communities do not expect to be attacked—not in their own homes—and I just wonder what effect it will have on that lady when she has to go back and live in that home by herself. She is 75 years of age. I think it is appalling, and so does the community, which has supported and helped her and has the highest regard for her. They are very angry about what has happened to her. I have had lots of telephone calls from people, and I cannot repeat what they said and what they think about it, but they are appalled by the distress she has been put through.

The other matter I want to mention is that my constituents at Peterborough are very keen to see their aged care facility upgraded. When they have run it in the past themselves, they have done a great job. They currently have $650,000 in the bank. They had another $50,000 given to them when the ambulance service was taken over. The other $150,000 went to upgrade the airstrip. They have got $700,000. They wanted Country Health SA to make an application to the commonwealth and it refused to do so because it thought it might cost the state government some money. Anyone who knows about the demands for aged care facilities is just appalled to think that they would not even make the application. So, I call on the minister to find something productive for these people engaged in country health, because surely it is their job to put in applications.

Ms Breuer interjecting:

The Hon. G.M. GUNN: I can say a bit more about it, if you want me to. It is an absolute outrage. When the community was running it, they did not need bureaucrats to supervise what they were doing—and they will not in the future, because it is an absolute nonsense, and common sense is not applying.

Time expired.

WHYALLA HOSPITAL RENAL UNIT

Ms BREUER (Giles) (15:23): I want to talk about a couple of issues today but, first, I want to talk about the commencement of renal dialysis services at the Whyalla Hospital on 29 June 2009. I am very thrilled about this, because it is a long-needed service that is now provided in Whyalla.

The need for a renal dialysis service in Whyalla was proposed by the South Australian Department of Health in March 2009 in recognition that there was increased stress on the dialysis service in the Northern Territory which was consequently expected to increase South Australian demand, particularly for the Port Augusta renal dialysis unit where our people had needed to go in the past. It was identified that five current Whyalla residents were receiving dialysis on an ongoing basis in Port Augusta. This means a 150 km round trip, which is two hours of travelling, often in very early morning; and also we had a number of people who were going to Adelaide for dialysis, which meant relocating their families and themselves.

So the decision was taken, which I was very pleased about, that the Whyalla Hospital would install two chairs to address the needs of the Whyalla residents receiving care in Port Augusta, and this would be done in conjunction with the Queen Elizabeth Renal Unit, with the understanding that the Whyalla unit would operate as a satellite of the Queen Elizabeth unit.

I have had many approaches over the years by people in the community requesting that this service be provided. It was always very difficult in the past, but I am very pleased it has happened now. One of the problems was lack of people to staff the unit, but the Queen Elizabeth Hospital has supported the initial training and accreditation of four Whyalla nursing staff and provided technical advice for the purchase and installation of the dialysis equipment, which was fully installed and tested on 25 June. As I have said previously, dialysis started on 29 June. I have received a number of messages from people since then saying how pleased they are that they can now stay within our city for their treatment.

I congratulate our wonderful hospital staff for the work they have done in getting the service provided and all the other wonderful things they do in our community and, in particular, Kay Atfield (the CEO) who has been wonderful in our community, Jim McMenemy (Director of Nursing)—a well-known local who is very much appreciated for his work—and Dan Wakeling (chair of the Health Advisory Committee). They have shown foresight in lobbying for this service, which is now available, so I congratulate them all.

I also want to talk about the Roxby Downs Scout Group. I was in Roxby Downs last week and I met with their leaders. I was stunned to hear that the local scout group raised over $6,000 for the Victorian Bushfire Relief Fund. This is incredible in a community of about 4,000 people. The Roxby Downs Scout Group was reformed in October 2006, and after almost three years the group has become one of the largest, most financial and successful scout groups in South Australia. It provides an essential service to the community, and there are more than 50 members aged between 6 and 15—which is phenomenal for a small community such as Roxby Downs.

The Scout Association must be pleased with and proud of the group. As I said, there are currently over 50 members, but the group has a waiting list and people are putting their children's names on the list when they are born. That is how popular the group is and how important it is in that community. As I said, the group raised over $6,000 for the Victorian Bushfire Relief Fund—which is an amazing thing for them to do.

The group is seeking support to get a permanent home and suitable facilities for their activities. Currently, they are operating from the community church hall, which is much appreciated. They have received excellent service from them and they have been very generous in what they have allowed the group to do, but one of the problems is that the group can only access the hall on one or two nights a week. With 50 scouts and the potential to increase numbers, two nights a week is not enough. They need their own hall. They are not able to play ball games indoors and they cannot set up tents to camp; they need a space.

Unfortunately, because of expansion and planning that is occurring, they keep getting knocked back when they ask for land on which to build. They are bursting at the seams, and they are prepared to look at three different options. The group is financially viable; they have raised substantial funds, so they are not asking for money from anyone. They only want the land on which to build a hall.

The hold-up seems to be with this plan, and I encourage the ministers involved to look forward and assist this group. It is a wonderful group. It is a jewel in the crown for the scouting movement.

Time expired.

EDUCATION, RURAL AND REGIONAL AREAS

Mrs PENFOLD (Flinders) (15:28): Today I bring the attention of the house to the grave concerns that many country students and their families have in accessing tertiary education and diminishing opportunities, particularly following the federal Labor government's changes to the youth allowance criteria. I ask this Labor government to lobby their federal counterparts and investigate and implement ways in which to assist South Australia's country tertiary students to fulfil their potential.

Families of rural and regional students are forced to pay for accommodation, food and general costs to run a second household. They have to find suitable accommodation—and the operative word is 'suitable'. Parents need to know that their children are safe. Students are expected to learn how to live away from home without support networks, transport themselves in unfamiliar territory, do their own food shopping, cooking, cleaning and laundry, attend university—an experience vastly different from schooling—and try to get some part-time work to supplement day-to-day living expenses—another added stress with some very demanding uni courses. It is no

wonder that so many country students drop out of tertiary studies because the stress and pressure become too great.

By comparison, most young adults of city families do not face these problems having the advantage, comfort and security of their family home surroundings and usually already having a part-time job. Very little change happens for them when accessing further education.

Country people are proud of their local schools and tertiary facilities where they exist. However, choices are limited with a lack of appropriately qualified teachers and lecturers, smaller numbers of subject choices and a lack of mental and educational stimulation. Some subjects can be taught by distance education. However, this, too, is limited because of poor and slow internet access, poor or non-existent broadband services and the necessary hardware and software.

Where tertiary institutions exist in some larger rural towns most students still have to live away from home to attend them, so all the disadvantages outlined still apply. Young people in rural and regional areas are often overcome by the obstacles they have to face to gain a tertiary education, hence do not even consider this avenue for their future. The recent changes by the federal Labor government to the Independent Youth Allowance Scheme will strengthen this perception and negative outcome on tertiary education access by country students.

Until now students have been able to defer chosen university studies for a year while they work in order to qualify for youth allowance. However, uni courses can be deferred only for one year, and the proposed changes will not now enable students to defer studies to save enough money. Eventually, there will be a less educated substructure in rural and regional areas, with people less able to accept advances in technology and general knowledge. On the flipside, country students gaining tertiary degrees are more likely to return to country practice than students who have always lived in the city.

Without these students returning to regions fully qualified, eventually there will be an even greater shortage of health, education, environment and other professionals, adding to the downward spiral of the quality of life in rural and regional Australia. Students are unlikely to enrol in tertiary courses where they do not see tertiary education as a positive future for them. When the obstacles become too great and/or parents are unable to support their children living away from home to access tertiary study, enrolments will drop with more negative broad-ranging effects.

Changes in the Independent Youth Allowance rules make it almost impossible for rural and regional students to fulfil their requirements to be classed as 'independent' and qualify for financial assistance. If someone has spent two years in a job (as proposed changes to the allowance would necessitate for the person to qualify for assistance) it is even more unlikely that he or she would then relocate to study. The momentum to again become a student is reduced when the person is faced with loss of income, dislocation from their community and breaking commitments to families and friends.

Country students also have fewer opportunities to socialise and to develop interactive social skills, and they have fewer prospects or exposure to gain interest in the wide variety of occupations and professions that are available. No only are they destined to poorer education but also reduced health, higher suicides and a lower life expectancy—particularly for men—than their city-based counterparts. Rural and regional communities require qualified workers, professionals and tradespeople. A reduction in tertiary-qualified people able and willing to work in the country lowers the quality of life in rural and regional areas and affects the capacity of the whole state.

Australia needs people populating rural and regional areas, and those people and their children should not be disadvantaged because they do not live in metropolitan areas. I urge this Labor government to be proactive in its assistance to help our young people take advantage of the educational facilities predominantly located in Adelaide to fulfil their considerable potential.

CALISTHENICS

Ms BEDFORD (Florey) (15:33): Having just returned from supporting our state calisthenics competitors at the 21st national competition of the ACF, it is my pleasure to report to the house the successes of our state team representatives. South Australia competed in each section—sub juniors, juniors, intermediates and seniors—as did Victoria, Western Australia and the host state, Queensland. The Northern Territory competed in intermediates and the ACT in juniors and seniors. After competing in team events last year, New South Wales could send representatives only in the junior and senior Gracefuls, and I am happy to report that they were successful in gaining places in both those closed competitions.

Tuesday saw our girls involved in stage familiarisation and practices in preparation for their items. Wednesday was devoted to Graceful and calisthenics solos and duos over all age groups, with wonderful performances by 86 girls in all, with an opening ceremony thrown in at the commencement of the evening session.

The Queensland organising committee and Calisthenics Association of Queensland president, Anita Roser, and her executive are to be congratulated for the smooth running of this great event. Some states do not realise how great and diverse the calisthenics community is. After the first day, theatre and catering staff began to realise that this great but minority sport has a very big following with capacity audiences on all days.

Australian Calisthenic Federation president, Lynne Hayward, her executive team and director of competitions, Liz Kratzel, do a great deal to ensure calisthenics has a professional foundation and outlook, and I acknowledge their efforts. Many life members were present, although I did miss life member and fellow patron from South Australia, Bill Scott.

Our state team officials (manager, Bev Daysh; CASA president, Darren Emes; ACF and CASA life member David Hooper; and Jan Tinker-Casson), along with a wonderful group of team managers and chaperones, not to mention the great backstage crew, made sure our teams had the best possible opportunity to shine, and shine they certainly did.

Thursday saw two divisions. Subjuniors—coached by Melissa Daysh, assisted by Sarah Stephenson, Danielle Wickham and Robyn Faeshe—produced some beautiful items that saw the team win March section and placed second overall. Juniors—coached by Nikki Ianunzio, assisted by Keron White and Annika Sellen—won their section convincingly with five firsts and a second in the six item competition. They did a fantastic job and thoroughly deserved their win.

Inters was a hotly contested day on Friday with five state and territory teams competing. It was an even contest and a very good day.

South Australia went very well and coach Tracey Emes, who was assisted by Lorinda Brooking and Phillipa White, pushed creative boundaries for some great results and the second placing overall.

Saturday saw the premier day of senior competition. Our coach Anna Tinker-Casson, assisted by Melissa Evans and Felicity Meadows, faced a really tough competition with Victoria and eventual winner Western Australia. There were dead heats and triple dead heats in a very close competition which saw South Australia finish in the placings, having worked to their maximum in items that were breathtaking.

The whole competition finished with a dinner attended by all at a nearby venue. I estimate that about 3,000 were involved in that dinner which also featured team presentations and a disco for the girls who had worked so hard over many months to perfect their items.

Calisthenics is a great sport. There are many clubs throughout South Australia and nationally and with a bit of work in New South Wales and Tasmania, where we are not making a foothold yet, I am sure you will see it as a national competition very soon. Club officials make sure our girls have opportunities to compete regularly or just enjoy their sport at the local level.

Parents and friends know about the secret of calisthenics. The girls learn skills, maintain fitness and learn about performing, which gives them great self-confidence. Calisthenics as a sport relies on mums for great costumes which is a highlight of any calisthenic performance, and I not only thank the girls for their commitment to their sport and the many wonderful items I have seen over the past 12 years, but also their families for their dedication in taking girls to club, state and national events.

I have met many wonderful people over the years and look forward to continuing to grow these relationships, especially as we work together to restore and improve the facilities at the Royalty Theatre, which is the home of calisthenics in South Australia. It is a heritage listed theatre on Angas Street, with a great deal of work to be done to make sure the girls enjoy the facilities that are so good in other states but sadly lacking here in South Australia. With co-South Australian patron, Jane Lomax-Smith, I hope to be able to ensure that ministers—particularly, sport minister, the Hon. Michael Wright—are in a position to make sure that that is a reality in the not-too-distant future.

KAVEL ELECTORATE

Mr GOLDSWORTHY (Kavel) (15:39): I wish to raise some important issues in my electorate. First, I want to extend my hearty congratulations to the Mount Barker Primary School community. For many years, that school has endeavoured to construct a hall to act as a multipurpose facility on their school site. After many years of fund-raising and dealing with the department, that project has come to fruition. It was my pleasure, together with representatives from the department, the school community and the staff, to attend the opening of that new facility recently. It was a tremendous occasion and, as I said, the school had campaigned for many years at many different levels to achieve the completion of that facility.

I particularly want to thank Mrs Deborah Graetz, the immediate past school governing council chairperson. Deborah persevered for many years, as did the previous principal, Mr Mark Ireland, and the current principal, Mr Riley Smitheram. I congratulate those people and also the whole school community for a job well done. We are very confident in the knowledge that the children currently attending the Mount Barker Primary School, and the children who attend in the future, will certainly benefit from that tremendous facility.

The subject of facilities, infrastructure and the provision of services takes me to some other important issues within my electorate, in particular, the government's 30-Year Plan for Greater Adelaide. A public meeting was held last Tuesday evening in the Mount Barker township, hosted by the Greens Party and facilitated by Ms Carol Vincent, the CEO of the Farmers Federation—an interesting alliance. I note that in yesterday's newspaper, there was some speculation that Ms Vincent may consider running for the Greens or as an Independent. So, we will see where that takes itself.

Notwithstanding those issues, approximately 200 people attended the public meeting, which was specifically about the government's plan for the significant residential development that it is proposing for the township of Mount Barker. We saw a map of where this proposed development may take place—a big arc to the east and to the south of the town. It almost gives one the impression that it is out of sight, out of mind. If we put it to the south of the township, it is away from the freeway and the centre of the township and no-one will see it. So, it is all very well to push in thousands and thousands of new homes, but the government is almost looking to hide it from the greater community. From the illustration on the map, it looks like the government is proposing to double the size of Mount Barker, and that poses significant issues for the local district.

The issues raised at the public meeting were around the community consultation process. The community does not have confidence that the government will undertake a proper consultation process. In recent years, we have seen that the government's community consultation process is actually communicating a decision that has already been made. The government makes a decision and comes out and tells the community what the decision is, and that is what it calls community consultation. The local community has concerns with that process. Other significant issues raised included the provision of services, infrastructure and facilities, and also the loss of valuable farming (agricultural and horticultural) land.

Time expired.

WOMEN IN PARLIAMENT

The Hon. S.W. KEY (Ashford) (15:44): I must commend the member for Flinders for her contribution yesterday about the history of women in South Australia, which inspired me to make this grievance today.

I have been reading the most recent EMILY's Notes, which is the EMILY's List Australia magazine, of which many women—certainly on this side—are members. It works at promoting and supporting Labor women getting into parliament, and it does that in a number of ways. In the most recent edition, I was reminded of some of the great things that have happened in the Labor Party. Sometimes you forget them and lose sight of those initiatives. Rosemary Follett was elected as the chief minister of the ACT in 1989 and also from 1991 to 1995; Carmen Lawrence was appointed premier of Western Australia in 1990; and also in 1990 Joan Kirner was appointed premier of Victoria.

Certainly, the Liberals, I am sure, were very proud of Kate Carnell being elected as chief minister of the ACT from 1995 to 2000. Having lived in the ACT during that period, I remember the very good job that Kate Carnell did in representing the ACT, albeit in the wrong party, but I certainly acknowledge her skills.

Clare Martin was elected as chief minister of the Northern Territory from 2001 to 2007. Of course, there is the recent victory of Anna Bligh in securing a fifth term for Labor in Queensland, which in itself is a pretty good statistic, and she also became Australia's first elected female state premier. I was also pleased to note that Premier Bligh promoted a number of new members of parliament into leadership roles, with women making up a third of the Queensland cabinet. So, I think that is something to be looked at.

In looking at the parliaments around Australia, Labor women can be proud. It does not mean that we have reached 51 per cent, which is my aim. In Queensland's lower house—and it only has one house—49 per cent of members of parliament are Labor women. In the ACT, 42.9 per cent of the members of the chamber are Labor women. In the Northern Territory, Labor women represent 41.7 per cent of the parliament.

In South Australia women represent 46.4 per cent and, hopefully, that number will go up as time goes on, with more women representing the Labor Party in the South Australian parliament. In our upper house, the statistic is not quite as good. I think we are level with the Liberal Party, with Labor women making up 25 per cent in the Legislative Council, and I think there are two women Liberal representatives also.

In Victoria, Labor women represent 38.2 per cent of the lower house and 31.6 per cent of the upper house. Federally, Labor women represent 32.5 per cent in the lower house, and in the Senate they make up 43.8 per cent. In Western Australia—obviously, not a Labor state any more, very sadly for those people—in the lower house Labor women represent 25 per cent, and in the upper house Labor women represent 53.3 per cent.

In New South Wales, women represent 33 per cent in the lower house and 31.6 per cent in the upper house. In Tasmania, Labor women in the lower house represent 28.6 per cent, and 40 per cent of the members in its upper house are Labor women. I think those statistics have gone up quite considerably, certainly since I started taking an interest in parliamentary politics.

The other thing that I want to note very quickly is a recent report on income and wealth in Australia.

Time expired.

WOMEN IN PARLIAMENT

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:49): I seek leave to make a personal explanation.

Leave granted.

The Hon. K.A. MAYWALD: During question time I took the opportunity, when answering a question, to congratulate the Leader of the Opposition on her elevation to that position. I also mentioned my role as Leader of the National Party for nearly 12 years now in this place. I also mentioned that I believed that I was the first female member of the lower house to be a leader in this place, but that is not the case.

I have been advised by the parliamentary library, and they are very good on their research, that there was a leader in this place prior to me, and that was Heather Southcott, who was actually elected to this place in 1982 in the seat of Mitcham during a by-election following the resignation of Robin Millhouse. She was a member of this house during a number of months in 1982, and subsequently lost her seat at the next general election in 1982. But Heather Southcott was, indeed, the first woman in history to be a leader of any political party in this chamber. I am the first woman leader of a party to be a member of cabinet.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3515.)

Mrs PENFOLD (Flinders) (15:51): Emergency services are responsible for the cost of the marine rescue radio, therefore to cost-shift the expense to recreational and commercial fishers in South Australia is abandoning responsibility and duty of care by this government. I recall a boatie from Yorke Peninsula who struck trouble, but who, fortunately, was washed up on Thistle Island.

The next land after Thistle Island is Antarctica. The fisherman's whereabouts was not known for some days. Our commercial fishers spend most of their time at sea beyond the

Continental Shelf. Modern communications have made their lives much safer, but have not completely removed the inherent risks of deep sea fishing.

I sincerely hope that there will be a Liberal government after the 2010 election and we will set up an independent commission against crime and corruption so that disaffected boaties, whether recreational or professional, will have somewhere to go for their complaints to be adequately addressed.

We must not let the good work initiated by the Liberal government under minister Laidlaw be undermined. It is important that the boating levy is retained for what it was originally intended, and not eaten up by the current government's shifting of costs and responsibilities to cover incompetent financial management.

Mr PEDERICK (Hammond) (15:52): I rise to make a contribution to the Harbors and Navigation (Miscellaneous) Amendment Bill 2009. This came about by a proposal of the Minister for Infrastructure to increase maximum penalty and expiation fees applying to the registration of prescribed vessels. Also as part of this proposal, recreational and commercial facilities funds are to be replaced by a single 'facilities fund' to pay for establishing, maintaining and improving harbours and other such facilities.

The background to this is that, currently, regulations dictate the levies imposed on the registration of certain recreational vessels and a corresponding levy on commercial fishing vessels. Payment of these funds is made into either the recreational or commercial fund, as prescribed by regulation, and the funds are expended on the relative facilities.

The bill removes those regulations and one facilities fund is created under the act. While this appears to be a positive measure in terms of the equitability and transparency of the fund, recreational fishers are nervous about some aspects of the establishment of the fund. The South Australian Recreational Fishers Advisory Council has questioned the wording in the bill with regards to decisions made by the Treasurer on the use of the fund.

Section 90A(5) provides the Treasurer with the authority to permit the minister to use the fund in any way, as long as the funds are not 'immediately required' for boating facilities. There are no accompanying provisions for repayment of that money into the fund, nor limits on where the Treasurer can apply such funds to be spent.

New section 90A(6) provides that the minister can apply the fund to the payment of the expenses of administering the fund. We on this side of the house are considering whether such expenditure should perhaps be capped to a certain percentage of the fund's balance. I will just go through new section 90A—Facilities Fund:

(1) The Facilities Fund is established.

(2) The Fund must be kept as directed by the Treasurer.

(3) The Fund is to consist of—

(a) facilities levies payable under the regulations on the registration, inspection or survey of vessels; and

(b) income from investment of money belonging to the Fund.

(4) A certificate of registration, inspection or survey will not be issued for a vessel until any levy payable on the registration, inspection or survey is paid.

This is the bit that SARFAC is concerned about:

(5) The Minister may, with the approval of the Treasurer, invest any of the money belonging to the Fund that is not immediately required for the purposes of the Fund in such manner as is approved by the Treasurer.

(6) The Fund may be applied by the Minister towards—

(a) establishing, maintaining and improving facilities for use in connection with vessels; and

(b) the payment of expenses of administering the Fund.

Concerns of the recreational fishing industry about this bill are spurred on by a conflict occasionally between the commercial and recreational fishing industries. The Recreational Fishing Advisory Council purports that anglers are losing ground against other interests and that funding projects for interest in developing the $350 million per year industry is negligible in comparison to developments being made in other sectors.

The recreational industry asserts that much more can be done (as in other states) to develop the industry. Some examples are upgrades of boat ramps and jetties and artificial reefs to attract fish. We must remember that the recreational fishing industry is very important to the people of the state. There are 300,000-plus people involved in recreational fishing.

In his second reading explanation, the minister stated that the recreational and commercial funds are being rolled into one because it is often not possible to distinguish between vessel facilities that benefit both recreational and commercial users. The recreational fishing industry is nervous about a pooling of funds where the expenditure is no longer limited to the commercial or recreational industries, respectively.

Other notable changes to the act see an increase in the maximum penalty and expiation fees applying to the registration of vessels. It appears that the exponential increases in fees are aligned with the massive increases in registration fees back in July 2008. Schedule 14 of the regulations basically had a flat rate for registration of vessels prior to that date and, when it was changed to a tiered system going by vessel length, there was no consultation with SARFAC.

Understandably, penalties must be changed in line with registration fees in order that a boater is actually compelled to register their vessel. However, these increases were hefty, they were not consulted on and they were clearly the precursor to the changes in penalties encapsulated in the bill. In relation to the cost of registration, section 55 provides:

> (1) A vessel to which this Division applies must not be operated in the jurisdiction unless it is registered and marked in accordance with the regulations.
>
> (2) If a vessel to which this Division applies is operated in the jurisdiction contrary to this section, the owner of the vessel, and the master or operator of the vessel, are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated without the owner's consent).

The previous maximum penalty for a breach here was $750, and that rises to a maximum of $2,500.

An expiation fee applies if the vessel is registered but not marked in accordance with the regulations, and that goes up from $55 to $210; and, if the vessel is neither registered nor marked in accordance with the regulations, it goes from $80 to $315. Also, it is noted that the CEO may, subject to such conditions as the CEO thinks fit, grant exemptions from the requirements of this section.

Concerns have been expressed by both representatives of the South Australian Recreational Fishing Advisory Council and also BIASA about the Treasurer's authority over the fund and a capping of the amount expendable on administrative costs. It would be nice to have some guarantee that both commercial and recreational fishing will get the facilities that they deserve.

Mr VENNING (Schubert) (16:01): I will not speak for very long on this issue. In my time in this place I have enjoyed cooperation with the boating industry, particularly BIASA (Boating Industry Association of South Australia) and its executive officer Mr Glen Jones. I note we are having a breakfast this Friday morning, and I presume the minister will be there.

The Hon. P.F. Conlon: No, I won't.

Mr VENNING: Well, that is a shame. I will have two eggs.

The Hon. P.F. Conlon: I am quite happy not to be there.

Mr VENNING: He is happy not to be there. That is unusual. I am quite shocked, Madam Deputy Speaker.

I rise to speak about this bill, which seeks to increase penalties and expiation fees applied to the registration of prescribed vessels. It also contains measures to replace the current recreational facilities fund and commercial facilities fund with a single facilities fund, to pay for establishing, maintaining and improving harbours and other such infrastructure.

Currently, regulations set the levies imposed on registration of recreational vessels and a corresponding levy on commercial fishing vessels, with payment of these levies going into the respective funds. This bill will remove these regulations, and I have no real problem about that. I note that the single facilities fund, though, will be kept as directed by the Treasurer; and the minister may, with the approval of the Treasurer, invest any of the money belonging to the fund that

is not immediately required for the purposes of the fund in such a manner that is approved by the Treasurer.

I am concerned about this, because it means that if there is not a pressing need for expenditure to maintain, say, Outer Harbor, the money will be allowed to be expended, say, on cleaning up the rail yards hospital site. I do not think it is clear where else the money from the fund may be invested. It ought to be earmarked, in my book. If it is the case that it can be spent anywhere, I do not think it is right. Fishermen (commercial or recreational) are paying these levies, so the money should be put back into facilities for them. I think that is basic.

I understand that the Recreational Fishing Advisory Council purports that anglers are losing ground against commercial and government interests; and that funding, projects or interest in developing the $350 million per year industry is negligible compared to developments being made in aquaculture.

The recreational industry asserts that much more can be done, as in other states, to develop the industry. Some examples are upgrades of boat ramps and jetties, and artificial reefs to attract fish. I have had ongoing dialogue with some constituents about why SA Water reservoirs cannot be opened for recreational fishing and angling, as is done elsewhere. I think it would be a great attraction for South Australia. However, despite lobbying for this to happen over many years (even under the previous government), the current Rann Labor government has ruled it out.

Understandably, the recreational fishing industry is nervous about a pooling of funds into a single facilities fund where the expenditure is no longer limited to the commercial or recreational industries respectively. I also have concerns about this because there seems to be no mechanism in place to ensure the equitable expenditure of funds.

I note this bill would also change the act by increasing the maximum penalty and expiation fees applying to the registration of vessels. I do not have a problem with this aspect of the bill. However, for the reasons I have outlined, I do not necessarily support the bill as it is because, with my colleagues, I will wait to see what developments happen. Also, I will speak to some industry members on Friday; and I hope to assist with amendments before the other house if we need them after that consultation.

Again, I pay tribute to the Boating Industry Association of South Australia, particularly its CEO Glen Jones, its chairman and members (Mr Hayes included). I have certainly enjoyed their camaraderie, and I think some of the most enjoyable times I have had in this place were spent with them touring the river and looking at its problems. I do not think the member for Hammond has been on that—

The Hon. P.F. Conlon interjecting:

Mr VENNING: I do not believe that is the case at all. I do not know. I know the invitation to take that trip was extended to all MPs, and we had a cross-section. To see the river from the water (especially when you start from the river mouth, and we went right through to Morgan) is really a great experience, and I certainly enjoyed that. They were instrumental in getting government assistance to upgrade the Bow Hill wharf, which was important for the local people. It is a historic wharf and was in a state of disrepair: that is now upgraded, and credit goes to the government. Go to Bow Hill. It is beautiful with the new wharf and new recreational area. It is just wonderful. It was a very dilapidated and unpleasant area, but it is now pristine, and I give the government credit for that. For the moment, we will wait and see what happens to this bill between the houses.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (16:06): I will answer some of the points made. It is frustrating when members—and I refer, in particular, to the member for Flinders—come in here and completely misrepresent what has happened in the past and what will happen in the future. The member for Flinders has suggested that we are using this bill to shift the cost of funding of marine radio from emergency services (that does not fund it at present) to this fund (that does fund it at present). One should try to get the basic facts straight. It is pure invention and it should not be used to create fears about this bill.

I will just raise the point that SARFAC thinks it is getting dudded on this matter. This bill for the first time requires the commercial sector to pay its contribution towards facilities which have been created from the fund but for which it has not been paying in the past; that is, it uses facilities that have been created by what would be the recreational fund and it does that without making a contribution.

The requirement for the commercial sector to make a contribution has been sought by the members of SABFAC since about 2005 or 2006—and we have agreed to that. I have a letter from the chair of SABFAC indicating that it unanimously supports this change.

I also indicate that the relevant officers of the department have met with SABFAC, and SABFAC, including the recreational fishing people, supports the provisions of the bill to create one fund. The bottom line is that, rather than what is being painted by the opposition, the fund will now have a contribution from the commercial sector that was getting benefits for free in the past. It will not be spending any differently—maybe in proportion—from things on which it spent in the past, despite desperate attempts to find something with which to scare people.

In regard to the provisions that are said to be a terrible danger, section 90A(5) provides that the minister may invest any money not being used. What do they want us to do with it? Do they want us to keep it under the bed or in a box? If you are not using the fund, don't you want to earn revenue from it?

It is an investment. It does not say that you can spend it on anything you want; it says that you can invest it. Unless you are a punter, the ordinary meaning of investment is somewhere to put money in order to get more than that money back over time—which is why section 95A(3)(a) provides that the fund is to consist of the facilities levies payable and (b) income from investment of money belonging to the fund.

It may be the position of the opposition that the best thing to do is to put away the money that they are not using and watch it decrease in real value while it is sitting there, but we do not think that is wise—and that is possibly one of the reasons that we are the government and you are a terrible opposition. To criticise the capacity to invest the fund beggars belief. However, if the opposition wishes to amend it and demonstrate how feeble minded they are, yet again, so that we are not allowed to invest the fund and anything we do not spend actually decreases in real value, they can seek to move that amendment. I am sure they may get supporters in the Legislative Council—because some members up there would support anything—but I do not think it is a good idea.

I am trying to recall the other criticisms that were made. I will not thank the opposition for support because it does not mean anything. They support a bill down here and then oppose it upstairs; that is what they do. That is why we cannot deal with them and that is why they remain the rabble they are. We will get their vote down here, but who knows what will happen? They say it is because things happen but, really, it is because they cannot control their members in the Legislative Council. They have never been able to do that. There is not one Liberal Party but, rather, several. They do not commit their upper house members because they can't. We know that from many things in the past; many poor leaders of the opposition begging their friends upstairs to do what they said they would do.

For the benefit of those members who say it is a hypothecated fund, I do not believe it is any different in structure from most other hypothecated funds; that is, if you have moneys you are not going to use, you invest them. It does not mean that you can spend it on something that is not for the purposes of the fund. It means you can invest it, and the Treasurer is involved to ensure that we invest it in something which is likely to give us a return but which is prudent. I think that just makes sense.

Apparently, we are not prudent with money. We are the only ones ever to balance a budget, to regain a AAA credit rating and maintain it in a global financial crisis, but we are not prudent so we should not be allowed to administer this fund. Can I say when we are running the state I think we can manage the fund.

The other provision which is apparently criticised is that the fund may be applied towards payment of expenses of administering the fund. Well, I am at a loss to understand why that is not perfectly reasonable. I guess we find ourselves in the hands of an opposition in the Legislative Council that may think what is reasonable is not reasonable, but I would think that, if you are running a business and running revenues, your actual revenue is what you take in less expenses. I would think that is unremarkable, but I assume that we will find out when the other Liberal Party upstairs decides what it wants to do.

The other provision, of course, is the increased fines. As the opposition would know, we moved to a new regime for registration and levies which meant that the vast majority of boat owners paid less in real terms in relation to the increase and the owners of larger vessels, more likely to use, for example, navigational aids and radio communication (for those who go further out

to sea) pay more. As a result, it is necessary to have a maximum penalty that is sufficient to dissuade people from taking the benefit of not paying the registration. Again, it seems reasonable to me, but we will find out what the other Liberal Party upstairs thinks.

In short, the bill introduces something that SABFAC (including the recreational fishers) has asked for for a long time. That aspect had unanimous support. We went back and talked about the nature of this legislation. It is my understanding—and I will check with the officers—that that was reported by SABFAC, including the recreational fishers, that is, the creation of one fund. I do not know why they are saying something apparently different from the opposition, as their representative says on there; it is simply a better way of administering the fund.

It is actually a benefit for the recreational people because it obliges the commercial people to pay for facilities that, in the past, they were getting for free. It has a sensible provision that the funds may be invested so that they do not sit idle and do not decrease in real value, and it makes the maximum fines commensurate with the benefit that can be gained with avoiding the provisions of the act. I have to say that I am a little taken aback that this has been the object of so much criticism. Obviously, some of that is completely erroneous.

I repeat: the member for Flinders' criticisms were simply based on not understanding. I have to say that she has so much undying antipathy towards anything the Labor Party does that it seems to cloud her judgment. We thought that it was an unremarkable and good bill supported by the South Australian Boating Facilities Advisory Committee. It will allow them to continue the good work they do. The money will continue to be spent on the advice of that group of people. We believe that is the best way to do it. What has usually constrained the fund in the past in terms of recreational fishers has not been the availability of the fund, it has been the participation, in terms of those boat ramps (which is the most common investment from the fund), by a council paying half.

If the local members are concerned about that, I urge them to encourage their councils to find the resources and make applications against the fund because we are always happy to see it spent. There is no benefit in the moneys raised to consolidated revenue. It is a hypothecated fund and remains a hypothecated fund. We are quite happy to see it spent. In fact, we really do not like to see these funds built up and then spent all in a particular year, because you like to see it going out evenly, for budgeting reasons.

If they are really worried about recreational fishers not getting their share of resources, I point out that the facility that recreational fishers are most likely to use and enjoy will be a boat-launching facility. I encourage them to talk to the council in their area and ask them to set aside their contribution and make an application to the fund, because, in my experience, most sensible applications are funded.

I think this is a step forward. Certainly, it was intended to benefit fishers. We were pleased that the other interests on SABFAC were prepared to support that on the basis of equity, but it is intended to benefit recreational contributors as opposed to the existing schemes. I struggle to understand what all the scaremongering is about.

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

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (16:20): I move:

That this bill be now read a second time.

The government is pleased to be introducing to parliament this important bill to amend the Petroleum Act 2000 for governing onshore petroleum exploration and development in South Australia. The proposed amendments seek to enhance the provisions of the act to address both administrative matters and emerging issues in the petroleum and geothermal industry sectors. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

As has already been reported to Parliament, the *Productivity Commission Review on Regulatory Burden on the Upstream Petroleum Industry in Australia* highlights South Australia's approach to regulation of the upstream

petroleum sector, through administration of the Act, as a working example of best practice regulation. This Bill seeks to ensure that the Act continues to be seen as a best practice regulatory framework.

Public Consultation on Bill

Extensive industry and community consultation on Act amendments has been carried out, initiated by the public release of a Discussion Paper in 2005, a Green Paper in 2006 and the *Petroleum (Miscellaneous) Amendment Bill in 2008*. During this time PIRSA has received numerous submissions from interested stakeholders, all of which have been thoroughly reviewed and considered by PIRSA. This review process has involved numerous meetings with stakeholders to discuss the proposed amendments and submissions made.

Stakeholders consulted during the consultation process included all licensees operating in South Australia at the time, peak industry associations namely the Australian Petroleum Production and Exploration Association and the SA Chamber of Mines and Energy (SACOME), as well as state Government agencies including the Environment Protection Authority, Department for Environment and Heritage, PIRSA's Mineral Resources Group and Planning SA, the Safe Work SA and the Department for Transport, Energy and Infrastructure. Non-industry groups involved in the consultation process included the Natural Resources Management Boards and the Aboriginal Legal Rights Movement (now South Australian Native Title Services) as well as various peak environmental groups.

Key Features of Bill

The major improvements over the *Petroleum Act 2000* which this Bill achieves are:

- Strengthening of provisions for gas storage, encouraging greenhouse gas abatement.
- Greater security of tenure and flexibility in the licensing and activity approval provisions.
- Providing for enhanced competition in relation to the processing of regulated substances.
- Enhancement of landowner notice of entry and compensation provisions, giving greater confidence to landowners (including native title holders and claimants) that their interests are effectively protected.
- Refinement of provisions for royalty payments to enhance certainty of royalty payment forecasts and improve the process for royalty collection.
- Reinforcement of the one-window-to-government concept.
- Streamlining of data submission requirements to reduce regulatory red tape.

More specifically, this Bill makes these improvements through the following key amendments:

Gas Storage Provisions

Provisions for gas storage have been strengthened through the introduction of compatible gas storage tenements. These tenements authorise exploration for gas storage resources and subsequent storage of greenhouse gases, as well as the temporary storage of regulated gases for production and use at a later date (to foster security of gas supplies). No royalty will be payable for the storage of gas. These provisions ensure that the MCMPR Australian regulatory guiding principles for carbon dioxide capture and storage are explicitly addressed in South Australia, and are consistent with the *Environmental Guidelines for Carbon Dioxide Capture and Geological Storage 2008*, the development of which was overseen by the Environment Protection and Heritage Council (EPHC) and the MCMPR Joint Officials Working Group.

Transitional provisions have also been amended to ensure gas storage rights for licences granted under the *Petroleum Act 1940* are preserved.

Over the Counter Licence Applications

The Bill proposes modification of the Act to reflect that following submission of a valid 'over-the-counter' Petroleum Exploration Licence application, either the grant or a process leading to grant will be offered to the applicant. Once the grant or a process leading to grant has been offered for an application, that application will have primacy and further applications will be held in abeyance pending determination of the application given primacy.

Third Party Facility Licensing

The Bill introduces a Special Facilities Licence to allow third parties who are not primary licence holders under the Act to construct and operate facilities for the purpose of processing regulated substances. This new type of licence will encourage third party competition, and can provide the necessary market to ensure existing facility tolls remain competitive.

Land Access and Land Owner Notification Provisions

The Bill proposes the combining of current definitions for 'occupier' and 'owner' and replacing with one definition, 'owner of land' covering all persons who may be directly affected by regulated activities. This new definition aims to ensure all such persons are provided with notification prior to the commencement of activities, and may be entitled to compensation provisions.

This amendment has been strongly applauded by a number of Native Title Claimant groups, as it enables the aboriginal people most knowledgeable of heritage in various parts of the State to be informed of activities, and as a result be included in land access notification actions.

Royalty Payment

Provisions for royalty payments have been refined, to enhance certainty of royalty payment forecasts and to enhance the process for royalty collection.

This amendment is made as follow-up to the Auditor General's 2007 Review of Petroleum Act Revenues.

One-Window-to-Government

To reflect existing consultation practice and reinforce the one-window-to-government concept adopted by PIRSA for the resources industries, both the Environment Protection Authority and Safe Work SA are to be included as agencies that must be consulted under the relevant approval provisions of the Act.

Regulation of the Coal to Liquids process is introduced by the Bill through amendment to the definition of petroleum (to include coal constituting a produce of coal gasification for the purposes of the production of synthetic petroleum). This amendment is made in response to comments from synthetic fuel companies seeking one-window-to-government.

Data Submission Requirements

Amendments to a number of data and report submission requirements have been made to streamline and reduce unnecessary red tape.

Conclusion

The Bill enhances existing provisions by addressing administrative matters as well as emerging issues in the petroleum and geothermal industry sectors. The Bill is supported by industry and community stakeholders, who have been significantly involved in the review and amendment process since 2005.

Through the enhancement and strengthening of provisions, the Bill seeks to ensure that the South Australian Petroleum Act continues to be widely recognised as regulatory best practice.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Petroleum Act 2000*

4—Amendment of short title

This clause changes the name of the current Act to the *Petroleum and Geothermal Energy Act 2000* which reflects the changes made by this measure.

5—Amendment of section 3—Objects of Act

This clause amends the objects clause to include geothermal resources and natural reservoirs suitable for storage within the regulatory system under the Act.

6—Amendment of section 4—Interpretation

The amendments in this clause are consequential to the amendments made by this measure. It amends the Interpretation section to replace the definition of *highly prospective region* with the concept of a *competitive tender region*. This clause also amends the definition of *licence* to reflect that under this measure, there will be different categories of an exploration licence, retention licence and petroleum production licence. Under this measure, an 'associated facility licence' is replaced by an 'associated activities licence' or a 'special facilities licence'. The definitions of 'occupier' and 'owner' under the current Act are combined in the definition of 'owner'. A product of coal gasification to produce synthetic petroleum is to be brought within the concept of 'petroleum' under the Act. Certain other matters relevant to the operation or application of the Act are to be clarified.

7—Amendment of section 5—Rights of the Crown

This amendment clarifies that the property rights in relation to a regulated substance that is stored in a natural reservoir after production or acquisition are not affected by that storage.

8—Amendment of section 10—Regulated activities

This amendment makes it clear that the storage of petroleum may also involve the storage of other naturally occurring substances.

9—Amendment of section 13—Licence classes

This clause amends section 13 to reflect that there will be 3 different categories of exploration licences, retention licences and petroleum production licences under the Act. An 'associated facility licence' is also replaced by an 'associated activities licence' or a 'special facilities licence'.

10—Amendment of section 14—Preliminary survey licence

This amendment allows the Minister to vary the area to which a preliminary survey licence relates on the application of the licensee.

11—Amendment of section 15—Term of preliminary survey licence

This amendment removes the current restriction on the renewal of preliminary survey licences for a maximum aggregate of 5 years.

12—Substitution of heading to Part 4 Division 1

The amendment of the heading is consequential to the amendments to Division 1.

13—Amendment of section 16—Competitive tender regions

The amendments to section 16 reflect the change in terminology from 'highly prospective region' to 'competitive tender region'.

14—Substitution of heading to Part 4 Division 3

The amendment of the heading is consequential.

15—Substitution of section 21

This clause amends the current section 21 by setting out that there will be 3 categories of exploration licences. These are a petroleum exploration licence, a geothermal exploration licence and a gas storage exploration licence. Depending on the category of licence, an exploration licence authorises the holder of the licence to carry out exploratory operations for relevant regulated resources and operations to establish the nature and extent of a discovery of regulated resources and to establish the feasibility of production and appropriate production techniques. The holder of an exploration licence is (subject to the Act) entitled to grant of a corresponding retention or production licence for a regulated resource discovered in the licence area.

16—Amendment of section 22—Call for tenders

These amendments to section 22 are consequential on the changes regarding the 3 categories of exploration licence and the change in terminology from 'highly prospective region' to 'competitive tender region'.

17—Amendment of section 24—Areas for which licence may be granted

This clause provides that the maximum licence area for a gas storage licence will be 2,500 km^2 and increases the licence area for a geothermal exploration licence from 500 km^2 to 3,000 km^2.

18—Amendment of section 25—Work program to be carried out by exploration licensee

This clause removes the requirement in section 25 for the Minister to approve an acceleration of the work to be carried out under an approved work program.

19—Amendment of section 26—Term and renewal of exploration licence

This clause removes the restriction that an exploration licence granted for a highly prospective region may only be renewed once. It also inserts a subclause that provides that subsections (3), (4) and (5) (which relate to the required excision of a certain amount of the licence area on renewal) do not apply to gas storage exploration licences. It also clarifies the status of any area that has become subject to a production licence or a retention licence.

20—Amendment of section 27—Production of regulated resource under exploration licence

This clause amends section 27 to reflect the change to the 3 categories of exploration licence.

21—Substitution of sections 28 and 29

The new clause 28 which replaces the current sections 28 and 29, provides for 3 categories of retention licence—a petroleum retention licence, a geothermal retention licence and a gas storage retention licence. As with the current section 28, this clause provides that a retention licence is to protect the interests of the licensee in a regulated resource to facilitate the evaluation of the productive potential of a discovery or to carry out work needed to bring the discovery to commercial production. It also provides that in the case of a gas storage retention licence the licence is also to facilitate the testing of the natural reservoir for the storage of petroleum or other regulated substance. It also provides a means by which the licensee may maintain an interest in a regulated resource until production is commercially feasible. Under the retention licence, a licensee is authorised to carry out operations to establish the nature and extent of a discovery and to establish the commercial feasibility of production and production techniques, in addition to other activities specified in the licence.

22—Amendment of section 30—Grant of retention licence

This clause makes consequential changes and inserts a new subclause in relation to the grant of a gas storage retention licence. A person will be entitled to the grant of the licence if the Minister is satisfied that it is reasonable to facilitate the testing of the natural reservoir for the storage of petroleum or other regulated substance,

and/or that the use of the natural reservoir for the storage of petroleum or other regulated substance is not currently commercially feasible or reasonable.

23—Amendment of section 31—Area of retention licence

This clause limits the area of a petroleum retention licence to twice the area under which the discovery is likely to extend but not more than 100 km^2. The area of a geothermal retention licence or a gas storage retention licence is limited to 1,000 km^2.

24—Amendment of section 32—Term of retention licence

The current section 32 provides that a retention licence may be renewed from time to time, but only if the Minister is satisfied that although not currently commercially feasible, it is more likely that not that it will be within the next 15 years. This clause amends this section so that the 15 year period does not apply to a gas storage retention licence unless the Minister assesses or determines that the natural reservoir is more likely than not to be used in connection with the production of petroleum. This new subclause does not derogate from the operation of section 39 (requirement for licensee to apply for a production licence) or section 79 (access to natural reservoir).

25—Amendment of section 33—Work program to be carried out by retention licensee

This clause amends section 33 to make clear that Ministerial approval is not required to accelerate the work required under an approved work program.

26—Substitution of section 34

The new clause 34 sets out that there will be 3 categories of production licence: a petroleum production licence, a geothermal production licence, and a gas storage licence. Subject to the terms of the licence, a petroleum production licence authorises operations for the recovery of petroleum or other regulated substance from the ground, including operations that involve injecting petroleum or other substance into a natural reservoir for the recovery of petroleum or other regulated substance. The licence may also authorise the extraction of petroleum or other regulated substance by means such as in situ gasification or the techniques used to recover coal seam methane. It may also authorise operations for the processing of regulated substances. It is also made clear that a production licence authorises the storage or withdrawal of petroleum as part of ensuring its supply or delivery to market. A geothermal production licence authorises operations for the extraction or release of geothermal energy. A gas storage licence authorises operations for the use of a natural reservoir for the storage or petroleum or other regulated substance. A production licence may also authorise the licensee to carry out other regulated activities within the licence area.

27—Amendment of section 35—Grant of production licence

The amendments to section 35 under this clause are consequential.

28—Amendment of section 36—Power to require holder of exploration licence or retention licence to apply for production licence

This amendment is consequential to the changes regarding the 3 categories of production licence.

29—Amendment of section 37—Area of production licence

Section 37 is amended so that the current contents apply to the area of a petroleum production licence. This clause also inserts a provision limiting the area of a geothermal production licence or a gas storage licence to 1,000 km^2.

30—Amendment of section 38—Work program to be carried out by production licensee

This clause makes clear that Ministerial approval is not required for the acceleration of work required to be carried out under an approved work program.

31—Amendment of section 41—Cancellation or conversion of production licence if commercially productive operations in abeyance

This clause extends section 41 to also cover storage operations that have not been carried out on a commercial basis under a gas storage licence.

32—Amendment of section 42—Unitisation of production

This amendment is consequential.

33—Amendment of section 43—Royalty on regulated resources

This clause amends section 43 by inserting a new subclause that provides that the requirements that a licensee lodge a monthly return (setting out the quantity of the regulated substance or energy produced, the quantity sold or the amount realised on the sale and any other information required by the Minister), and that the return be accompanied by the royalty payable by the licensee, may not apply to a particular licensee or class of licence. The Minister may impose by notice to the particular licensee or by notice in the Gazette such other requirements on the licensees as may be appropriate in the circumstances. These requirements may be varied or revoked or added to by further notice.

34—Amendment of section 46—Rights conferred by pipeline licence

This amendment recognises that it may be appropriate for the Minister to authorise the holder of a pipeline licence to carry out a regulated activity on land that is adjacent to the pipeline.

35—Insertion of section 55A

This clause inserts a new section that exempts land that constitutes pipeline land from local government rates.

36—Substitution of heading to Part 9

The change to this heading is consequential to the change in terminology from associated facilities to associated activities.

37—Amendment of section 56—Associated activities licence

These amendments are consequential to the change in terminology from associated facilities to associated activities. This clause also authorises the licensee to carry out any type of associated regulated activity on land outside the area of the primary licence.

38—Amendment of section 57—Area of associated activities licence

This clause amends section 57 to provide that the area of an associated activities licence is limited to 5 km^2 in relation to facilities that the Minister considers to be permanent, and otherwise to 1,500 km^2.

39—Amendment of section 58—Term of associated activities licence

This clause inserts a new subsection that provides that the term of an associated activities licence that is granted for facilities that the Minister considers are of a temporary nature may be determined by the Minister. Such a term may take into account any decommissioning, rehabilitation or other action that may be required. The term of the licence may be renewed from time to time, as the Minister thinks fit.

40—Amendment of section 59—Relationship with other licences

This amendment is consequential to the change in terminology from associated facilities to associated activities.

41—Insertion of Part 9A

This clause inserts a new Part as follows:

Part 9A—Special facilities

59A—Application of Part

This clause provides that the Part applies to an area declared by the Minister to be a *declared area* in the Gazette.

59B—Special facilities licence

This clause establishes a special facilities licence which authorises the licensee to establish and operate facilities within a declared area in relation to searching for any regulated substance, the processing of any regulated substance, producing or generating energy from geothermal energy, or other activities that may be relevant or incidental to searching for, or processing, producing or storing, any regulated substance or product derived from a regulated substance. The licence may confer rights of access to and use of the land to which the licence relates, on terms and conditions specified in the licence. For example, a special facilities licence may be granted to authorise the establishment and operation of facilities such as a processing plant or an electricity generation facility. A person who holds a special facilities licence need not hold any other licence under the Act associated with the production or utilisation of a regulated resource. Nor must the area of a special facilities licence be near the area of any other licence under the Act.

59C—Area of special facilities licence

The maximum area of a special facilities licence is 5 km^2.

59D—Term of special facilities licence

A special facilities licence is for the term specified by the Minister. This term may be extended from time to time. The Minister may cancel the licence if he or she considers that it is no longer being used for the purposes for which it was granted.

59E—Relationship with other licences

A special facilities licence may be granted in relation to an area comprised within the area of another licence. The rights conferred by a special facilities licence will prevail over those of another licence in respect of the same area to the extent (if any) that the Minister determines to be reasonable and appropriate and specified in the licence. Before granting a special facilities licence for the same area as another licence, the Minister must consider the reasons for the licence, the legitimate business interests of the existing licensee, the effect of the operations under the special facilities licence on the operations carried out under the existing licence, the operational and technical requirements for the safe, efficient and reliable conduct of operations under both licences, and any other relevant matters. The Minister must also consult with the existing licensee about the conditions to be included in the special facilities licence. The holder of the existing licence may also be entitled to compensation for the diminution of the rights under

that licence if a special facilities licence is granted in relation to the same area. The compensation may be agreed by both licensees, or determined by a relevant court. The holder of an existing licence may also apply to the Land and Valuation Court to review the terms and conditions of a special facilities licence within 2 months of being granted over the same area. The Court may vary the terms and conditions or relocate the area of the special facilities licence.

42—Amendment of section 61—Notice of entry on land

This clause inserts a new subsection that provides that an owner of land who is entitled to notice in relation to the entry of the land by a licensee, may reduce the required period of notice (of 21 days) by written notice to the licensee.

43—Amendment of section 62—Disputed entry

This amendment is consequential on the change to the definition of 'owner'.

44—Amendment of section 63—Landowner's right to compensation

This amendment inserts a new subsection that provides that the compensation that may be payable to an owner of land by a licensee who enters the land and carries out regulated activities may include an additional component to cover reasonable costs incurred by the landowner in connection with any negotiation or dispute related to the licensee gaining access to the land, activities to be carried out on the land and the compensation that may be paid under subsection (2). However, costs will not be recoverable during any period for which a reasonable offer of compensation is open. The amendments will also provide that, in assessing compensation, other relevant compensation that may have been paid or may be payable will be taken into account, insofar as to do so is fair, reasonable and appropriate.

45—Amendment of section 65—Application for licence

This clause amends section 65 of the Act to make provision for the precedence of exploration licence applications. Under the new subsection, an application for an exploration licence will rank ahead of any other application for an exploration licence for an overlapping area received by the Minister after the first application. This subsection will not apply where the application is in response to a call for tenders under section 22. Any ranking will also cease to apply if it is cancelled by the Minister on the grounds that the applicant failed to comply with a requirement under the Act within any specified time, the application is found to be invalid, or there is some other default, defect or circumstance the Minister considers is sufficiently significant to warrant cancellation of the ranking.

This clause also makes consequential amendments to this section in relation to the change in name of certain licences.

46—Amendment of section 68—Extent to which same area may be subject to different licences

This clause substitutes subsections (1) and (2) of section 68. The new subsection (1) is a consequential amendment due to the new categories of licences.

47—Amendment of section 69—Grant of compatible licence to area already under licence

A consultation process is to be included under section 69.

48—Amendment of section 74—Classification of activities to be conducted under licence

This clause substitutes the word 'supervision' with 'surveillance'.

49—Insertion of section 76A

It will now be possible for the Minister and a licensee to agree on the suspension of any condition of a licence. A suspension may, in an appropriate case, lead to an extension to a period of the licence by a period not exceeding the period of suspension.

50—Amendment of section 79—Access to natural reservoir

This amendment changes the reference to a 'regulated resource' to a 'regulated substance'.

51—Amendment of section 82—Consolidation of licence area

The concept of *adjacent licence areas* is to be expanded to include 2 or more areas within the vicinity of each other.

52—Amendment of section 83—Division of licence areas

These amendments make express provision for the Minister to determine the terms and conditions of a new licence granted on the division of an existing licence area and clarifies the status of relevant areas for the purposes of section 26 of the Act.

53—Amendment of section 85—Reporting of certain incidents

This clause amends section 85, which deals with the requirement for a licensee to report a serious incident to the Minister. The amendment extends the definition of a serious incident to include an event or circumstance that results in the incident falling within the classification of serious incidents under the regulations or a relevant statement of environmental objectives.

54—Amendment of section 86—Information to be provided by licensee

An amendment makes a minor change from referring to 'the other' information requested by the Minister to 'any other information' requested by the Minister and therefore distinguishes the further information required to be provided under the regulations. Another amendment makes it clear that information or reports must also be provided by a former licensee in an appropriate case.

55—Insertion of section 86A

This clause inserts a new section as follows:

86A—Fitness-for-purpose assessment

This section applies to prescribed licences, which means a retention licence, a production licence, a pipeline licence, an associated activities licence or a related activities licence. Subclause (2) requires that a licensee under a prescribed licence must carry out a fitness-for-purpose assessment of facilities operated on land within the area of the licence at intervals prescribed by the regulations in order to assess risks to public health and safety, the environment and the security of production or supply of natural gas (if relevant). The regulations may prescribe requirements for the assessment. A licensee must prepare and furnish the Minister with a report on the assessment in accordance with the regulations. A licensee must promptly carry out any remedial action that is necessary or appropriate in view of the report, and in particular must ensure that any identified risks are eliminated or reduced as far as reasonably practicable. Failing to comply with a requirement under this section is an offence with a maximum penalty of $120,000.

56—Amendment of section 100—Content of statement of environmental objectives

This clause makes a minor change to section 100 in relation to the content of a statement of environmental objectives. The statement 'may' include (instead of 'must' include) conditions and requirements to be complied with in order to achieve the stated objectives.

57—Amendment of section 105—Enforcement of requirements etc of statement of environmental objectives

This clause corrects an incorrect cross reference.

58—Amendment of section 111—Liability for damage causes by authorised activities

The liability of a licensee (or former licensee) for costs associated with serious environmental damage may extend to situations where costs are incurred as a result of the threat or potential of serious environmental damage.

59—Amendment of section 112—Registrable dealings

This amendment reflects the fact that resources may now be utilised for storage.

60—Amendment of section 123—Publication of results of investigation

This clause amends section 123 which deals with the publication of the results of an authorised investigation. The new provision provides that information on the authorised investigations carried out during the course of a year must be included in an annual report published by the department.

61—Amendment of section 130A—Avoidance of duplication of procedures etc

This clause amends section 130A to refer to 'surveillance' rather than 'supervision' of a activities under a licence.

62—Amendment of Schedule—Transitional provisions

This amendment clarifies the operation of an existing transitional provision.

Schedule 1—Transitional provisions

Related amendments are to be made to the *Development Act 1993* and the *Mining Act 1971*.

The amendments to the *Development Act 1993* will facilitate a practice by which a proposed statement of environmental objectives under the *Petroleum and Geothermal Energy Act 2000* may be (and must be in prescribed circumstances) referred to the Minister under the *Development Act 1993* for advice.

The amendment to the *Mining Act 1971* will ensure that the *production* of petroleum or another substance under the *Petroleum and Geothermal Energy Act 2000* is excluded from the operation of the *Mining Act 1971*, as is presently the case in relation to *recovery*.

Transitional provisions relate to the status of existing licences and applications under the new regime.

Mr PEDERICK (Hammond) (16:22): I rise as the lead speaker on this bill. I note from the briefings which I received and which the Hon. David Ridgway received in the other place that this does not seem to be a controversial piece of legislation. I have only just gained access to the second reading explanation, but, be that as it may, I will make a few comments in regard to the bill. The proposal of the bill is to:

- enhance the provisions of the Petroleum Act to strengthen provisions for gas storage;

- create greater security of tenure and flexibility in the licensing and activity approval provisions;
- provide for enhanced competition in relation to minerals processing;
- enhance landowner notice of entry and compensation provisions;
- refine royalty payment provisions; and
- reinforce the one window to government concept and streamline data submission requirements.

Overall, the bill seems to be streamlining all the processes involved with geothermal and petroleum industries. The background to this bill is that in March 2005 Primary Industries and Resources South Australia released the Petroleum Act 2000 implementation issues. The initial four year operation of the act had understandably presented some implementation problems. This discussion paper attempted to identify those issues and suggest appropriate solutions. A green paper on proposed amendments to the act followed at the end of 2006. This bill is a response to the issues initially identified and the proposed amendments which followed.

The name change from the Petroleum Act to the Petroleum and Geothermal Energy Act reflects the changing face of the mining sector, and this is supported by an addition to the objects of the act of regulating the exploration of geothermal resources and natural reservoirs for storage and production.

The definition of 'petroleum' is extended to cover the product of coal gasification, which is an emerging technology and a process used to produce synthetic petroleum. Other substances occurring as a result of petroleum storage in underground reservoirs are covered as 'regulated substances'. Clause 7 of the bill clarifies that petroleum that is produced and reinjected into natural reservoirs is owned by the licensed producer, not the Crown.

In regard to competitive tender regions in the bill, the minister is already able to designate a highly prospective region under the act. Such areas at present are the Cooper Basin and Otway Basin, and the minister is required to give out acreage by tender. These areas, seen to be highly prospective for petroleum exploration, will be replaced by the term 'competitive tender region'.

Market supply, proximity to infrastructure and technological innovations (among other things) all contribute to the suitability of an area for the competitive tender process, and this change highlights that geological prospectivity is only one contributing factor. This change is predominantly for marketing purposes, and it is important to highlight the fact that areas outside these regions are not necessarily low prospect. Clause 19 of the bill grants that exploration licences in these areas will be renewable twice, rather than once, and the maximum area for a petroleum exploration licence will be extended to 10,000 square kilometres.

Under landowner rights, the definitions of 'owner' and 'occupier' of land are amalgamated as 'owner of land' for the purpose of avoiding unintended consequences such as the occupier only being notified but the landowner, who is entitled to compensation for entry, not being given a notice for a right to consent. Currently, pastoralists are the only type of landowner or occupier who cannot object to a notice of entry. This restriction has been removed and the new definition is extended and will cover all persons who may be directly affected by activities.

Under clause 44 of the bill, an owner of the land may now be compensated for reasonable costs incurred in relation to negotiation or dispute relating to access to land and the activities carried out on the land. Compensation will also be provided for devaluation in land caused by the development of permanent facilities by the licensee.

There are some significant licence changes. Currently, under section 13 of the act, the following licence classes exist: (a) preliminary survey licence; (b) speculative survey licence; (c) exploration licence; (d) retention licence; (e) production licence; (f) pipeline licence; and (g) associated facility licence. The exploration, retention and production licences will each be broken into three subcategories—namely, petroleum, geothermal and gas storage. Other changes will occur to the remaining licence classes, and I will elaborate.

Preliminary survey licences (PSL) permit the preparatory work necessary prior to mining activities. The bill will allow the minister to vary the area upon application to which that licence relates, which is already the case for a pipeline licence for the operation of a transmission pipeline.

Further, there will no longer be a maximum aggregate five year term for a PSL. This is already the case for speculative survey licences which allow exploratory operations.

As stated, the exploration licence class is divided into three categories and, depending on the category, the licensee may carry out exploratory operations, operations to establish the nature and extent of a discovery, and to establish the feasibility of production and appropriate production techniques. The holder of an exploration licence will be entitled to the grant of the corresponding retention or production licence for a regulated resource discovered in the licensed area. That shows the significance of the division of licence categories.

Clause 17 of the bill provides that the maximum licence area for a gas storage licence will be 2,500 square kilometres. The rights under the licence will continue after the exploration and production licences have extinguished. Royalties will not be payable for gas storage. The maximum licence area for a geothermal exploration licence will be increased from 500 square kilometres to 3,000 square kilometres.

Clause 45 of the bill creates a provision for the precedence of exploration licence applications, and applications will be dealt with in the order of receipt unless the minister has called for tenders for an exploration licence under section 22 of the act.

In regard to retention licences, clauses 21, 22, 23 and 24 protect the interests of a licensee in a discovery of a regulated resource until they have properly evaluated the productive potential and/or carried out that work necessary to bring the discovery to commercial production. Once again, the licence is divided into three. For a gas storage retention licence it will facilitate the testing of a natural reservoir for storage suitability. The area of a petroleum retention licence will be limited to up to 100 square kilometres, and, for geothermal retention or gas storage, 1,000 square kilometres.

Currently, the minister is able to renew a retention licence if satisfied that the relative project is likely to be commercially feasible within 15 years. Under this bill, the probable 15-year period will not apply to gas storage retention licences unless the natural reservoir is likely to be used in connection with the production of petroleum.

There will be three categories of production licences, and this is in clauses 26, 27, 28, 29 and 30. The main purpose of this is to cover in situ gasification and coal seam methane as part of the petroleum production process and cover storage or withdrawal of petroleum as part of ensuring its supply and delivery to the market.

Under clause 31, the minister will be able to cancel production licences or convert them to retention licences if they have not been used for 24 months. This will be the same for gas storage facilities.

An associated facility licence allows the operation of facilities outside a licensed area that are reasonably necessary for, or incidental to, the primary operations. This definition will be divided into either an associated activities licence or a special facilities licence. Currently, only a petroleum production licensee or an associated facilities licensee can build or operate a processing facility. The new SFL will allow third parties—non-primary licence holders—to construct and operate processing facilities.

The current act has created unnecessary impediments to entrepreneurial investment in the searching and processing of minerals and production of geothermal energy. The potential for third-party ownership and operation of processing facilities to service licensees now exists.

Shared facilities will create economies of scale in order to commercialise small discoveries. The area for such activities will be limited to 5 square kilometres for permanent facilities and, otherwise, 1,500 square kilometres. For a temporary facility, the minister will determine the licence term necessary and may renew them as he or she deems necessary, or cancel them if it is decided that it is no longer being used for the purpose for which it was granted.

Under new applications to all licence holders, which is covered in clause 33 of the bill, it provides that licensees will have to lodge monthly returns showing quantities of substance or energy produced, sold, etc., and royalties payable. The minister can gazette particular licences or categories of such where this does not apply. This will assist the government in creating a more accurate projection of royalty receipts.

Clause 55 of the bill will require a licensee to carry out a fitness-for-purpose assessment of facilities operated on land within their area at prescribed intervals. This will be to assess risk to

public health and safety, the environment and the security of production or supply of natural gas, if relevant. A report of such will need to be prepared by the licensee, who must also promptly carry out any remedial action that is necessary or appropriate in view of that report. Failing to comply attracts a maximum penalty of $120,000. A licence application requires a work program to be submitted for the minister's approval. Under clause 18, the minister will no longer have to approve the acceleration of work under a work program.

In regards to other items related to this bill, amendments to the Development Act 1993 will facilitate a practice by which a proposed statement of environmental objectives under the Petroleum and Geothermal Energy Act 2000 may be, and must be in prescribed circumstances, referred to the minister under the Development Act 1993 for advice. The amendment to the Mining Act 1971 will ensure that the production of petroleum—or another substance under the Petroleum and Geothermal Energy Act 2000—is excluded from the operation of the Mining Act 1971 as is presently the case in relation to recovery. Transitional provisions relate to the status of existing licences and applications under the new regime.

The Liberal Party has consulted widely and has contacted 19 stakeholders directly. These include the Aboriginal Legal Rights Movement, Adelaide Energy Pty Ltd, the Australian Coal Association, the Australian Compliance Institute, the Australian Pipeline Industry Association, Beach Petroleum Ltd, BHP Billiton, EnergyQuest, Flinders Power, Geothermal Resources Ltd, Heathgate Resources Pty Ltd, and Hybrid Energy SA Pty Ltd. Also consulted were Origin Energy CSG Ltd, Origin Energy Retail Ltd, Petratherm, Santos, SAPEX, Torrens Energy, and Stuart Petroleum. The feedback we have received indicates that people are supportive of the bill and supportive of the changes.

I note that it brings these industries—gasification, petroleum, energy, geothermal—all moving forward. I note that there are quite a few companies moving on with the proving up geothermal work in the Far North, in the Cooper Basin, in the Flinders Ranges, and other areas. I also note the longstanding exploration and oil and gas work that has been conducted in the Cooper Basin. In fact, I worked there for two years in 1982 through to 1984. It has been a very productive area for South Australia and it has employed thousands of South Australians over many years.

I note that this bill embraces the technology of capturing gas. Let us hope that that gets proved up successfully. A lot of work has been done internationally and I would like to see many successes, especially in the synthetic fuel department where fuel will be extracted from coal. Whereas in the past coal may have been mined, I think the way of the future will be to turn it into synthetic fuel.

With those few words I indicate that the Liberal Party supports the bill. I understand that it will bring many advances and it will make it a lot easier for third parties to coinvest with other parties to get these technologies moving forward. Let us hope that the technologies and the production can coexist well together. I commend the bill to the house.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (16:39): I thank the shadow minister for his detailed support for the bill. The vibe and gist of his explanation showed me that he has a deep understanding of the Petroleum (Miscellaneous) Amendment Bill 2009. I commend the bill to the house.

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

OUTBACK COMMUNITIES (ADMINISTRATION AND MANAGEMENT) BILL

Second reading.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (16:40): I move:

That this bill be now read a second time.

The Outback Communities (Administration and Management) Bill 2009 sets a new framework for governance in the unincorporated areas of South Australia; that is, those areas, other than any areas excluded by regulation, not falling under the jurisdiction of a local council (as provided in the Local Government Act 1999). The new legislation will replace the Outback Areas Community Development Trust Act 1978, providing for an incorporated body with enhanced responsibilities for overseeing the strategic management of and business planning for the outback region.

Those responsibilities will be underpinned and enabled by new powers to raise revenue to support the maintenance of existing infrastructure and the provision of services to the community; powers to take action to address pollution or nuisance through issuing orders provided for under the Local Government Act 1999; and it will provide for future powers to be granted to the new body by regulation, where appropriate, such as are deemed necessary to give the new body the necessary authority to deliver outcomes for the region.

Furthermore, to clearly denote the strategic and administrative link with the state government, and to further herald a break from past arrangements, the new body will be renamed the Outback Communities Authority. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Background

Context

Before providing further details on the Bill itself, I will provide the House with some of the context within which the draft legislation has been developed. One of the most pertinent facts to consider in this respect is that, while the area of this Bill's jurisdiction contains only about a third of one percent of the state's population, it accounts for 68% of the state's geographic area. This disproportionate relationship between population and geography makes governance arrangements such as those under the *Local Government Act 1999* impractical; the vast distances between and the diverse nature of localities; the small populations; the practical difficulties in holding elections; and the inappropriateness of a 'one size fits all' arrangement all conspire against adopting the state's more broadly established local governance model. The need for appropriate governance arrangements *in some form* is not debatable; rather the question is what kind of arrangement is the right fit?

The need for special governance arrangements for the outback was originally recognised over thirty years ago by the Dunstan government, which brought the *Outback Areas Community Development Trust Act 1978* into law. That Bill was introduced with a view to facilitating development and infrastructure projects, and to offer financial support to community organisations. The Outback Areas Community Development Trust ('The Trust') has, since the Act came into law, gone on to play a vital role in community development in the outback. In those intervening years, however, the problems faced by outback communities have gradually outgrown the capacities of the Trust and the legislative arrangements establishing it.

Current arrangements

Under the current arrangements, local administration is primarily undertaken by volunteer progress associations in individual outback communities, with the assistance and advice of the Trust. The progress associations play a vital role in deciding local priorities, managing local affairs, and fostering social cohesion and cultural development, and they also provide some funding for local projects. In recent years, however, the organisations have taken on responsibility for the management and maintenance of essential services and infrastructure such as aerodromes and water supplies. The reliance on them to undertake these roles and responsibilities is becoming increasingly burdensome as factors such as risk management and insurance compliance gain importance in parallel with the increasing number of responsibilities. Volunteer burnout, the lack of capacity or capability to perform certain functions within some communities, and an over-reliance on 'one-off' grant funding adds to the problem.

Furthermore, increased pressure is being placed on the Trust itself to deliver local government-type services and basic local infrastructure to meet their communities' needs, along with providing other services on behalf of, and in collaboration with, the State Government. This has been exacerbated by increased mining and tourism activity in outback areas and the tremendous pressure they bring to bear on existing infrastructure in some communities, such as airstrips, waste, accommodation and water supplies. While we welcome the benefits these activities bring to the state's economy, we must acknowledge the burdens they can place on some of our most remote and vulnerable communities.

At the same time as these changes have been taking place, civil society's understanding of the importance of a strategic approach to business planning, budgeting and community engagement has made significant advances. Communities at all levels have come to expect a more strategic approach to governance, and rightly so. These changes too, then, have influenced the government's thinking, in arriving at the proposals being laid before the House today.

As these new economic and social challenges have arisen and as the argument for more strategic and considered governance has gained wider currency, so has the case for a reappraisal of governance arrangements for outback areas.

Consultation to Inform Government's Response

In response to this, the then Minister for State/Local Government Relations, the Hon Member for Wright—whose contribution to the preparation of this legislation I wish to acknowledge here—initiated, in May 2007, a review of the operations and governance arrangements of the Trust. As part of that review, feedback on possible future governance options was sought from residents, community organisations, agencies and other key stakeholders. The community itself was widely engaged, and all residents were sent an issues paper, a questionnaire and an open

invitation to participate in the review, including through community workshops in Yunta, Leigh Creek, Andamooka, Coober Pedy and Penong.

Some of the key themes emerging from the engagement process and reflected in the final report 'The Case for Change', completed in October 2007, were as follows:

- being an advocate for the outback was seen as a legitimate role for the Trust, particularly in an advisory role to State agencies;
- support was given for more systematic consultation processes;
- there was support for the Trust taking control of wider infrastructure issues, such as aerodromes;
- many felt the Trust should support and assist community associations in their cultural and social development role;
- it was felt that more streamlined strategic planning, budgeting and business planning processes would lend greater transparency and accountability to the Trust; and
- there was broad recognition of the need for some form of local rating to deliver the changes, though with disagreement as to whether any scheme should be community-based or outback-wide.

Drawing on this and other feedback, the government has decided to introduce the following provisions in the draft legislation:

Summary of Legislative Proposals

The new body

The Bill seeks to establish a newly named body—the Outback Communities Authority ('the Authority'). While this will be the same body corporate in law as the Outback Areas Community Development Trust, albeit with significantly enhanced powers, the Government firmly believes that a change of name is necessary to signal a break from the past, and reinforce the close links between the Authority and the State Government, which will be important as the Authority seeks to enhance its influence within government by articulating the views, interests and aspirations of outback communities.

Furthermore, while the earlier legislation allows for membership of between three and five board members, this Bill provides for membership of precisely seven members. This will allow for a greater combined breadth of expertise and experience.

In addition, the Outback Communities Authority may establish committees to inform its work, membership of which need not be limited to appointed members of the Authority, but which may include other community representatives or outside experts as appropriate. Along similar lines, the Authority, or its presiding member may, with the Minister's approval, delegate a function or power of this Bill or any other Act. These measures will expand the pool of available resources to provide input into and participate in the Authority's deliberations, and give added flexibility and breadth.

The Bill allows for the area of the Authority to be finetuned by the regulations. It is contemplated that this mechanism will be used to exclude relevant Aboriginal lands and certain islands from the area.

Functions and Objectives

The Outback Communities Authority's functions and objectives will be largely similar to that of its predecessor, the Trust. However, changes will be made to put the new body on a more strategic footing.

The 1978 Act provided for the Trust to carry out development projects and provide local services; to support community organisations, including through grants and loans; to carry out or promote improvements to communications; and to exercise any powers conferred upon it by that Act, including any specified provisions of the *Local Government Act 1999* conferred upon the Trust, by regulation, by the Governor.

These provisions are broadly reflected in this Bill being laid before the House today, but the new Bill goes further in that it requires the new body to:

- give more long-term consideration to asset management and replacement;
- consider national and state objectives and strategies to inform its work;
- work collaboratively with governments at all levels;
- ensure it has robust processes in place for engaging outback communities and informing external decision making processes with implications for those communities; and
- provide an efficient service, remain accountable and manage its resources effectively.

While the Trust has a history of conducting itself with these sorts of aspirations in mind (insofar as it has been equipped to do so), the inclusion of such provisions on the face of this Bill will provide added impetus to the drive to provide a more strategic and focussed service. Furthermore its successor, the Authority, will be supported in its delivery of this role by Public Service employees assigned to it by the appropriate government agency, currently the Department of Planning and Local Government.

Management and Budget Planning

The Outback Communities Authority will be required and enabled to engage more systematically in strategic, management and budgetary planning processes, in the following ways:

- It must, in consultation with outback communities, prepare strategic management plans for Ministerial approval on a five-yearly basis. These plans are to include details of the Authority's:
  - objectives;
  - intended activities;
  - proposed collaborative work; and
  - long-term financial and asset management plans.
- It must, in consultation with outback communities, prepare a business plan and budget for Ministerial approval on an annual basis. These are to include details of the Authority's:
  - objectives;
  - intended activities;
  - proposed expenditure and revenue requirements; and,
  - rates payable for the year and the likely impact of this on communities.
- It may enter into agreements, to be known as Community Affairs Resourcing and Management Agreements, with individual community organisations, to establish ground rules in regard to financial support, service provision, insurance schemes, rates expenditure or governance arrangements. This measure is designed to ensure realistic expectations on behalf of both parties, to smooth co-operation and mutual understanding, and to provide a greater degree of certainty around funding and administrative arrangements, so as to assist community organisations in conducting long-term planning.

Community Consultation

The Outback Communities Authority must prepare and adopt a public consultation policy for use in connection with its key planning and budgetary processes and arrangements, including but not limited to those I have just cited. Through this policy, it must ensure that stakeholders are given reasonable opportunity to make submissions on all matters subject to consultation.

Revenue-raising powers

It is proposed to introduce two mechanisms for the Authority to raise revenue to contribute towards the funding of facilities and infrastructure in outback areas:

- an 'asset sustainability levy', and;
- a 'community contribution scheme'.

The introduction of these arrangements will be balanced with provisions in the Bill requiring the Authority's accountability, transparency and attention to community input, and the application of both of these mechanisms will be subject to additional public consultation requirements.

Asset Sustainability Levy

The rationale for applying this levy is based on the idea of a shared community responsibility to contribute to the maintenance of existing public use facilities and infrastructure in the outback. It would apply to all properties (including pastoral leases) located within the Outback Communities Authority area, except for those uses of land currently exempt from council rates under the *Local Government Act 1999,* and be applied as a fixed charge (similar to a local government general rate).

It is expected that funds collected from the levy would only partially cover the total cost of providing the prescribed services. The remaining costs would still be sourced from Commonwealth local government grant monies, allocations that are sought by the Outback Communities Authority through the normal budget allocation process, and other specific Commonwealth and State grants.

Community Contribution Scheme

It is also proposed to provide the Outback Communities Authority with the capacity to declare a localised user pays system ('community contribution scheme') to enable it to raise revenue for municipal-type services and activities.

This will be done at the individual community level, so revenue will only be expended in the community in which it is raised. These schemes will be developed in consultation with individual communities but, unlike a general rates system, will be applied only with the specific agreement of the individual community on which it is proposed to be levied. A community affairs resourcing and management agreement authorising community contributions for a specific purpose will only be developed at the request of the community concerned.

The Government believes that the introduction of both an outback-wide and a community specific levy will reflect the fact that certain projects will in themselves be community-specific, whereas others, such as UHF transmitters, will benefit the broader outback community.

Other powers under the Local Government Act 1999

It is proposed that the Outback Communities Authority be given similar powers to maintain local amenity and deal with nuisances, as provided in the *Local Government Act 1999* (Chapter 12), whereby councils may issue an order to a land owner, occupier or other person to stop or prevent them from carrying out an activity on private land. These relate to the unsightly condition of land, hazards on lands adjoining a public place, animals that may cause a nuisance or hazard, and the use of a caravan or vehicle as a place of habitation.

It is also proposed that the Authority be given appropriate powers, similar to those of a council, to deal with illegal dumping on public places and roads.

Annual Reports

As with the current Trust, the Outback Communities Authority must prepare an annual report for the Minister, giving details of its activities together with an audited statement of income and expenditure.

Under the new arrangements, however, the report must also include an assessment of those activities against its business plan aspirations for the previous financial year.

Transitional Arrangements

The Government recognises that these proposals, if adopted, would signal a generational change in governance for the outback areas of this State. While the changes represented will, I believe, be to the significant benefit of those living in the jurisdiction covered by the changes, clearly there will be some who have worries about adapting to the new arrangements. The Government is fully conscious of and sympathetic to such concerns, and it is expected that there will be a gradual introduction of the new rates, the amount of which must be approved by the Minister. The fact that the legislation will require the Outback Communities Authority to consult extensively on the strategic directions driving the use of its powers, on detailed business planning, including any planned introduction of an Asset Sustainability Levy or Community Contribution, should serve to further allay any such concerns, and ensure that the community is fully informed of, and provided with ample opportunity to contribute to, the manner and direction of its governance.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal. It sets out the short title of the Act, namely, the *Outback Communities (Administration and Management) Act 2009*.

2—Commencement

This clause is formal. It provides that the Act will come into operation on a day to be fixed by proclamation.

3—Interpretation

This clause sets out the meaning of terms used in the Act. One of the significant terms included in this clause is *outback* which is defined to mean 'the area of the State outside council areas under the *Local Government Act 1999*, excluding any area declared by regulation not to be part of the outback'.

4—Objects of Act

This clause provides that the objects of the Act are:

- to provide for efficient and accountable administration and management of outback communities;
- to promote participation of outback communities in their administration and management;
- to raise revenue for public services and facilities in the outback.

Part 2—Outback Communities Authority

Division 1—Establishment

5—Establishment

This clause provides for the establishment of the Outback Communities Authority. The Authority is the same body corporate as the former Outback Areas Community Development Trust. The clause sets out the Authority's powers as the incorporated body, that the Authority is an instrumentality of the Crown, that it holds its property on behalf of the Crown, and that it is subject to the control and direction of the Minister.

6—Functions and objectives

Clause 6 sets out the functions of the Authority, which are:

- to manage the provision of public services and facilities to outback communities;
- to promote improvements in the provision of public services and facilities to outback communities;
- to articulate the views, interests and aspirations of outback communities.

The clause further sets out the ways in which the Authority will perform its functions.

Division 2—Administration

7—Membership

This clause sets out the requirements for membership of the Authority which are, broadly:

- there are to be 7 members appointed by the Governor;
- at least 1 member is to be a man and at least 1 a woman;
- the Governor appoints the presiding member;
- the Governor may appoint deputy members.

8—Conditions of membership

Under this clause, members of the Authority are appointed for maximum terms of 3 years. The Governor may remove a member from office for breach of, or non-compliance with, a condition of appointment, for misconduct or for failure to carry out official duties satisfactorily. An office of a member of the Authority becomes vacant if the member dies, completes a term of office and is not reappointed, resigns, is disqualified under the *Corporations Act 2001* of the Commonwealth or is removed under subclause (2).

9—Application of Public Sector Management Act

To understand this clause, one must bear in mind that the Authority is a public sector agency under the *Public Sector Management Act 1995*. As such, the provisions under Part 2 Division 3 of that Act apply to members of the Authority. One of these provisions (section 6H of that Act) requires members who have a conflict of interest in a matter decided or under consideration by the agency, to take certain distancing measures in order to neutralise the effect of their interest. The clause provides that if a member has an interest in a matter that is shared in common with members of an outback community or a substantial section of such members, then that interest alone does not constitute a conflict of interest.

10—Proceedings

This clause sets out the proceedings of the Authority, for example, that a quorum of the Authority consists of 4 members. The problem of vast distances between members is addressed in this clause, for example, by subclause (5) which enables meetings of the Authority to be held by telephone or other electronic means and, subclause (6), which allows proposed resolutions to become valid decisions by concurrence by members in written (including electronic) form.

Further provisions in this clause are:

- notice of each proposed resolution for the submission of a strategic management plan, annual business plan or budget (or a variation of those plans or budget) to the Minister must be given to members, together with a copy of the proposed plan, budget or variation, at least 21 days before a vote is to be taken on the resolution;
- a meeting of the Authority is to be open to the public except where an equivalent council meeting could be closed under the *Local Government Act 1999*;
- the Authority must keep minutes of its open meetings and make them available for inspection;
- the Authority may determine any procedures other than those provided for in the Act.

11—Committees

This clause enables the Authority to establish committees of persons other than members of the Authority. Such committees assist the Authority in the performance of its functions. They may determine their own procedures. A member of such a committee is equivalent to an advisory body member under the *Public Sector Management Act 1995*. This means that the committee members are subject to the honesty and accountability provisions under Part 2 Division 4 of that Act.

12—Staff

This clause provides that the Authority's staff are Public Service employees assigned to assist the Authority.

13—Delegation

This clause enables the Authority or the presiding member of the Authority to delegate a function or power under this Act to a particular person or committee or the person for the time being performing particular duties or holding or acting in a particular position. The clause sets out limitations on such delegations and also enables delegations to be further delegated in certain cases.

Division 3—Management practices

14—Public consultation policy

This clause requires the Authority to prepare and adopt a public consultation policy. Such a policy must be applied by the Authority in circumstances including the following:

- when preparing its strategic management plan, annual business plan and budget, community affairs resourcing and management agreements;
- when taking action under an applied provision of the *Local Government Act 1999* that requires the following of a public consultation policy;
- when making decisions of a kind prescribed by the regulations.

The clause sets out what the scope of a public consultation policy should be and the consultation required where substantial variations or substitutions are proposed to such a policy.

15—Strategic management plan

This clause requires the Authority to prepare a 5-yearly strategic management plan. The plan must be prepared in accordance with the public consultation policy and must include:

- a statement of the Authority's objectives for the provision of public services and facilities to outback communities for the 5 year period;
- a clear indication of the extent to which the Authority has given consideration to State and national objectives and strategies relevant to outback communities;
- an assessment of—
  - the extent or levels of public services and facilities that will be required to be provided to achieve its objectives; and
  - the extent to which infrastructure for public services and facilities will need to be maintained, replaced or developed to achieve its objectives;
- a statement of—
  - the principal activities that the Authority intends to undertake to achieve its objectives; and
  - the means by which its activities are to be carried out, including the extent to which it is intended that public services and facilities will be provided to outback communities by community organisations;
- a statement of the extent to which the Authority intends to collaborate with local, State and national governments in the planning and delivery of public services and facilities to outback communities;
- a long-term financial plan;
- a long-term plan for the maintenance, replacement and development of infrastructure for public services and facilities for outback communities;
- any other matter prescribed by regulation.

The clause also makes provision for variations to the plan including variations resulting from an annual business plan and budget.

16—Annual business plan and budget

This clause requires the Authority to prepare an annual business plan and budget. The plan and budget must be prepared in accordance with the public consultation policy and must include:

- a statement of the Authority's objectives for the provision of public services and facilities to outback communities for the financial year;
- a statement of—
  - the activities that the Authority intends to undertake to achieve its objectives; and
  - the means by which its activities are to be carried out, including the extent to which it is intended that public services and facilities will be provided to outback communities by community organisations;
- an assessment of the financial requirements of the Authority for the financial year and a summary of its proposed operating expenditure, capital expenditure and sources of revenue having regard to those requirements;
- a statement of the rates payable for the financial year;
- an assessment of the impact of the rates on outback communities;
- any other matter required by the Minister or prescribed by regulation.

The Authority is prohibited from making any expenditure not authorised by an approved budget except with the consent of the Minister. The clause also makes provision for variations to the plan and budget.

17—Community affairs resourcing and management agreements

This clause enables the Authority to enter into a memorandum of understanding called a *community affairs resourcing and management agreement* with an outback community. Such an agreement may relate to:

- the financial and other support to be provided to the outback community by the Authority;
- the provision of public services and facilities by community organisations and the governance of those organisations;
- the participation of community organisations in an insurance scheme arranged by the Authority;
- procedures to be followed by community organisations claiming reimbursements from the Authority;
- authorisation of community contributions for a specified purpose;
- any other matter related to the management and administration of the outback community.

18—Annual report

This clause requires the Authority to present, on or before 30 September in each year, an annual report to the Minister on the Authority's operations during the previous financial year. The annual report must be tabled in Parliament.

19—Publication of documents

This clause requires the Authority to make available, for public inspection free of charge, and for public purchase, copies of:

- the public consultation policy;
- the strategic management plan;
- the annual business plan and budget;
- the latest annual report;
- all current community affairs resourcing and management agreements.

Part 3—Application of certain Acts

Division 1—Preliminary

20—Interpretation

This clause clarifies that if provisions of another Act are applied by this Part, the definitions in that Act of terms used in those provisions are also applied.

Division 2—Local Government Act

21—Rates on land—asset sustainability levies and community contributions

This clause enables the Authority to impose rates on land in the outback. 2 different types of rates may be imposed, namely 'asset sustainability levies' and 'community contributions'.

The asset sustainability levy is to be imposed on land in the outback in the same way that a council imposes general rates on land except that it is to be based on a fixed charge approved by the Minister. Revenue raised by this levy will be used to maintain public services and facilities in the outback.

The community contribution is to be imposed on land in a particular part of the outback (after a community affairs resourcing and management agreement has been entered into by the relevant outback community under section 17) in the same way that a council imposes separate rates on land except that, like the asset sustainability levy, it will be based on a fixed charge approved by the Minister. Revenue raised by this contribution will be used for the purposes of the particular community.

The clause applies Chapter 10 Part 1 of the *Local Government Act 1999* which contains substantial detail relating to the calculation and imposition of rates. The regulations will set out how those applied provisions will be modified to suit the purposes of the asset sustainability levy and the community contribution in the context of the outback.

22—Anti-pollution measures

This clause applies Chapter 11 Part 3 of the *Local Government Act 1999* in relation to the Authority and the outback as if the Authority were a council and the outback were the area of the council. This means that the Authority will have powers in relation to:

- the deposit of rubbish on public roads or in public places;
- the abandonment of vehicles or farm implements on public roads or in public places;
- the removal of vehicles left on public roads or in public places for more than 24 hours.

23—Anti-nuisance measures

This clause applies Chapter 12 Part 2 of the *Local Government Act 1999* in relation to the Authority and the outback as if the Authority were a council and the outback were the area of the council. This means that the Authority will have the power to make orders in relation to:

- unsightly conditions of land;

- hazards on land adjoining a public place;
- animals causing a nuisance or hazard;
- the use of a caravan or vehicle for habitation.

24—Authorised persons

This clause enables the Authority to appoint authorised persons in the same way that a council may appoint authorised persons. Authorised persons so appointed may administer and enforce this Act and any other Act that applies in relation to the Authority or the outback as if the Authority were a council and the outback were the area of the council.

25—Miscellaneous powers

This clause, by applying certain provisions of the *Local Government Act 1999*, gives the Authority the same powers and rights as a council in the following areas:

- the power to enter and occupy land in connection with a function or responsibility of the Authority;
- the power to carry out surveys, inspections and work in connection with a function or responsibility of the Authority;
- the vesting in the Authority of property in rubbish collected by the Authority;
- the power to act in an emergency (eg flooding or other emergency threatening life or property).

Division 3—Other Acts

26—Regulations may apply other Acts

This clause enables regulations to be made that apply, to the Authority or the outback, provisions of other Acts that apply in relation to councils or council areas as if the Authority were a council and the outback its council area. Such regulations may be modified in order to operate in the context of the outback and the Authority. The clause requires that such regulations not be made unless certain consultation is undertaken.

Part 4—Miscellaneous

27—Regulations

This clause sets out the Act's general regulation making powers including a power to impose fines not exceeding $5,000 for offences against the regulations.

Schedule 1—Repeal and transitional provisions

Part 1—Repeal

1—Repeal of *Outback Areas Community Development Trust Act 1978*

This clause repeals the *Outback Areas Community Development Trust Act 1978*.

Part 2—Transitional provisions

2—First members of Authority

This clause provides that the members of the Outback Areas Community Development Trust vacate their offices on commencement of the clause so that fresh appointments may be made to the Authority.

3—First annual business plans and budget of Authority

This clause provides that if it is impossible, given the date on which the measure commences, for the first annual business plan and budget to be submitted by 31 May for the next financial year, the plan and budget may be submitted as soon as practicable after that commencement.

4—Budget

This clause ensures that the Authority can continue to work under the budget last approved under the *Outback Areas Community Development Trust Act 1978*.

5—Regulations

This clause provides that the regulations may make other provisions of a savings or transitional nature consequent on the enactment of the measure.

Debate adjourned on motion of Mr Pederick.

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

A quorum having been formed:

MAGISTRATES (REMOVAL FROM OFFICE) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:45): Obtained leave and introduced a bill for an act to amend the Magistrates Act 1983. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:45): I move:

That this bill be now read a second time.

The bill will amend the Magistrates Act 1983 to expand the grounds that might give proper cause for the removal of a magistrate and to provide for removal from office upon an address of both houses of parliament.

The Magistrates Act 1983 sets out a procedure for dealing with complaints against magistrates. The procedure involves an investigation and then a judicial inquiry to determine whether proper cause exists for removal. Where a magistrate has been convicted of an indictable offence, or it appears from the findings of the judicial inquiry that proper cause exists for removing a magistrate from office, an application is made to the full court for a determination on removal. Existing section 11(8) provides that:

Proper cause for removing a magistrate from office exists if—

(a) the magistrate is mentally or physically incapable of carrying out satisfactorily the duties of his office; or

(b) the magistrate is convicted of an indictable offence; or

(c) the magistrate is incompetent, or guilty of neglect of duty; or

(d) the magistrate is guilty of unlawful or improper conduct in the performance of the duties of his office.

The government believes the current wording, and I refer to (d), is too limited in that improper conduct not directly associated with the performance of the duties of the office is not a proper cause for removal.

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

Leave granted.

Therefore, an amendment is proposed to para (d) to allow proper cause to exist for removal where a magistrate is guilty of disgraceful or improper conduct. It will not matter whether the disgraceful or improper conduct took place in the performance of the duties of the office of magistrate or in a private capacity. The conduct of a magistrate before the commencement of the new provision will also be able to be considered.

The Bill also includes a new section 11A to provide for removal from office on a resolution of both Houses. That is already the case with judges of the Supreme Court and the District Court.

The wording is consistent with the wording in Section 15 of the *District Court Act*.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. The Bill will come into operation on the assent of Parliament.

Part 2—Amendment of *Magistrates Act 1983*

3—Amendment of section 11—Removal of magistrate from office on determination of Full Court

Section 11 of the Act provides for the criteria and process for the removal of a magistrate on the determination of the Full Court of the Supreme Court. Section 11(8)(d) currently provides that proper cause for removing a magistrate from office exists if the magistrate is guilty of unlawful or improper conduct in the performance of the duties of his or her office. This clause proposed to delete that paragraph and replace it with a new paragraph providing that proper cause for removing a magistrate from office exists if the magistrate is guilty of disgraceful or improper conduct.

It is proposed to insert a new subsection (9) in section 11 to provide that, in determining whether proper cause exists for removing a magistrate from office, conduct occurring before or after the commencement of the subsection may be taken into consideration.

4—Insertion of section 11A

New section 11A will provide for the removal of a magistrate from office by the Governor after an address from both Houses of Parliament praying for his or her removal from office. It is intended to be in addition to any other manner of removing magistrates from office.

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

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:48): Obtained leave and introduced a bill for an act to amend the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:48): I move:

That this bill be now read a second time.

The bill proposes changes to the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007. The measures in this bill represent an initial and immediate response by the government to the increasing prominence of hoon and dangerous driving by certain sections of the public. On 7 July 2009, the number of road fatalities since July 2008 was 124, 15 more than at the same time last year. South Australia Police, the government and the public of South Australia are worried and will not continue to tolerate this criminal conduct on South Australia's roads.

This bill will try to address these concerns by strengthening the current laws about clamping, impounding and court-ordered forfeiture of vehicles by increasing the period for which vehicles can be impounded or wheel clamped by police from seven days to 28 days, by providing for court-ordered forfeiture in more cases and by allowing for the destruction (by crushing) of forfeited and uncollected impounded vehicles.

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

Leave granted.

Currently under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, police are able to impound or clamp a vehicle before proceedings are finalised when a person is reported, charged or arrested with a prescribed offence for a period of seven days. Police may clamp or impound a vehicle used in the alleged commission of the offence (that is, whether belonging to the driver or not); or any other vehicle of which the alleged offender is the registered owner. Fees associated with police clamping or impounding are incurred by the alleged offender but are not liable to be paid unless and until found guilty of the prescribed offence. Apart from the current method for credit providers to seek relief, there is no appeal mechanism for alleged offenders or owners of vehicles who are not responsible for the offending, to seek release of a police impounded or clamped vehicle. If found guilty of the prescribed offence, the offender is liable to pay the fees associated with police impounding or clamping and receive a penalty at sentencing for the prescribed offence, which may involve a fine, imprisonment and or licence disqualification.

If an offender has previously been convicted or expiated for one or more prescribed offences in the last 10 years, the prosecution apply to the court for a further period of impounding or alternatively forfeiture of the vehicle as the case may be, depending on the number of previous convictions for prescribed offences. If a vehicle is forfeited, the vehicle must be sold by public auction or tender and once costs associated with sale and any other fees are deducted, the proceeds must be paid into the Victims of Crime Fund established under the *Victims of Crime Act 2001*. Alternatively, in the case of the sale of uncollected impounded vehicles, the proceeds are treated as unclaimed moneys, the owner of which cannot be found. If sale is not achieved, or the vehicle is not worth selling, the vehicle may be disposed of.

I will now explain how the Bill will change the current law.

Amendments to increase the period of police impounding and clamping to 28 days

The first measure is to increase the period for clamping or impounding of a motor vehicle from 7 to a period of 28 days. This increase applies to police clamping or impounding prior to finalisation of proceedings. There will be no mechanism for the offender to seek release of the vehicle until the period of clamping or impounding has been served. As is currently the case, any costs associated with police clamping or impounding during the 28 day period will be liable to be paid if the alleged offender is found guilty. If, however, the alleged offender is acquitted of the prescribed offence or the charge is withdrawn, the Commissioner of Police will bear the costs associated with impounding or clamping, as is currently the case.

When police impound or clamp a motor vehicle, there are certain notification requirements on police about alerting registered owners. A new notification requirement is introduced in this Bill. The Commissioner of Police must

ensure that reasonable attempts are made to advise current registered owners of a clamped or impounded motor vehicle that an application may be made to the Commissioner for a determination to bring the clamping or impounding period to an end. Where an application is made by a registered owner seeking the Commissioner's determination, the Commissioner must determine the application as soon as is reasonably practicable. If however the Commissioner has not determined an within eight days after it is received, the Commissioner is to be taken to have refused the application. The measure to apply to the Commissioner can be described as a hardship mechanism, designed to provide a pathway to seek relief for a small minority of registered owners who, through no fault of their own, but of another who is the alleged offender of a prescribed offence, have a vehicle clamped or impounded for 28 days. It should be noted that aside from receiving an application, the Commissioner of Police can still make a determination to release a vehicle that has been impounded or clamped of the Commissioner's own initiative, prior to the expiration of the 28 days.

These amendments are designed so that a determination by the Commissioner of Police to release an impounded or clamped vehicle, prior to expiration of the 28 day period, will only occur in very limited circumstances and not for the benefit of the alleged offender. These situations are:

- where the offence occurred without the knowledge or consent of any person who was an owner of the motor vehicle at the time of the offence; or
- where the motor vehicle is not owned by the alleged offender and the continued clamping or impounding of the motor vehicle would cause severe financial or physical hardship to a person other than the alleged offender or a person who has knowingly involved in, or who aided or abetted, the commission of the offence; or
- where other grounds, exist that warrant the clamping or impounding being brought to an end.

Amendments to court ordered forfeiture and impounding

The next set of amendments apply to Part 3 of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*, that deal with court ordered impounding or forfeiture. Currently a court may impound or forfeit a motor vehicle owned by the alleged offender, whether or not it is the same vehicle that or was used to commit the prescribed offence. These amendments will target offenders who have a history of committing and being found guilty of prescribed offences by increasing the period of court ordered impounding and reducing the number of chances before their vehicles become eligible for court forfeiture. I will now explain how the Government will target these repeat offenders of prescribed offences, who continue to demonstrate disregard for the authority of the law.

Firstly, technical amendments are contained in the Bill to change how courts take into account previous offending history involving prescribed offences. Currently the court considers the date of previous findings of guilt or expiation to determine whether further impounding or forfeiture is required. Instead, these amendments will substitute the date a prescribed offence was committed or allegedly committed or expiated for within 12 months or 10 years, as the case may be, of the date of the prescribed offence for which the offender has been convicted.

Secondly, another amendment will extend the period of court ordered impounding from three months to six months, where an offender has, during the period of 10 years immediately preceding the date of the offence, committed or allegedly committed and subsequently been found guilty of, or expiated, one other prescribed offence. Therefore in addition to receiving a penalty from the court for the prescribed offence, an offender, if subject to court ordered impounding, will also endure the inconvenience of being deprived of use of the vehicle for up to six months but also, be liable to pay the hefty fees associated with impounding that will accumulate on a daily basis during the period of court ordered impounding.

Thirdly, where the offender has committed or allegedly committed and been found guilty of, or expiated, at least one other prescribed offence within 12 months of the date of the offence, their vehicle will now be eligible for court forfeiture upon application by the prosecution. The Government is of the view that such offenders pose a serious risk and their vehicles should be exposed to forfeiture where they commit another prescribed offence within 12 months and are found guilty of that second offence. This approach is very much a policy of two strikes in 12 months and you are out.

Fourthly, the Bill will allow court forfeiture of a vehicle upon application of the prosecution where an offender has, within 10 years of the offence, committed or allegedly committed and subsequently been found guilty of, or expiated, two other prescribed offences. Under the current law, offenders receive three chances before they become eligible for court forfeiture of their vehicle.

A new category of forfeiture offences will be defined in the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Regulations 2007*. At this stage it is intended that a forfeiture offence will be any indictable offence under sections 19A, 19AB or 19AC of the *Criminal Law Consolidation Act 1935*; namely the offences of Cause Death or Harm by Dangerous Driving, Leaving Accident Scene After Causing Death or Harm by Careless Use of Vehicle or Vessel and Dangerous Driving to Escape Police Pursuit. On conviction for any of these offences, the prosecution may apply to the court for forfeiture of the vehicle; irrespective of the past prior number if any of convictions or findings of guilty for prescribed offences.

Amendments to method of disposal of vehicles

This amendment will allow the Commissioner of Police, on such grounds as the Commissioner thinks fit, to order the destruction of a vehicle that is not collected after two months from being due for release from police or court-ordered impoundment and to direct the Sherriff to destroy rather than sell a vehicle that has been forfeited by the court. The preference for disposal by public auction or public sale of a forfeited or uncollected impounded vehicle will remain, but will be subject to section 20(5) of the *Criminal Law (Clamping, Impounding and Forfeiture of*

Vehicles) Act 2007. Section 20(5) currently prescribes when a forfeited or impounded motor vehicle may be disposed of otherwise than by sale. The current provisions of section 20(5) will remain. If the Sheriff or the Commissioner (as the case may be) believes on reasonable grounds that the motor vehicle has no monetary value or that the proceeds of the sale would be unlikely to exceed the costs of the sale; or if the motor vehicle has been offered for sale and was not sold, then the vehicle may be disposed of by means other than sale. However a third alternative will be introduced, empowering the Commissioner of Police to make a direction on such grounds as the Commissioner thinks fit to dispose of the vehicle other than by sale. The amendment gives the Commissioner an absolute discretion to make this decision. The Government is of the view that the Commissioner of Police is the most suitable authority to make such a decision.

Finally section 20(7) of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* will be amended to clarify that if a motor vehicle is sold, destroyed or otherwise disposed of under section 20 of the Act, any interests in the vehicle that existed prior to the sale, destruction or disposal are extinguished; and any purchaser of a vehicle, or any part of the vehicle, acquires a good title.

Summary

The Bill is designed to expand current impounding and forfeiture provisions so that they deter and punish hoon driving and similar antisocial crime more effectively.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

4—Amendment of section 3—Interpretation

A new class of prescribed offences called forfeiture offences is added for the purposes of the amendments to sections 11 and 12.

5—Amendment of section 5—Power to clamp or impound vehicle before proceedings finalised

Section 5 is amended to require owners to be alerted to the possibility of making an application to the Commissioner under section 8 for a determination bringing the clamping or impounding period to an end.

6—Amendment of section 6—Period of clamping or impoundment

The period for which a vehicle is to be clamped or impounded is extended from 7 days to 28 days.

7—Amendment of section 7—Extension of clamping period

This clause makes a consequential amendment to section 7.

8—Amendment of section 8—Removal of clamps or release of impounded vehicle

This amendment sets out grounds on which the Commissioner may choose to release a vehicle early. New subsection (2a)(a) and (b) reflect the grounds set out in section 13(1)(a) and (b) of the Act for the court to decline to make an order for forfeiture or impounding.

The amendments expressly provide that an application cannot be made under subsection (2a) by the alleged offender and provide that if the Commissioner of Police has not determined an application within 8 days of its receipt, the Commissioner is deemed to have refused the application.

The discretion of a relevant authority to release early that is currently set out in section 8(3) is consequently limited to release for administrative reasons.

9—Amendment of section 11—Application of Part

This clause extends the application of the Part to conviction of a single forfeiture offence (an indictable offence of a kind prescribed by the regulations).

10—Amendment of section 12—Court order for impounding or forfeiture on conviction of prescribed offence

These amendments change the circumstances in which a court must order impounding or forfeiture of a motor vehicle on application by the prosecution. If a person is convicted of a single forfeiture offence, the order is to be for forfeiture. If a person has, within 12 months either before or after committing the offence of which he or she is convicted, committed or allegedly committed another prescribed offence of which he or she has been found guilty or paid an expiation fee, the order is to be for forfeiture. If a person has, within 10 years either before or after committing the offence of which he or she is convicted, committed or allegedly committed 2 or more other prescribed offences of which he or she has been found guilty or paid an expiation fee, the order is to be for forfeiture. If those circumstances do not apply but the person has, within 10 years either before or after committing the offence of which he or she is convicted, committed or allegedly committed 1 other prescribed offence of which he or she has been

found guilty or paid an expiation fee, the order is to be for impounding. The period for which the vehicle can be impounded in this circumstance has been extended from 3 months to 6 months.

11—Amendment of section 20—Disposal of vehicles

This clause amends section 20 to allow the disposal of a forfeited or uncollected impounded vehicle by destruction or another method where the Commissioner of Police thinks fit.

12—Amendment of section 21—Credit provider may apply to Magistrates Court for relief

This clause makes a consequential amendment to section 21.

Schedule 1—Transitional provision

The Schedule provides that the amendments to sections 20 and 21 apply to motor vehicles impounded or forfeited before or after commencement of the amendments.

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

ADJOURNMENT DEBATE

NATIONAL TRANSPORT REFORM

Mrs PENFOLD (Flinders) (16:51): Today I listened to the Minister for Transport speaking in his usual unpleasant and sarcastic way about perceived shortcomings of Liberal members and the advantages of Labor's national reform agenda that he has been putting in place in South Australia, most recently with the Road Traffic (Miscellaneous) Amendment Bill 2009.

National transport reform, as negotiated by the minister for our state, does not have many perceived benefits for our truck owners or drivers. This is now being discussed by them with the implementation of the South Australian Labor government's Road Transport (Heavy Vehicle Driver Fatigue) Bill template legislation from the federal government, which is proving unworkable in this state. It is no surprise that Western Australia has not adopted it. I therefore urge caution when embracing national reform.

The new fatigue laws are not only affecting truck drivers and owners but also anyone who buys items that have a freight component because the compliance costs have to be passed on or businesses will not survive in South Australia. Trucking companies have been put at a great disadvantage compared with other states as this legislation takes little account of the huge distances and difficulties encountered.

The legislation was obviously designed for the Eastern States and not for the states to the west and north of Adelaide. The driver fatigue laws are complicated and not practical for the long distances that truck drivers travel in most of South Australia. They are inconsistent between states, particularly disadvantaging South Australian drivers and transport operators who sit in the middle of the country and have to accommodate the changes in the law between states as well.

Work diaries have been set up for the short Eastern States runs and not for the long interstate hauls across the length and breadth of the nation that are the reality for South Australian truckies. Many drivers need a break of longer than a quarter of an hour during their trip. Often this can be up to three or four hours followed by another three or four hours at around the 14 hour driving and rest time. Drivers used to listen to their own body clocks but they are now being treated like robots.

However, if drivers take longer rest breaks to ensure the safety of themselves, their rigs and other road users, they are penalised because they have not taken a continuous seven hour long break in a 24 hour span. Not having this long break constitutes a severe breach of the law and attracts a $520 fine. Part 2, division 2.2.5 of the Occupational Health Safety and Welfare Regulations is very clear in the interpretation of conditions in the workplace regarding work breaks and also toilet facilities. Neither these rules nor the fatigue laws currently being enforced cover the long-distance highways.

Where else in Australia would an industry worker be penalised and fined for not taking his break at a specific time even if it means stopping at a rest bay with absolutely no facilities in the rain and behind a bush after walking through a wall of faeces to get to an unused spot? Where else would a worker be penalised if he did not stop at the side of the road or in an outdated 18th century rest area because his work diary said he should not continue his journey to arrive at an area with proper facilities?

As one Eyre Peninsula driver graphically put it, maybe some understanding of the conditions would be realised if there was scrub near Parliament House and no other facilities to use

for a toilet. Drivers are forced to stop in extreme temperatures in summer and winter without facilities to stay warm or cool if their truck does not have ancillary air conditioners to turn on while stationary. While crossing the Nullarbor, there is not even a tree to pull up under during the heat of the day.

The effect of the new laws will be to make drivers more fatigued, not less, on these interstate hauls. I have also been advised of enforced infringements of animal welfare laws where drivers who have been held up with police and departmental checks and other unforeseen circumstances have not been able to deliver their live animal loads to their destinations because they are running a little late and have to take an enforced break. Common sense must prevail.

Adding a second driver to a rig adds considerably to the cost of goods transported, a cost which the customer ultimately pays. That is always supposing that licensed drivers are available. It is one of the vocations where there are job vacancies. The second driver is expected to sleep in the truck's sleeping compartment while the truck is moving which is not conducive to sleep, particularly on the older sealed and unsealed roads found in many places.

A driver operating a rig on his own would end up being bankrupted if he altered his sleep times to his body clock because of the $520 fines for a severe breach due to sleeping when tired. Many drivers are being fined large amounts for small infringements.

These laws and regulations simply become another revenue raiser at the expense of South Australians. Work diary infringements are stacked against the single driver and can bankrupt him. A South Australian driver who travels in and out of Perth on his normal trip can only drive 14 hours in 24 on basic fatigue management (BFM).

He can leave Perth after a two day rest in a motel while waiting for freight and drive to his BFM accreditation of 14 hours, while his Western Australian counterpart can leave at the same time and drive for 17 hours under Western Australian fatigue management requirements. However, if the South Australian driver has stayed in Perth for more than seven days, he can also travel on the Western Australian fatigue management system for 17 hours provided that he is accredited.

The only thing that has changed in these circumstances is the bureaucracy under which the drivers are compelled to work. While basic fatigue management talks about a person's body clock, it does not allow drivers to use their body clock or their brains. It seems that the law is stacked against the single driver and owner/driver as the fines are huge and the law is inconsistent from state to state, especially concerning the two-thirds of South Australia west of Port Augusta because of the distances to Western Australia rather than the Eastern States.

The industry now has a 36 hour rule which recognises areas of driving most susceptible to accidents. There are now long/night hours and short hours. Western Australian fatigue management does not have an inclusion for long and short hours but does make mention of fatigue areas in night driving—yet another obstacle for South Australian drivers. Many drivers are struggling to come to grips with the new rules and the interpretation of the 36 hour rule.

Long hours are between midnight and 6am, or about 12 hours' driving time. A long hour supposedly is recognition of fatigue and equates to driving during the most dangerous times of fatigue. Thus, a driver starting at midnight and driving until 6am has already driven six long/night hours, according to legislation.

A driver is only allowed 36 long/night hours in a week, with the long hours aggregated at the end of each week. Accepting that a driver can work or drive for 14 hours under BFM, what happens if he starts his shift at midnight? He is therefore using the fatigue long/night hours at the start of his journey which does seem contradictory to the reason for the long/night hour rule.

If the driver did the same route and left at 6am, he would avoid the six long hours from midnight to 6am and would only accrue one long hour at the end of the trip for over 12 hours of driving. Is a long hour only a long hour at the end of the week after it is accrued? Does it mean that if a driver starts his shift at midnight, he is more prone to have an accident but it is accepted as, even though he has driven legally 14 hours in his shift, he has technically used six long hours (midnight to 6am) and one short hour, whereas if he started at 6am he would have only driven one long hour? I know of drivers who prefer to drive at night because it better suits their body clock, there is less traffic on the roads and, particularly in summer, the weather conditions are much more amenable, yet the 36-hour rule can penalise them.

Designated rest areas are another source of confusion and angst. It is one thing to put restrictions on the hours that drivers work allegedly promoting safety but, in reality, raising revenue

while adversely affecting livelihoods and business. What happens when a driver's time by his work diary has expired but there is no rest area? He risks an infringement of $520 if he continues to drive until he comes to a rest area, and usually the same if he pulls off where he is but where there is no rest area. The legislation tells us to pull off onto the shoulder, provided it is done with care and in sight of other road users or with warning triangles out. It is not a good idea to pull off on the shoulder as in winter your rig could get hopelessly bogged or, worse still, roll over in the soft edges. Also, where are the facilities for the driver? There are absolutely none.

According to the website of the Department for Transport, Energy and Infrastructure, at the time when the Minister for Transport was boasting about putting some money into rest areas on the Adelaide to Port Augusta run, rest areas on all highways had not been constructed. There is no standard set for their dimensions nor facilities in place for the road transport industry, yet drivers are to be policed for infringements. Surely, this shows the absolutely farcical situation existing at the moment.

A notice placed in *The Advertiser* of 7 March 2009 by the department of transport informed the public that the Road Traffic (Heavy Vehicle Driver Fatigue) Transitional Class Exemption Notice 2008 would expire on 28 March. It went on to say that drivers must be accredited in basic fatigue management or advanced fatigue management or they would be required to revert to standard hours of 12 hours' work in a 24-hour period. A letter dated 31 January—

Time expired.

MONTEROLA, MR V.D.

Mr BIGNELL (Mawson) (17:01): I am pleased to say that 21 March 2010 is indeed going to be a great day for the people of Flinders when, finally, they get a decent representative in this place (whether that be Liberal, Labor, National, Democrat or Independent), because the current member has continually come in here and rambled on talking about walls of faeces and other things and having a go at the transport minister.

She might wonder why she and the transport minister do not get on very well. It goes back to 2005 when her community suffered the devastating bushfires at Wangary. While we got on the ground quickly and put things in place on Eyre Peninsula to try to get people back on their feet, the then opposition leader (Rob Kerin), Dean Brown, and others on the other side got on very well with the government and we worked together in a bipartisan way. All the member for Flinders did was come in here and try to play politics with this issue. She was the only person from any side of the political debate who did that. The other thing is: she has never said thank you.

Today, I congratulate Vince Monterola who, on the June Queen's Birthday weekend, received the Medal of the Order of Australia. That is a well-deserved honour for Mr Monterola, who led the recovery process—

Ms Breuer: Not one member of the opposition is sitting there listening. The place is empty. How disgraceful!

Mrs Geraghty: Where are they all?

Mr BIGNELL: I thank the members for their interjections, and I appreciate the fact that there are people on our side listening to this contribution, even if there is no-one present on the other side.

Vince Monterola did a fantastic job. The day after the Wangary bushfires the Premier, the then emergency services minister (Patrick Conlon) and I were on the ground in Port Lincoln, and we realised that this community had been devastated and it was really important that we got someone on the ground who could spend two to three months there and bring the community together and help it through this most difficult time. We were driving along in the car trying to work out who would be the best person and Vince Monterola's name came up and it was agreed on-the-spot that he was the ideal candidate.

So, we rang Vince, who had been the chief of the Country Fire Service and a volunteer since the early 1960s. He had worked for Coca-Cola Amatil and ran its operations in 16 countries between 1989 and 1993. So, he had a background as a volunteer and also a proven management career. One thing we knew about Vince was that, whatever we had ever asked him to do as a government, Vince would never say no. When we rang him and asked him if he could get to Port Lincoln and help set up the recovery process, of course, he said he would do it. He put his own life and personal considerations on hold for two to three months and came over.

He worked with local farmers, local volunteer groups and local churches, as well as various public servants, all from different government departments. He did a magnificent job—as did all the other people there. Everyone pulled together to get Eyre Peninsula back on it feet—to get relief to people and put money in their bank accounts so they could start rebuilding their lives as soon as possible.

He worked with the local health people to ensure that those people suffering from depression, anxiety and stress received treatment, because it was just as important to look after people's health needs as their financial needs. We had a minister on the ground who had the delegated authority of cabinet to make whatever decisions needed to be made to help get people back on their feet. Vince coordinated that. He was the person who would provide the briefing to the incoming minister each time they arrived.

I was really pleased to pick up the paper over the June long weekend and see that Vince had been recognised for his efforts after the bushfire, and also for his lifetime of commitment to so many different projects in South Australia. In 1999, Vince won the Australian Fire Service Medal. In 2001, he was awarded the Australian Centenary medal. He was made a life member of the CFS in 1984 and a life member of KESAB in 2000.

I regularly keep in contact with Vince in his role with the Friends of Parks in South Australia. I have been in Wilpena Pound and they do a great job in the Flinders Ranges, and also closer to home in the Onkaparinga Gorge park which goes through the seat of Mawson and the seat of Kaurna at Old Noarlunga. It is a fantastic park, and Vince and his band of volunteer Friends of the Park do an outstanding job in that area.

When the devastating bushfires caused so much destruction in Victoria in February, I actually rang Vince the next morning, when it became clear that the death toll was rising by the dozen almost every hour as I listened to another news service. I worked with Vince for about five or six weeks in Port Lincoln after the Wangary fire. Reports were done on the recovery process after the Wangary fire and a list on the way in which to do things was prepared. Canberra took about three or four weeks to set up a recovery centre. Our recovery centre was set up in the afternoon of the bushfires at Wangary. It was seen as the blueprint, if you like, to a recovery process.

I rang Vince and said, 'Would it be all right if I have a word with the Premier's office, to put forward our names if the Victorians want us to go over there to help them in any way,' and he said, 'Absolutely, I am prepared to fly out at the drop of a hat.' That demonstrates the sort of person Vince Monterola is. Once again, I pass on my congratulations to Vince and thank him for his great contribution to this community over so many years. Given his nature of never saying no, I am sure he will be around for many more years to help out South Australians.

At 17:10 the house adjourned until Thursday 16 July 2009 at 10:30.