

HOUSE OF ASSEMBLY**Tuesday 8 September 2009**

The **SPEAKER (Hon. J.J. Snelling)** took the chair at 11:00 and read prayers.

APPROPRIATION BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT AND REPEAL (FAIR TRADING) BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

FIRE AND EMERGENCY SERVICES (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 July 2009. Page 3500.)

Mr GOLDSWORTHY (Kavel) (11:02): It is my pleasure to be the first cab off the rank after the winter recess and also to be the lead speaker for the opposition in relation to what is really an important piece of legislation that has been brought before the house. This bill is the result of the legislative requirement that the act be reviewed after two years of operation. The review was conducted by John Murray and it resulted in 49 recommendations.

At the outset, I indicate that the state Liberals are pleased to support the bill. However, there are some issues that we want to highlight along the way, and there will be some provisions that we will seek to amend and perhaps oppose, but we will canvass those during the course of the debate. In essence, however, I can tell the government that we support the intent of the legislation.

The key issues raised in the bill include the SAFECOM (South Australian Fire and Emergency Services Commission) board being expanded to comprise nine members. Currently, there are eight members of the board with only a number of those eight having voting rights. It is our understanding that the board is to be expanded to nine and that all nine members of the board will have the right to vote on whatever issues come before it.

Under the current structure, there is an advisory board as well. It is our understanding that that advisory board did not necessarily operate at the level of efficiency and effectiveness that had perhaps been initially anticipated. That board will be dismantled and an advisory committee will be established in its place. That is good.

At this juncture I will flag that it has been raised within our ranks that a land-owning representative from the Farmers Federation should be included on the SAFECOM board. We will look to move an amendment in relation to that. I just flag that at the beginning, in speaking about the composition of the SAFECOM board.

As we know from the minister's second reading explanation, the focus of the SAFECOM board will be on strategic responsibilities, with the day-to-day administration becoming the responsibility of the chief executive. As I mentioned, the two former board structures are no longer necessary and the advisory board is to be replaced by an advisory committee.

One of the other major structural reforms is a change to the current three-tier structure. We have in place the South Australian Bushfire Prevention Advisory Committee, the CFS regional committees, and also the district council fire prevention committees; that is the three-tier structure in place. It is being compressed into a two-tiered structure, with the establishment of the South Australian Bushfire Coordination Committee. That committee has the power to recommend to the Governor the establishment of bushfire management committees and, hence, bushfire management areas. We understand that there is a proposal for 16 committees to be established and, obviously, 16 management areas to be established as well.

It is evident that the structure has been flattened from the current three-tier structure to two. The belief is that the lines of communication will be improved. There has been some concern, in particular from the volunteer sector, the CFS and those levels of service, that the lines of communication were not necessarily as open and as clear as we would have liked them to be, and this new structure is looking to achieve better communication up and down. We all know that we need a two-way flow of information, both from senior management and from the board, through the

structures of the volunteers and, obviously, the other way as well. Through effective corporate management, that is important.

In addition to that structural reform, the commission is able to identify what is regarded as urban bushfire risk areas, which extend into the Metropolitan Fire Service (MFS) areas, with the various controls and responsibilities traditionally associated with the CFS areas extending into those designated urban bushfire risk areas. I think it is another important step in the right direction. In particular, the suburbs to the east and the north-east of the metropolitan area, which are within the auspices or the control of MFS districts, are certainly exposed to bushfire threat. That is evident just from the geography, in terms of the location, the proximity of the escarpment, the foothills, and the higher bushfire district of the Mount Lofty Ranges.

You only need to have the right weather conditions—perhaps the wrong weather conditions, depending on which way you look at it—prevailing in a certain manner and for the wind to come from a certain direction to put those suburbs under threat of bushfire. It would come down over the hills, over the escarpment and into Banksia Park, Redwood Park, Tea Tree Gully in the north-east into Highbury, Athelstone, Rostrevor and right along the eastern side of the metropolitan area. Those suburbs are at real risk, so I think this is a step in the right direction in relation to dealing with those issues.

The bill proposes another measure: to move appeals for disciplinary matters within the MFS from the District Court to the Industrial Relations Commission. These issues have come before the house previously and, on this side of the house, we have not supported those measures. We have debated other legislation in the house that we have not supported which contained provisions for moving those matters from the court jurisdiction to the Industrial Relations Commission. I highlight that we will oppose that for a number of reasons and other members, in their contribution to the second reading, will also highlight this issue.

No legitimate reason has been given by the government to substantiate why those matters are to be moved to the Industrial Relations Commission. On this side of the house, we are aware that the government is proposing to move more to the federal system and, in essence, that will reduce the workload of the Industrial Relations Commission, as we understand it. Other members have a better understanding of those matters than I, so they will elaborate on that. I reiterate that no legitimate reason has been given for that proposal. I want to flag to the minister: consistent with the Liberal Party's position on these matters, we do not support that measure in the legislation.

In addition, we understand that amendments are proposed in relation to local government fire prevention officers aimed at providing greater flexibility in the amount of resources that the council can attribute to the risk factors for fire in their specific districts. It is my intention to elaborate on those issues later in the debate. I think that the government could look to resource local government in a far greater manner to assist the work the fire prevention officers undertake.

Another area that we have some concerns about is amendment No. 39 relating to the repeal of section 149 whereby the clause deletes the spent provision. In the current act, that relates to the provision that the review of the structure had to take place after two years, hence the reason for us debating this bill today. As I said earlier, the bill is a result of that review. It is the Liberal Party's opinion that this bill should have provisions for a further formal review to take place so that we do not just leave it up to the whim of the government of the day to implement a review. The Liberal Party proposes to move an amendment that a formal review take place in March 2012, with the report to be ready in September 2012. That is something that I want to highlight to the government.

In essence, that is really the intent of the legislation. As I said, we certainly appreciated the quite comprehensive briefing which was headed up by the Chief Officer of the CFS and which also involved the Chief Officer of the MFS, Grant Lupton, the Commissioner of Fire and Emergencies, Mr David Place, and some other officers.

The state Liberal Party supports the intent of the legislation. We think it is a step in the right direction. Obviously, bushfire management control and all the issues that relate to bushfires here in South Australia are vitally important. This is a significant issue that the state faces, not only through the bushfire season but also through the autumn, winter and spring months in preparing for the season. As I said, we certainly believe that these are good measures that are proposed in the bill.

I want to expand on some of my comments in relation to the Victorian Bushfires Royal Commission. The interim report has been made publicly available and it contains 51 recommendations. While it is not my intention to go through every one of the

51 recommendations, because some relate specifically to the Victorian situation, some quite important areas are covered in the recommendations in relation to warnings. There are chapters about warnings, information, relocation, the stay or go policy (I will talk a little bit about that in a minute or two), risk and refuge, incident management, emergency management, commonwealth response and emergency calls. I understand that the senior management team within our emergency services sector has had a fair degree of involvement in the royal commission proceedings.

In relation to the stay or go policy and warnings, my parliamentary colleague the member for Davenport has prepared a bill, which he has put out in the community for public consultation, directly related to warnings. At the moment, we have a memorandum of understanding with two media outlets, the ABC (Radio 891) and FIVEaa. My understanding is that the proposal is for that to be expanded to all other media outlets, in terms of regional radio and television, and that as soon as the Chief Officer issues a warning and it goes to all the different media outlets it will be compulsory for those media outlets to immediately broadcast the warning. We do not allege that the media should delay issuing a warning. However, there may be circumstances in which that could occur, although there is no such allegation. It might happen during the broadcast of the last over of a test cricket match before tea and a bowler might be on a hat-trick—

Mr Griffiths: Steve Waugh is on 96.

Mr GOLDSWORTHY: Not Steve Waugh—he has retired. There may be some reason the media may want to continue the broadcast and delay issuing the warning by a minute or two. What is proposed is that that cannot happen. As soon as the chief officer issues the warning it will be compulsory that the media outlets broadcast that warning. I want to highlight that issue, because we think that is important. As I said, that is out for public consultation. The member for Davenport also has highlighted that issue and, obviously, he represents a very high bushfire risk area, as do a number of members on this side of the house. I also represent an electorate in the Mount Lofty Ranges, as do a number of members on the government side. So, I wanted to highlight that in the course of this debate.

The other issue relates to some discussion that is again in the public arena about those homes and streets in locations that are indefensible on an extremely high-risk bushfire day. There are some areas within the Adelaide Hills and the Mount Lofty Ranges that are more defensible than others, but there are some streets and locations that, when objectively and critically assessed, really are indefensible against a fire of the magnitude and ferocity of the Black Saturday fires in Victoria. It is the government's responsibility to do some more work in educating those respective communities and residents in terms of the risk they face when a severe fire incident comes their way, and the fact that they have little or no chance of defending their home and, as a consequence, their life. There has been a considerable level of discussion in the public arena about that, and I think it is the responsibility of the government to do a lot more work in relation to that.

I come back to my initial point of better resourcing local government and fire prevention officers. I know the fire prevention officers in the Mount Lofty Ranges personally, and they are literally run off their feet carrying out their duties, particularly during the bushfire season. There has been some suggestion that residents in the densely populated streets of Blackwood and Belair and the areas where there is dense residential development in the hills district should be individually called upon and the risk they face spelled out to them, not in an intimidatory manner but in an objective, factual manner.

We know that people move into the Hills district, obviously being attracted to that environment because it is a beautiful place to live. You experience the four seasons distinctly in the Adelaide Hills region—hot summers, calm autumns, then cool, cold, wet winters and lovely springs back into hot summers. Obviously, people are attracted to that. I live there because it is a beautiful place to live.

However, people must understand the environment in which they live, and I am not confident that every resident does so. People arrive in late winter and spring when everything is in blossom. They buy a home and think the area is beautiful. As I said, it is beautiful but, when the middle of February rolls around with temperatures of 40° and a hot north-westerly blowing, everything is tinder box dry and it is a completely different environment from that which is experienced in the middle of winter.

The Adelaide Hills in the middle of winter is wet and foggy. Unless you experience a summer in the Hills, you would not necessarily understand the change to the environment when the

winter months finish, spring arrives and we then experience a long, dry summer for which South Australia is well known. It is a completely different environment as a result of the seasons, so there needs to be improvement in the way in which the government addresses those specific issues.

We have received a submission from the Local Government Association which highlights concerns with the bill. We received that submission yesterday afternoon so we have not had time to formally consider the proposals that the Local Government Association has put forward, but I advise the house that we are happy to consider those proposals between the houses. When the legislation is passed by this house, we will consider those proposals between the two houses and have a formal position in relation to them when the bill moves to the other place.

I want to conclude my contribution by recognising and acknowledging the vitally important work that the emergency services sector—the CFS, MFS and SES—carry out for the safety and security of our respective communities, particularly the work carried out by the volunteer sector. The CFS would not be able to function without the significant contribution made by its volunteers. It is vitally important that we always recognise and acknowledge the contribution that those people make to the safety and security of the state.

We experienced a catastrophic fire event in 1983, 26 years ago. Obviously, we learnt some lessons from our experiences with that fire, the catastrophic fires on Eyre Peninsula and the Victorian fires at the beginning of this year, but the emergency services sector and all South Australians need to be mindful of continually improving our bushfire program. That has to be at the forefront of our mind. We need to look at ways, measures, procedures and all the mechanisms that are available to us as legislators in the parliament and the emergency services sector—MFS, CFS and SES—to continually improve on how we deal with these very important matters.

As I said at the outset of my contribution, we are pleased that the legislation has come before the house, and we are pleased to support it with some amendments. I make the point that we are presuming that the restructure of the two-tiered system—the bushfire coordination committee, the bushfire management committees and the 16 areas, and so on—has been completed and that, as soon as this legislation has passed through the parliamentary process and is assented to by the Governor, the restructured system can be implemented and put in place so that it is functioning, operational and up and running (whatever description you want to use) before the bushfire season is upon us.

If we try to implement these changes through December, January, February and March, then we can see some problems occurring as a result of the restructuring process. During the bushfire season, the focus has to be on incident management, coordination and all those other key issues. That draws my contribution to the debate to a conclusion and I look forward to the swift passage of the bill through the parliament.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (11:32): I wish to make a brief contribution. I will deal with some areas that are of particular interest to me and also reinforce the comments made by the shadow minister (the member for Kavel) who, living in a bushfire prone area, would have a deep appreciation of the impact that bushfires can have upon communities and our society. He has a real understanding of the fact that we (as a government, an opposition and a parliament) need to ensure that the best possible system of management and resources is available for the fire prevention needs of South Australians.

I have never lived close to where a bushfire has occurred, so I have not been involved in the resultant tragedy, but all of us in this chamber and the state can reflect upon the television images of the Victorian fires, the Wangary fires, and fires in Sydney, America and so many nations in the world which demonstrate the tragedy of bushfires and really bring home to us what they do to people. However, we cannot be there to appreciate the noise of a fire when it roars through, the burning of people and animals, the devastation of the land being destroyed, homes being wiped out and whole communities being obliterated, as was the case in Victoria.

We consider legislation such as this with the desire that it never again happens to us. Tragically, history has shown that, no matter the best intentions of people, it will occur. Management principles that have been put in place will try to minimise the impact as much as is humanly possible, and that is why it is important that legislation be continually developed, that management systems and policies are put in place and that the dollars are provided to emergency services volunteers who perform such wonderful work to ensure that they have everything they need, but we have the responsibility to ensure that we devise the best possible system.

I will refer to a couple of points made by the member for Kavel, especially the issue he raised about an amendment that the opposition intends to move about having additional representation on the board, namely, someone nominated by the South Australian Farmers Federation who is a property owner. I want to support that amendment on the basis that, in many cases, property owners have a generational interest in the land.

I was recently in McLaren Vale, and I talked to some property owners there who are fifth generation and whose family has lived in that area since 1841—and that demonstrates to me a connection that cannot be lost. They are the sorts of people who need also to be involved in management; they bring the practical experience of many years of burning on their land for the control of weeds and snails and those sorts of things, as well as protecting their other property. I believe it would be a positive step forward for SAFF to appoint those sorts of people, with their experience and qualifications. The extension of the board by one more person to allow for that should not be overly onerous, and the physical input these people could have to the preparation of plans and policies in future years could be important. I know that the opposition—including the member for Stuart, who has suggested this amendment—will be pushing for that, and I hope the minister agrees.

The great problem for many is that they are not prepared for a fire, and that is a tragedy. Too many people live with a complacent attitude and think that it will never affect them, but we all need to accept that the potential exists, be it a bushfire or a house fire. No matter what our circumstances may be, tragedy could affect us, and families need to discuss that. I know that Mr Euan Ferguson, when he speaks in the media, continually tries to reinforce the message about the need for people to prepare plans and have a system in place so that every member of the family understands the implications and what they have to do. There can be no separation of age in this; we need to make sure that our young kids are aware of it as well as our teenagers, adults and grandparents, and that no-one is left in circumstances where they could become a victim of a terrible tragedy through fire. Any effort that helps to achieve that is a good one.

Public information is also an important issue (and the member for Kavel also referred to this). It is fantastic that we now hear warnings on two radio stations, but we need to ensure that there is the greatest possible chance for everyone—no matter what they are doing—to be aware that there is a dangerous situation in their immediate vicinity, and that they need to respond. It would be terrible if people were to innocently drive in an area, or remain in their home, without being aware of the circumstances around them. Sadly, I suppose there are a lot of people who are not overly connected with the neighbourhood in which they live, and people who live by themselves may not have the radio on or may not be watching the television; they may be inside reading and aware that it is warm weather outside, but they may not be aware of a fire. As a society we have to ensure that our neighbours are also aware of these issues through whatever means possible.

I would like to take up one point. In his briefing paper, the shadow minister referred to the increased responsibility placed upon private landholders to prevent or inhibit the outbreak of fire on their land, including council-owned land and crown land. I will declare a personal interest in this matter, as my father-in-law, a farmer on Lower Yorke Peninsula, has a substantial amount of land that directly adjoins a national park. He continually comments to me that the firebreaks he is able to create there are not enough, because of the adjoining national park and the need for the national park to consider its clearing methods. From a personal perspective, he is very concerned about what will happen on his property because of something that may start in a national park.

The Hon. R.B. Such: It might start on his property, too.

Mr GRIFFITHS: It could start on his property, that is true; but that is where both sides of the fence lie. Both property owners need to ensure that plans are in place and that they have done the necessary work to minimise, as much as possible, the risk of fire travelling from one property to another. I certainly support that, and it is important that federal and state government departments and property owners ensure they have policies in place that give the greatest possible protection.

I raised a small point in the shadow minister's briefing paper in regard to council fire prevention officers and providing greater flexibility in the amount of resources that councils can contribute to the risk of fire in the district. Having previously been an employee of local government, and having had a good relationship with the fire prevention officer who worked in that council area, I know that they are very dedicated officers. These people do build the relationships within communities that they need, in order to ensure that plans are in place, that property owners are aware of their own obligations, that burning-off permits are provided only where it is appropriate,

and that people who do the wrong thing when burning off and who cause some level of fire are well and truly told that unless they get it right they will not get another permit.

I note that councils devote as much as they can. Certainly, some people who work as fire prevention officers within councils hold joint roles, and a common one would be some level of general inspector, and that sort of thing. In regional communities, I suppose that is the only way that a council can afford to have that position. There can be no debate about the need for the position; local government will always certainly support fire prevention officers. I just wonder whether the minister, when he speaks in relation to the opening comments, could provide some clarification on the intention of the amendment in relation to local government's commitment to fire prevention officers. The minister nods his head, so I am grateful for that.

As an opposition member, regrettably, I could not attend the briefing that was held on this matter, but I know there was considerable debate. Many of our members attended and, certainly, regional members, who have a direct and long-time interest in fire prevention, were there and had input into the debate and what our position would be. There can be no doubt that the opposition will support the bill, because it improves the system, and that is what we are all about: learning from the tragedies that have occurred in the past and making sure that we do not repeat those same mistakes.

I know that many members will make a contribution. Many members who have a greater personal involvement in fires and have been involved in fighting them in the past will stand up and make a contribution. It is important that we consider that, because the input of all people will actually result in better decisions being made. That is how the parliament works. The principle is a good one. Let us hope that these policies are implemented as quickly as possible. The shadow minister has made the point that it needs to be in place before the next fire season. It will provide greater surety to 1.6 million South Australians that they will not be subject to a fire in future years.

The Hon. R.B. SUCH (Fisher) (11:41): I would like to make a brief contribution. Overall, I welcome this bill. I think it is important that we know that, following Black Saturday in Victoria, there has been a bit of a knee-jerk reaction in some quarters, particularly in Victoria. Nevertheless, we need to make sure that we do all we can in a reasonable and sensible way to minimise the risk of fire and protect human life.

I want to make some comments about what has happened particularly since Black Saturday. As I said, many of the knee-jerk reactions we have seen have been in Victoria. We have had people like the federal member, Fran Bailey, saying that we should clear the side of every road by 10 metres because, when she went to Germany, she found that they clear the roadside—along the autobahns—by 10 metres.

Mr Hanna: You wouldn't have many bushfires.

The Hon. R.B. SUCH: Well, you wouldn't have much vegetation left if you did it here, because only a few bits of vegetation remain here on the roadside as a lot of it has been cleared. I think we need to maintain a balance. Premier Brumby got a bit carried away and has now implemented a clearance policy, which one of the universities in Victoria analysed. It said that, if it was implemented, we would have no trees in those tourist areas that people want to go and see. If people want to see the Little Desert in Victoria, they can do so. However, if Premier Brumby has his way, we will have the big desert of Victoria, because people overreact. What they are trying to do is shield any responsibility away from shortcomings by particular individuals and others. So, you come up with a knee-jerk reaction which, as a consequence, when it is analysed, shows that, in some of those areas, we will end up with no vegetation at all. Who wants to visit Kinglake if it looks like Wingfield North?

There are a lot of other issues that need to be explored. Why do we allow people to build in areas which are of such extreme fire risk? It is crazy. It is madness. We are still doing it, and we hear people pontificating—mayors and so on—of councils that have allowed people to build in the most high fire risk areas in South Australia. Then they come out and say, 'We'll have to clear a few trees from the side of the road.' People have just been allowed to build along a road—Sheoak Road, for example—next to a national park. It is madness. It puts CFS volunteers at risk, and we are still allowing it to happen. The government should have the spine to say, 'You cannot build in certain areas of the Adelaide Hills,' for example. There are some areas where you can build, obviously, but what we are allowing those people to do is commit a delayed suicide. They will be wiped out.

Many years ago, back in the 1830s, my family settled in Upper Sturt. They were a bit smarter back in the late 1800s because they built a school out of stone on the south side. DECS came along and built a school made out of tin plate on the north face, right next to Belair Park. We have not learnt from the pioneers, who had a bit of sense, some of those simple, sensible things.

We hear people say that the Aborigines burnt the land. They did not burn all of Australia; they burnt selected areas to encourage green feed for kangaroos so that they could more easily kill them. They would have incinerated themselves if they had set fire to the whole countryside. Recently, I heard some character on radio saying that the Aborigines burnt Australia for millions of years. The Aborigines have not been here for millions of years. We are hearing a lot of exaggerated, knee-jerk nonsense from people.

It is fine, as this bill sets out, to have various plans. A plan is necessary, but people should not delude themselves that this will necessarily save them on a day like Black Saturday: virtually nothing will save you on a day like Black Saturday if you are in one of those areas. It is important that we review policies like 'stay or go', and I know the government is looking at that. You would be a fool to stay in an area where you have an extreme fire like Black Saturday, where the chance of surviving is absolutely minimal and is based on luck.

I have taken a keen interest in what happened in Victoria, and we know that some of the properties that were saved had vegetation right up to the house and some that were lost did not have vegetation for hectares around. So, it is simplistic nonsense to say that, if you just clear a firebreak, you will be okay. The latest Australian building standards give people a false sense of security. They will not protect you in a fire. They will not save you if you are somewhere like Upper Sturt or Iron Bank; you will be wiped out.

It is good and necessary to have a plan, although I notice that the coordination committee has 18 members, which is a very big group. I understand the politics of it—everyone has to be represented—but it is a very big group and I hope that it is manageable.

Naturally, people want to blame someone; they never want to blame themselves, and that is what happened in Victoria. In Victoria, they blamed the head of the CFA. However, a lot of these people do little themselves. I am a great supporter of cool burns (prescribed burning), but the average farmer does not have the resources to carry out a prescribed burn without creating somewhat of a significant risk and, if the fire escapes—and this is an issue we have to address—that person is liable for the damage that is caused. If you own a property, you might want to cool burn it, but God help you if it gets away, which is what happened in New South Wales last week. The bushfire in New South Wales last week came from a so-called cool burn: it became a hot burn and then a bushfire.

So, we have to be very careful that we do not get into this mantra of thinking that a firebreak here and there will save the day. If you have a Black Saturday bushfire, which melts aluminium, you will not have a hope in hell. They could not even start their petrol pumps because the fuel had vaporised.

What I am saying is that, sure, we need a plan—and I commend the government for that—but I think the community has to really get hold of this issue and apply what I would say is a bit of common sense and not allow people to build in areas where they put their life and the life of volunteers at risk. We do not let people build on a flood plain, and we do not let them build out in the ocean, so why do we let them build in areas where it is inevitable that their properties will be destroyed and they will be killed?

I grew up in a bushfire area, and I live in one now. I can remember as a kid that two young police officers were burnt to death not far from where I lived. So, I know first-hand what it is like to be in an area where you cannot see the end of your street because of the smoke.

We have to get fair dinkum in the Adelaide Hills. People would not get out in areas such as Coromandel Valley. You cannot even get past Craighburn Primary School on a normal day when mums and dads are picking up their kids, so how would you go on a bushfire day? Sometimes, you have to wait there for minutes. When a freight train, some of which are nearly two kilometres long, goes through the Adelaide Hills, it takes five minutes to pass through a crossing. If a couple of freight trains are going through on a day when people are trying to escape, it would be absolute panic and pandemonium.

We have the situation where people are saying, 'Where can I go that is safe?' There is nowhere you can go that is safe in an area like that: you have to get out long before the fire gets to

a point where it threatens your life. When I was the chairperson at the local school, we used to tell parents that we would put their children on the oval. No-one wants to say that now because they know from the experience in Victoria that you can be on an oval and still be incinerated.

The schools in the Hills are not adequately prepared. We do not teach children about bushfires. There are a lot of people living in the hills who have come from overseas and interstate. They would not know a bushfire if they fell over one. They have no idea about what you are dealing with with the heat and the smoke: you cannot see and you can hardly breathe. There are going to be all these people rushing out to pick up their kiddies from school or trying to escape the hills on roads which are clogged at any time, let alone on a bushfire panic day.

I wish these committees well in trying to address those issues. I am sure the issue of sirens will come up. I think they are a form of comfort blanket, because they tell people that there is a fire, but they do not tell you where the fire is, how big it is or how urgent it is. I know there is a move afoot to have sirens brought back. I grew up with sirens, which had a bad effect on people who had come from London; that is, it reminded them of the Blitz and sent them and their dogs whoopee.

Unless you plan it properly, a siren does not tell you anything. What does it tell you? There is a fire. Where is the fire? In Mrs Smith's toilet, or is it a big fire that is about to engulf your house? And there are other sirens going. Coromandel Valley CFS has used a siren for fires for years, but also for accidents. If you are going to have a siren policy, you need to make sure that it actually tells people something so that they know what it means.

Mr Pengilly: It alerts them, Bob; that's the idea.

The Hon. R.B. SUCH: The member for Finnis says it alerts them. It alerts them to what? It is a comfort. I am not against sirens; I am just saying be careful arguing that they are the answer. We have a lot more modern communication techniques now that could or should be used.

Mr Pengilly: That don't always work.

The Hon. R.B. SUCH: But you should not rely on any of them as the sole awareness-raising issue. People are clinging to anything because in some ways they are not addressing the fundamental issues. There are going to be more and more people building in areas in the hills who will expect the local CFS—to which I used to belong—to come out and save them. You cannot even turn a truck around on some of those roads. You are not going to save the people, but they will expect to be saved.

There are people who do not even insure their properties. If I were the insurance companies I would go out and check those properties, and their premiums should relate to the degree to which people have prepared and cleared around their property and maintained it. Why should the rest of the community such as the people of Henley Beach subsidise some idiot living in the hills who is careless and does nothing about branches growing over their house?

I live in the hills and there are people living in my street who have branches growing over their house, and they do not clean their gutters. It is just idiocy. I think that people should be required by council on an annual basis to indicate that they have tidied up and that there should be random inspections by council officers or the CFS, and there should be some teeth to back them up in saying, 'You haven't cleaned up around your property. Do so now,' and there should be some consequence.

I think the measure before us is good, and I think it is good to have local input. As I say, I am a great believer in prescribed burning, but it is not as simple as people think, because the weather can change, and winds can suddenly come up. The average farmer has some equipment, but most people do not have enough resources and personnel to manage a significant prescribed burn-off.

I conclude by saying that in response to fires—and this is not the only one—it is important that we do not simply have a knee-jerk reaction but that we have a response which is based on science and common sense. I think this measure will help, but people should not delude themselves that having a plan will save them. A plan is only as good as the effort that is put in at the critical time.

People should desist from blaming (here) the CFS, or (in Victoria) the CFA, especially those volunteers who put their lives on the line to defend other people, and have a look in their own backyard at what they do or do not do in respect of causing fires or allowing a fire to spread because they have not done their own homework.

The Hon. G.M. GUNN (Stuart) (11:55): I support the bill and would like to make a number of comments on this measure. Let me say to the member for Fisher, before I go any further, that there are people who have had considerable experience in hazard reduction burning. The honourable member would probably be the only one left in this house who would be aware that I have actually burnt large areas of native vegetation, up to 500 or 600 acres in one go. It is a matter of common sense, and there are a couple of fundamental principles involved. The first thing is not to do any back-burning until you know that the wind has settled down. It has to be done later in the afternoon; if it is done early, when the wind is liable to chop around (as is the case where I live), you will get into trouble.

The next point is that you have to have decent firebreaks and you light up against the wind. Once you make the decision to light it you have to hold your nerve and get the lot on fire, otherwise you will have a problem. Once you get it going it will be gone. In relation to hazard reduction, I am someone who is concerned and who has made ongoing criticism about the inability of farmers to take positive steps. What do you do? If you have a large patch of native vegetation and you want to reduce the hazard, you light it and let it burn back against the wind. That is what you do—use a bit of common sense. Do not do it in the middle of the day; do it later in the evening when it will burn slowly and then go out. If you light it at the wrong time, of course, it is going to get away. If it is broombush, that is like kerosene—whoosh, and up she goes!

The Hon. R.B. Such: A lot of hobby farmers have no idea.

The Hon. G.M. GUNN: I am not really keen on hobby farmers full stop! I think it is a waste of natural resources. People do all sorts of irresponsible things on hobby farms. Some of my constituents sometimes wonder what their purpose is, and I think the police are interested in some of their activities. However, that is a debate for another day.

In relation to people being able to protect their properties, I agree that they should not rely upon the Country Fire Service and other organisations to protect them if they themselves have not taken appropriate measures. The NRM parliamentary committee has had all sorts of evidence given to it about people who are quite irresponsible: for instance, having on their property structures with wooden-shingled roofs and tree boughs hanging over them.

The Hon. R.B. Such: There still are; I can show you in the Hills.

The Hon. G.M. GUNN: Then the council should be issuing them with an order. In my constituency, Goyder council was proactive in employing an efficient officer who issued a very large number of notices to people, who got very upset, but the reaction was good. The council let off everybody who responded and did the right thing, whereas those who ignored the notice got a fine. Most people thought it was a very good program. There were well over 100 notices put out which got some action.

We have to allow landowners and property managers the ability to protect themselves. In this bill one of the clauses (on page 24) is headed 'Duties to prevent fires'. That is well and good but people must have the ability to do this. I still argue most strongly that the more permits and red tape and action that people have to take to get permission, the less preventative work that will be carried out. Common sense dictates that you ought to be able to put a decent firebreak in around native vegetation, along fence lines and boundaries without having to go through a program of Sir Humphrey Appleby's red tape. It is a nonsense because, at the end of the day, it is far better to have people carry out this work at the right time of the year than to try and do it when the fire is coming towards them.

The best way of doing this is by people playing their role with these firebreaks so that they or the Country Fire Service can get along there, back-burn effectively and not get punctured. The only way to stop large fires is to back-burn at the right time because, if there is a fire along tens of thousands of hectares of native vegetation, I know exactly what will take place—and there is already one monument to a person who was burnt the last time it all caught fire.

My ongoing argument is: for goodness sake, let these people take some sensible measures to protect themselves. Last Saturday afternoon, I actually got bogged ploughing firebreaks and had a considerable walk. I suppose the exercise did not hurt me and did me a fair bit of good; I did not feel so at the time, but the dog thought it was all right. When I am there next time, I will have to take steps to finish that job. However, I felt so strongly about it that I went out and did it, and I hope that other people do it, too.

The bill provides that the owners of private land must take 'reasonable steps to prevent or inhibit the outbreak of fire on the land and to prevent or inhibit the spread of fire to the land'. That is good, and I agree with all that, but they must have the tools at their disposal to do it, and that means giving them the ability to put in decent firebreaks.

If you have a narrow firebreak and you have to back-burn, one of the difficulties is that there is too much heat and you cannot drive along it with a fire truck. You cannot expect volunteers or other people to go in and attempt to extinguish a fire if there is any risk that they will be trapped and cannot get out. That is always my concern about this crazy business of five metre firebreaks drawn up by a group of people who, in my view, obviously need medical examination. I do not know what is wrong with them. They have no common sense, but they have been advising governments, harassing people who are trying to do the right thing (and one of my colleagues will have a bit to say about some of these people), endangering the public and inhibiting the volunteers.

I support the bill, and I will move an amendment because it is important that the people whose property is involved are entitled to have some say, as they will bring a measure of common sense to some of these discussions. In my view, the best way of solving most problems is to apply common-sense solutions to them. There has been tremendous growth this year in the paddocks around South Australia and sometimes you cannot see the sheep. If there is a lightning strike—and lightning can strike anywhere—you will have problems.

It is all very well for the member for Fisher to say that people were overenthusiastic because of what took place in Victoria, but he has to bear in mind that 170 people lost their life, and in my view any government that did not take responsible action to ensure that they took preventative measures would be lacking in due diligence. I thought that was a crazy comment to make. Where people in some of those spots in Victoria were prevented from taking preventative measures and were fined, I think those who inflicted the fines and not the landholders should be put in gaol.

I appeal to the minister to bring forward some of these changes as soon as possible so that people can take protective measures (particularly those who have large amounts of native vegetation), do some controlled burn-offs and take other steps—for example, spray Roundup to knock down the growth—protect themselves and assist the volunteers in the great work they do in sticking up for people in this state. I support the bill.

Mr PEDERICK (Hammond) (12:04): I, too, rise to support the bill. This is certainly a step forward, but we have to see that the planning process actually goes through to realities on the ground especially when it hits the fan, so to speak, and volunteers are right at the forefront of fighting fires.

I note that in the material provided to us by the government it looks like there has been consultation in regard to the Deputy Coroner's recommendations from the Wangary bushfire, recommendations from the ministerial review of bushfire management in South Australia and recommendations from the review of the Fire and Emergency Services Act 2005 which has brought us to where we are today.

The government has indicated that external consultation took place through the Local Government Association, the CFS Volunteers Association, the SES Volunteers Association and the United Firefighters Union. The South Australian Farmers Federation was part of that consultation process, and it also involved the Native Vegetation Council. The government also indicated that there has been consultation throughout the government departments.

The government has indicated that the act is to be reworded to reinforce the role of the commission, and this will include the role of the commission and the governance, accountability, strategic and policy aspects of the emergency services sector. It is to be noted from the briefings that the emergency management role of SAFECOM is to be incorporated into the functions and powers of the commission. The role of the board will be more focused on strategic responsibilities for the whole sector and less concerned with the day-to-day administration of the commission.

In regard to the constitution of the board—and I note that our side of the house will be moving an amendment in line with this—the board will be reconstituted and the voting members will include the Chief Executive of SAFECOM, Chief Officer of the MFS, Chief Officer of the SES and Chief Officer of the CFS. There will be a representative from the CFS Volunteers Association, the SES Volunteers Association, one nominated by the United Firefighters Union and two ministerial appointments involving experience in commerce, economics, finance, accounting, law or public administration.

It is interesting to note that there is not already on that board someone from the South Australian Farmers Federation. Given the vast area of land in this state owned by farmers, I think that would be most appropriate, but I do note that the Hon. Graham Gunn will be moving an amendment to that end. Part of the new bill advises of the disbanding of the advisory board through the deletion of this section in the act, and I note that the Chief Executive must submit a workforce plan to the commission on an annual basis.

With regard to fire management, the powers to inspect and undertake mitigation activities will be streamlined and made consistent throughout the act for both the fire services and local government fire prevention officers. It has already been recorded in this place that the current three-tiered bushfire committee structure will come down to a two-tiered structure and, hopefully, that will reduce some of the bureaucracy and there will be a statewide bushfire coordination committee with the power to recommend to the Governor the establishment of bushfire management areas with respective committees for those areas.

There will be flexibility in the amount of resources that a council can ascribe to the risk factor of fire in its district. Urban areas will have bushfire risk areas to be established following consultation with the MFS and CFS chief officers, any minister whom the emergency services minister deems has a significant interest in the matter and the Local Government Association.

In terms of the bushfire management framework, essentially there will be a state bushfire coordination committee, and that will go down through the relevant bushfire management committees, which will then flow through to local government bushfire management, the Department for Environment and Heritage, forestry bushfire management, and SA Water bushfire management, through to the fire prevention officers.

The interim report on the Victorian bushfires has been published, and what terrible fires they were. I think that part of the problem with what happened in Victoria is that some people make lifestyle choices, but then they do not understand the environment in which they are living. It is not until you experience the horror of what happened in February this year that people fully understand the impact of living in some of these beautiful areas, and they are beautiful areas. But when you lose over 200 people you realise that fire management is not as it should be; or, even more so, the preparation and mitigation activities that are necessary in these types of areas are not in place.

I note in regard to the bill the duty to prevent fires. It addresses owners of private land and the obligations they have in protecting their land by having firebreaks and taking other relevant action in the case of a fire. There is also similar legislation in regard to council-owned land. I note with real interest that crown land also comes under this measure.

I will make some comments about crown land. The member for Goyder made some comments about this earlier. There is a real problem in seats such as mine, Hammond, and the seat of MacKillop in relation to Ngarkat National Park. It is generally a huge park of mallee; that is, where it has not been burnt. Ngarkat seems to be a magnet for lightning strikes. I think the last big one was about four years ago. Even from my place at Coomandook—we are not that far from Ngarkat—we can see the red glow in the sky, when you know that thousands of hectares are on fire.

I go back to what happened almost four years ago, and the fact that this fire was burning towards the Mallee Highway. In fact, it could have put the town of Lameroo at risk. Essentially, the CFS fallback line was the Mallee Highway. From my experience at that very same time, because I had a fire across the road from a property which was lit by lightning in the scrub, I can assure members that a highway is barely a fire break for any major bushfire. It just does not happen, and especially when temperatures are around 45°.

With respect to park management and the Department for Environment and Heritage—and it is indicated in the legislation—the government must take control of its land; and it must have adequate firebreaks, whether that is 20 or 30 metres, or even more, around the edge of the park. We need to make sure that the obligations are carried out by everyone, as they should be, under this legislation. Also, in saying that, private landholders must put in their firebreaks. However, I am afraid that if a private landholder abutting a park has scrub right up to his fence line, or within a few metres, he does not have much of a show.

During the government briefing, the Chief Officer of the CFS indicated that there will be some more flexibility as to what clearances of trees and scrub can be around homes, and I hope that comes to fruition. I do not think you can have a standard amount of clearing—not in the vast diversity of the way people live in this state.

I note the comments from the member for Fisher that we should not have people living in these high fire risk areas, but the problem is that they are already there, well up into the Hills in Blackwood, Belair and right across the hills face zone. Unless you are going to shut down those suburbs, we need to manage them properly and make sure that people have the appropriate clearances. Quite frankly, if there is a big fire up in that area, I believe it will be a death trap because there is so much growth up there. We need to make sure that people have flexibility, that they take notice of what they need to do around their properties and get on with it.

I am not just referring to private land but also to council land because sometimes some of that land gets left; this also relates to crown land, and that is one of the sticking points. It is about working with the lifestyle choice that some people have made, but they have to understand the environment they are living in and that they must have proper clearance. They cannot have trees overhanging their house or it becomes an absolute death trap. Proper clearance management has to be employed, otherwise we will see a massive death toll from fires in these areas.

I have already mentioned the Liberals' amendment to put a South Australian Farmers Federation member on the board and I have been talking about the responsibilities of government. There has also been some talk about slow burns and managed burns, and I think this is a program that should be kept up and there probably should be more of it in our parks. I know that, at times, the government and the services overachieve; sometimes it does not get out of the park. It probably should be applauded. During the fire several years ago in Messent near Keith I think they were going to burn 25 per cent of the park and I think they got 75 per cent—great result!

Mr Venning: That's probably controversial.

Mr PEDERICK: No; we have to get some reality into the world. Some of these fires that have gone up in recent times have got over 60 years' worth of undergrowth—dry sticks and twigs that have built up—and, when it takes off, it really takes off. Sections of the parks through Victoria that abut Ngarkat would not have been burnt for that time. There has to be some common sense. We are not talking about rabid clearing and burning. It has happened for thousands of years: lightning strikes have burnt out thousands of hectares of this country. We need realistic management.

Also, it has to be indicated to firefighters on the ground that they have protection, and the Chief Officer indicated that three acts can come into play to protect firefighters. I remember that fire that came out of Ngarkat towards Lameroo. People indicated that they needed to do a back-burn because this fire was going to come out at 90 km/h. Between the communications, that never happened and that fire did come out. People were concerned about who was liable, and it burnt quite a few acres.

It also burnt a lot of fencing, and this is where the trouble starts with the government. It needs to take control over the fact that it is written into the Crown Lands Act only that the government may assist with the repair of fencing. I know one man who had his fence burnt who built a two metre high fence, and it does a great job; it keeps everything out. He has veldt grass and feed growing right up to the fence, and it keeps the rabbits, kangaroos and emus out of his property, which should stay in the government parklands.

I applaud our volunteers in this state and right throughout this country. They do a fantastic job. I remember going to Kangaroo Island (which is in the electorate of the member for Finnis) and doing a bit of work there with a crew from the Mallee. It was great to see so many people there helping out. Victoria came on board, and there were literally hundreds of fire trucks around the place. A lot of them did not go back in anywhere near the condition in which they landed on the island, but they did the job well. The only problem is that, as with everything, sometimes bureaucracy gets in the way. However, I guess when you are managing that size force sometimes these things happen. At the end of the day, it showed that people are committed to getting these fires under control.

I note that recently my own brigade at Coomandook received a new fire truck, which I think was built in New South Wales. I am just glad that it was not built in Queensland, for a whole lot of reasons, which I have brought up in this place before. Some trucks that came from Queensland had so many faults it was not funny. I know that there are sometimes difficulties when people are negotiating contracts, but there is certainly a very good manufacturer and repairer of fire trucks in Murray Bridge.

I indicate that I support the bill. People need to be aware that fires can start anywhere. They can be caused by lightning strikes or, when you live right next to a major highway as I do,

fires can be started by wheel bearings on trucks and trailers; they let go and next thing you have a major fire. I remember ringing people down our way when I was in Murray Bridge one day and I said, 'Where is that fire?' They had not looked out to the south-east of their property and did not even know there was a fire coming at them. So, people need to be aware.

With respect to this bill, people have talked about the fact that radio stations will have to make announcements. However, I stress that these announcements must be accurate. I recall the big fire at Coomandook almost four years ago. The wife of the bloke who leases my property was out on the back road watching the gate because there was stock in the paddock, and her father from Adelaide rang and said, 'What are you doing?' She said, 'I'm just watching the gate, letting people in and out.' He said, 'I've just heard on the radio that they've evacuated Coomandook.' She said, 'Well, they'd better not, because I'm going in to the shop to get some milk shortly.' I can assure members that the fire was very close to Coomandook. I guess it is better to have a slightly inaccurate report, but it does create some panic amongst friends and family of people who are experiencing a fire.

In general, we need to have far better management; right across Ash Wednesday, Wangary and the fires in Victoria, we have lost far too many people. A friend's father was found in a sheep trough at Coonalpyn in 1983. Thankfully, he survived that event, but I think it shortened his life quite a bit. At least he had the sense, when he got caught out ploughing a break, to jump into a trough. In general, this side of the house supports the bill, but I note that we will be moving some amendments.

Mr PENGILLY (Finniss) (12:24): Along with the rest of my colleagues on our side of the house, I also indicate that we will be supporting the bill. Hopefully, the government will see the wisdom of and accept some of our amendments to the bill, most of which have been spoken about.

I will take perhaps a different slant on aspects of this bill. We debate at length a huge amount of legislation in this place, much of which I sometimes shake my head at in disbelief. Given that much of this measure involves administrative changes and changes to various parts of the organisation, I sincerely hope it is outcome-based. If those people out in the paddock, so to speak, are not getting the best deal possible from the changes and we are not putting in place a better system of managing disasters—incidents, fires, or whatever—I think we are probably wasting our time here today.

So, I would like to look at it from perhaps the bottom up and briefly talk about the frustrations felt by particularly the emergency volunteers (CFS volunteers) and the fact that they are seemingly eternally hampered by bureaucracy in higher places that frustrates their actions in going about their general business. I am not in any way, shape or form implying that anyone here is trying to make it more difficult to put out fires or attend accidents or anything else: that is not my point. However, at the end of the day, if you are sending volunteers or paid staff to incidents or fires, etc., they have to be able to go about their business in an easy manner. They should not have to put up with the fear of bureaucracy and everything else coming down on them from a higher place. They should be able to get on and go about their business.

There has been quite a bit said this morning about dealing with fires, and I will come back to that shortly. However, my point is that if you go to a scrub fire, grass fire or a fire in regional areas, you have to have the ability to put out that fire. I know that we have terrific resources available to us, but you cannot beat men on the ground for putting out fires. You can have all the planes in the world but you cannot beat having people on the ground in difficult spots to put out fires. Regularly I see in *The Advertiser* letters from certain people suggesting that we get a Super Scooper or two in South Australia. We went into this matter a number of years ago when I was on the CFS board. It is not a practical possibility. You have to have water to pick up to use those things, and we know that water is hard to find and you cannot expect to pick it up out of the sea when there is a fire 150 kilometres inland.

In addition, let me also say for the benefit of those in the chamber that, currently, we are going through a change in dispatch systems for, in the main, the CFS volunteers. They are all going to be called out from Adelaide, as I understand, although I need to get more information on this. There is a great deal of frustration in my electorate in CFS brigades that do not trust the system to work—they think the system will fall down. They are losing their phone connections, where they can have a party line, so to speak. That is all going by the bye, and they are worried about that.

The topic of prescribed burns was talked about by a number of members. If the legislation that is put forward by the government is going to assist in any way, shape or form to perform these prescribed burns better, no-one will be happier than I. It was mentioned a while ago by the member for Hammond that in one place they attempted to burn out 10 or 15 per cent and they burnt out 70 per cent. In September 2007 we successfully burned 100,000 hectares of chiefly national parks on Kangaroo Island, which some of us will recall well. The fact that that area burnt is errant stupidity. It is bureaucratic madness. It should never have happened.

The Hon. M.J. Atkinson: Errant—'e' or 'a'?

Mr PENGILLY: You are back, Mick. We don't really need you. It is absolute arrant madness: it never should have happened. I applaud the actions of those within the CFS and other organisations who wish to undertake more prescribed burns, and they should be able to get on with it. Do as the member for Stuart said a while ago: do it sensibly and get on with it. The experience is out there. I noticed in *The Advertiser* this morning that the spin doctors have announced we are burning 17,000 hectares in the next 12 months. Given that we burnt out 100,000 hectares in seven days, it pales into insignificance.

The member for Fisher made some comments, some of which I disagree with, but I hope the government is aware of these comments as it works through this legislation and the planning processes. The member for Fisher made a comment about the high rainfall country. Particularly this summer, after the winter we have had in the high rainfall areas—in the South-East, Fleurieu Peninsula, Kangaroo Island, Lower South-East and other places—the amount of moisture in the ground, which will provide an enormous boost for native vegetation to grow this spring and summer, is absolutely frightening. On my own property on Kangaroo Island I have not seen water running out of the ground like this for seven or eight years, and the growth that will emerge from that—

The Hon. M.J. Atkinson: So lack of water is a problem, now too much water is a problem and the Rann government is to blame.

Mr PENGILLY: —to be flammable material in December, January, February and March frightens the daylight out of me. We can have all the spin doctors in the world telling us nonsense, but, if we get an Ash Wednesday or Black Saturday—call it what you want—like we have had in the past, it will happen again and it will not matter what legislation we put through this place or how much money we use to buy equipment we will not stop anything on that day.

Those of us who have been around for a while know that and it is an horrendous prospect. As the member for Fisher said, and I am sure the member for Davenport (if he were here) and others with parts of their electorate in the Adelaide Hills would know, some residents in the Hills have absolutely no idea about how to live in a bushfire prone area on a bad day. I shake my head in disbelief at what could happen. I hope it never does.

We are 26 years past Ash Wednesday and there has not been a conflagration in the Adelaide Hills in all that time. There have been small fires. We have not learnt the lesson of burning out dangerous areas. Attempts are being made to increase the amount of prescribed burn. I will sit here with bated breath in the hope that we will get through the next summer with some semblance of normality and not have a tragedy such as that which occurred in Victoria earlier this year.

The Hon. M.J. Atkinson: On 20 March you will win a booth in your electorate.

Mr PENGILLY: The Attorney-General can go on with nonsense. I am here to deal with real people and what actually happens out in the wider South Australian community. I am serious about this issue; I will not fool around.

During the course of briefings we have received and discussions we have had about the amendment to this bill, the subject of council fire prevention officers and local government's role has come into it. Having had a bit to do with fire prevention officers over the years, I find this an interesting discussion point. My view is, and has been, that local government has far too much loaded onto it. There are some fire prevention officers who are outstanding, and one who comes to mind but is no longer in the role is Anthea Howard. She is absolutely outstanding. Others for one reason or another do not have the capacity of Anthea Howard.

My view is that local government is wearing far too much of the cost of having fire prevention officers within its jurisdiction. I do not think local government should have that impost put on them. Within my electorate—and, indeed, from the Fleurieu—people have been ringing me, saying that they have contacted various councils and fire prevention officers but that they are not

getting enough answers or any response. By and large, that is a result of the fire prevention officers being far too busy to deal with everyone. Everyone's backyard means everything to them and they are concerned about things over the back fence.

I think it was suggested earlier that we should have random checks on properties in the Hills. Well, there are thousands of homes in the Hills. How we have random checks on thousands of homes I do not know. It is nonsense.

The Hon. M.J. Atkinson: Wasn't it one of your side proposing that? Wasn't that Marty? Wasn't that Mr Hamilton-Smith?

Mr PENGILLY: It is absolute nonsense. Perhaps the Attorney-General could get his head out of the clouds in order to make a decent input into this debate, rather than make foolish remarks from the other side of the chamber. I do not think he has ever been to a fire in his life. I invite him to come out on a fire truck next time I go—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PENGILLY: Fire prevention officers play a critical role, and I note some attention being given to the comments by the other side. I think we need to provide more support. I think the role of local government in the whole fire area has changed so much from the days when they rolled everything out to requests now. They do everything possible, but there is far too much for them to deal with. A couple of amendments have been floated and, indeed, they are now on our desk. I hope that the government, as I said earlier, does give some consideration to these amendments. In addition, the arrant stupidity of so many people in South Australia pales into insignificance. I just shake my head in disbelief—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Madam Deputy Speaker, I rise on a point of order. The Attorney-General is continually interrupting with inane interjections on a very serious matter. I ask you to call him to order.

The DEPUTY SPEAKER: Order! The Attorney will abide by the standing orders and refrain from interjecting, and speakers will refrain from responding.

Mr PENGILLY: As I was saying before the halt in proceedings, I regularly drive around city roads in the course of my business and I am astounded at the stupidity of people who continually throw their cigarette butts out the window. They do it not only in the city but also on country roads—they do it everywhere. One thing I would urge the government to do is to bring in legislation. I think the fine is \$10,000 or something for doing that. I would make it 10 years in prison, quite frankly. Lock them up! It is a total nonsense and now, if I see them, I take their registration numbers and report them.

In February, they might be driving along Anzac Highway and throw their butt out the window but, on the weekend, they might be driving in the country somewhere and throw their butt out the window. That can turn into a serious fire incident and you can have scores, if not hundreds, of volunteers running around as a result of an act of stupidity such as that. It is one thing that perhaps the new board could talk about, that is, the tightening up of some of these things. I find it irresponsible and an act of vandalism, equivalent potentially to murder sometimes.

The volunteers and the people in the emergency services are the heart and soul of the wider community. Only a couple of weeks ago, I attended, along with the SAFECOM Board, a function at the Port Elliot emergency services facility. I think around 300 people attended, and it was a good night. It gave the opportunity for volunteers and businesses who support volunteers and personnel from the CFS, SES and MFS all to be recognised. It was a great occasion and I am very grateful that I had the opportunity to attend. However, I also point out that the people from Port Elliot said that there are three things you can recognise from the moon and one of them is the Port Elliot emergency services centre because of its pure size!

It was a good night and it was great to be able to talk to the volunteers—whatever particular emergency service they happened to be with—get their feedback on things, hear their concerns and listen to where they are coming from. The whole Fleurieu was involved. They came from Delamere, Cape Jervis, Yankalilla, Strathalbyn, Victor Harbor and a multitude of other places, so that was good.

Returning to the legislation (which, indeed, is the subject about which we should be talking this afternoon), by and large, the amendments involved are acceptable to this side of the house. I reiterate, for the sake of the government in its deliberations, that the bill has to be outcome-based. Once again, we can make all the amendments in the world but, if you are not going to achieve successful outcomes, then there is not much point in making changes in here, quite frankly. It will be beholden upon those who are in these senior positions—whether they are CEOs of emergency services, members of volunteer groups, the UFU nominee, or anyone else who happens to be on there—and it is a heavy responsibility. I know they do not take it lightly, and I do hope that they act in the best interests of everyday South Australians and in the best interests of the volunteers and emergency service personnel who have served this state so well.

It is tough getting volunteers into emergency services now; it is a tough job. When I went into the CFS in 1994 I think we had, from memory, around 19,000 volunteers; I understand that the number is now down to about 12,000 or 13,000 (although I will stand corrected on that). It is a tough job, and it is only made tougher by the number of people leaving the country to find work in the city; and it is also made tougher when you have to fill crews for the CFS, the SES, the ambulance and whatever.

It is very difficult, and people are not taking on the responsibility they used to take on; everyone used to be in it. Even in my own district, I know that there are people who cannot be bothered with it anymore—but let me tell you that they want you there pretty quickly if they have a fire; they expect you to get there pretty fast. The equipment level is also something that the CFS, in particular, has to grapple with all the time. In the Wisanger brigade we are still running around in a unit that is 20-odd years old (I think it is due for renewal)—and that is no criticism of it, because the fact is that it is still quite suitable.

I hope that whatever comes out of this legislation, when it goes through both houses, is acceptable to the wider community of volunteers and emergency services personnel in South Australia, and I hope it helps it to work more effectively.

Ms SIMMONS (Morialta) (12:42): I was not actually planning to speak on this bill but, after hearing the member for Finniss, I felt I wanted to contribute. Having been part of the caucus committee looking at this legislation, I have to say that I believe it is an extremely good bill. The member for Finniss has been quite personal and disparaging of the Attorney-General but—and I speak as a member of parliament who has been very involved with both the CFS and the MFS in my electorate—this legislation will provide new governance for everyone who has been providing this valuable service.

I believe it is very important that we pay tribute to both our paid and volunteer personnel in the MFS and the CFS. In recent months I have spent quite a considerable time involved with the new MFS station at Paradise, and I pay tribute to Angelo and his team there who are doing a fantastic job, particularly in the community. I have also long been involved with my CFS groups throughout the hills.

One of the important parts of this legislation is the discussion around urban bushfire risk areas, and Morialta is one of those electorates that is very definitely covered by this legislation. I have an urban area that stretches up into the hills and, as we have new buildings and new areas of development, tongues of what would be seen as the urban metropolitan area have now moved up into the hills area and are at risk. It is very important that we have both the MFS and the CFS working together, with significant interest in these urban bushfire risk areas.

Obviously I have a large portion of the hills as well, and CFS areas from Basket Range, Cherryville, Montacute, Norton Summit, and also in Athelstone. The Athelstone group, in particular, has talked to me about the increased risk that has developed for them since Athelstone, as a community, has moved up Gorge Road and become much more heavily populated. This legislation will take into account the sorts of risks that occur in an area where we have bushland or grassland adjacent to a quite strongly urban area.

Often there are very highly flammable fuel loads adjacent to quite urban areas nowadays and, particularly in my electorate, that is definitely the case. So, this legislation will be very valuable to both the MFS and the CFS in planning to get rid of some of the overgrown areas in a calculated and strategic way to minimise the risk to houses adjacent to grassland and bushland areas.

I am well aware of and acknowledge the amount of consultation that has gone on between our fire chiefs—Euan Ferguson for the CFS and Grant Lupton for the MFS—and all the communities that will be affected by the new legislation. The amount of consultation has been quite

astounding and both our volunteers and paid staff have been able to have input into the legislation. I am very pleased therefore to be able to commend it to the house.

Ms CHAPMAN (Bragg) (12:46): I rise to speak on this bill and indicate that I will support it. I hope that the government will see merit in recognising the significance of amendments that have been foreshadowed by the member for Kavel, as our spokesperson on this issue, and welcome them.

Much has been said about the process but, essentially, this is a bill which has come to the parliament subsequent to a comprehensive review. It follows endless inquiries that we have had over the last 10 years, both in this state and others. It follows tragic events, coronial inquiries, royal commissions and other commissions of inquiry, which are usually reactive to tragedies that occur arising out of bushfires or wildfires, and this is yet another. I am sick of reading reports; I am sick of going to funerals; I am sick of doing condolence motions; and I am sick of having to argue the case for more prevention, but I will go on doing that until this government listens to the importance of understanding—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: —how devastating this issue will continue to be for the lives and livelihood of South Australians if it goes without attention. It is one thing to introduce a bill which will review governance, which, ostensibly on the assurance of the government, will reduce three levels to two, and which will streamline, cost save, and all those sorts of things—I have heard those promises before. If the government delivers that, well done; I will congratulate it, and it can record that. I hope that it does deliver. I hope that this is not just another piece of window dressing for what is really important; that is, that the government implements what we decide in here in the legislation and in its own regulations and provisions.

I particularly draw attention to that, because we can have all the plans and all the reports in the world but, unless we act and make sure that we deal with not just preventative matters but actually implement the recommendations coming out of these reviews, there will continue to be carnage, devastation and the loss of livelihood, and the financial and personal detriment to citizens of this state will continue.

Andrew Faulkner is a journalist with the *Eastern Courier*. I represent the eastern area and, in fact, we are having a bushfire forum in Uraidla, which will be a new part of my electorate if I am to represent the people of Bragg after the 2010 election. It will extend the current area that I represent to the Adelaide Hills proper. In addition to having the Burnside CFS in association with the MFS help protect my communities, there will also be other Adelaide Hills CFS brigades that doubtless I will visit. Of course, I have already had the opportunity to meet with those people at Mount Barker for various reasons, but in the major zone that they now represent.

Just last month, Andrew Faulkner wrote in the *Eastern Courier* about the tragedy of the 16 February 1983 Ash Wednesday disaster, which he describes as 'a vile tragedy touching everyone in the community'. He goes on to explain how, as in many communities, there had been a personal family involvement in the area. He says:

One uncle—with no more than a tractor and an artful application of backburns and deep reserves of courage—single-handedly checked the fire front of his property boundary. Years of fuel reduction cool-burning on his side of the fence was a big help.

Later on in the article, Andrew Faulkner goes on to talk about why it is so important to recognise the benefit of cool burning, or planned or prescribed burns. Whatever the flavour, the bottom line is that they are burns which occur in a planned manner in cool climate conditions and which ensure that we reduce the fuel load and clean up the debris that is the life and fuel source for a fire in the event that it comes through in uninvited conditions. What he says is very important:

Of course not all the bush was torched every year. Fire touched the land every 15 years or so, in rotation. For whatever reason, fire as a preventative tool disappeared about 20 years ago.

He then goes on to say:

This seemed about to change when, at his 2003 bushfire summit, Premier Mike Rann promised to 'seriously look at the issue of fuel in and around our parks before we reach the next bushfire season'.

That was six years ago. Andrew Faulkner goes on to say:

Understandably, the Environment Department started slowly, burning about 30ha of 12,000ha of Adelaide Hills parks in 2003-04. By 2008-09 that total had rocketed up to—

wait for it—

84ha by my calculations, little more than a token effort.

Last May, Mr Rann announced an extra \$4.5 million over four years for bushfire programs, which would include 'significant increases in burnoffs'. However, the budget papers released the following week instead showed a \$1.4 million cut in this area. Subsequent checks with the department reveal this 'extra' money and other one-off payments not shown in the budget papers have returned the spending to par with 2008-09, at best.

The department aims to burn 650ha in the hills parks this spring and autumn on the way to an ongoing 1,000ha program annually in the hills. That is very encouraging but sadly the government has form in not living up to its hairy-chested promises on this topic.

He goes on to discuss the importance of that sort of burning, and he quotes the CSIRO and the Bushfires Cooperative Research Centre as being supportive of cool burning as a preventive tool. He then goes on to say:

Well in the 1970s of my childhood, fire was part of the Burnside environment. On Sundays men would burn little piles of raked leaves in street gutters. Every backyard had an incinerator. And in spring and autumn we'd look up to the hills when the familiar scent of burning eucalyptus drifted from the cool burns. We've become scared of fire. We must re-embrace it as a preventative tool.

Burning off is no silver bullet. It is no panacea. But how can anyone argue rationally against this basic premise—the more the fuel the hotter the fire? A final sobering thought, courtesy of Mr Holmes—

That is Allan Holmes, the chief executive of the environment department, who had been referred to earlier in the article—

As many as 6,000 homes have been built in the Ash Wednesday 'fire scar' since 1983.

Two weeks later, Andrew Faulkner wrote a follow-up to this article, which I think is worthy of reading into the record. He states:

Further to last fortnight's column about the State Government's timid approach to cool burning in Hills parks, more information has come to hand.

After a warm winter and a very dry early August-to August 20 just 13mm fell in Adelaide compared with the average 68mm—the bush was ripe for cool burning. On several days the conditions could not have been better. But alas, the Environment Department missed the opportunity. It will not start on its burning program in the hills before October. Stupendously, the department claims the bush floor was too wet to burn last month.

Victoria's Bushfire Royal Commission has found rigid bureaucracy contributed to the damage wreaked there last summer. It appears the South Australian bureaucracy's inflexibility is heightening the fire danger even before the hot weather arrives.

That is a sobering reflection on what the reality is. Looking back at the circumstances of the 2007 Kangaroo Island fires, much has been said in this parliament about that shocking devastation. After that absolute carnage and the loss of tens of thousands of acres of national park, in addition to private property, and including the tragic loss of the life of one young man, the carnage of our wildlife, both fauna and flora, is, I think, unmatched in the history of bushfires on Kangaroo Island.

During that time we had the 2004 and 2009 bushfire plans for the management of bushfires in parks, in particular cold burns. I have told this parliament before about the detail of the programs that were to be operated, but, of course, only a miniscule number of those have been undertaken. Here we are talking about passing more legislation that the minister sees as improved, streamlined, cost efficient, and all those things, with more plans and more zones, yet we are approaching 2010 and the Kangaroo Island plan is about to expire. We do not have another one there yet. I have not even seen a draft. There is not much point in having all these plans unless you not only action them but also have the courage to follow them through, and ensure that the money is there to follow up those programs, because they are not going to happen by themselves.

We can impose an obligation on private and public land owners as a part of this bill, but we have to be able to give them the capacity and the opportunity to carry out that responsibility, which, I agree with the government, is an important responsibility. It is not just for them, it is not just for their family, it is for their neighbours and it is for all those others in the community whose property or lives can be lost or destroyed in the event of the either negligent or wilful neglect, conduct or omission of an individual landowner, private or public.

I remember former ministers coming in to visit after the Kangaroo Island fires, and other speakers have spoken of a number of other people in the community who flew over to offer their

support. We had equipment and air support. People came from far and wide. All of that was tremendous, but eventually they all went home. Politicians got into their cars and came back to Adelaide. Heads of departments had done their inspections and tours and they all left.

What was left? What was left was for that community—after a few million dollars was committed to paying for the direct costs—to bury that young boy, to rebuild fences, to put in insurance claims if they had any hope of recovery or had adequate insurance to deal with it, and then work day and night, for weeks and months, and still today, to recover from that mess. They are very expensive exercises.

Parliament needs to remember that the responsibility of government is to ensure that these things do not happen again, but also to have an understanding that its responsibility does not end when the fires have been put out, that it has an extended legacy to those devastated communities. We are not going to stop lightning. We cannot pass a law to stop lightning. We can pass laws to fine or even imprison careless campers, tourists, travellers in cars, or, as the member for Finniss said, people who throw butts out the windows, we can pass all those sorts of laws but the bottom line is that we are going to have fires, and they are deadly when there is a combination of fuel on the ground and weather conditions, particularly wind, prevailing at the time. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

SERIOUS AND ORGANISED CRIME (UNEXPLAINED WEALTH) BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

FIRST HOME OWNER GRANT (SPECIAL ELIGIBLE TRANSACTIONS) AMENDMENT BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as may be required for the purposes mentioned in the bill.

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

APPROPRIATION BILL

His Excellency the Governor assented to the bill.

PUBLIC SECTOR BILL

His Excellency the Governor assented to the bill.

PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT AND REPEAL (FAIR TRADING) BILL

His Excellency the Governor assented to the bill.

CONDOLENCE MOTION: FLYING OFFICER MICHAEL HERBERT

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:30): I move:

That the House of Assembly expresses its sincere regret at the death of Flying Officer Michael Herbert, the last South Australian Vietnam veteran to be returned home; gives thanks for the courage and sacrifice of a young man who died in the service of our nation; and as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

Yesterday, I attended, along with many other members of this parliament, the Concelebration Mass at St Francis Xavier's Cathedral to commemorate the return to South Australia of Flying Officer Michael Herbert.

I want to acknowledge in the gallery today Michael's brother, Shane, and also Lieutenant-Colonel Jim Bourke from Operation Aussies Home, which I think has been inspirational to all Australian people, and also to Bill Denny for his terrific advocacy on behalf of Vietnam vets.

Flying Officer Herbert was aged just 24 when, along with his navigator, Pilot Officer Robert Carver from Toowoomba, he failed to return from a successfully completed bombing mission in Vietnam on 3 November 1970. For almost four decades the family and friends of Michael Herbert awaited news of his fate.

The aircraft wreckage was eventually found near the border with Laos in April this year. Yesterday, 38 years, 10 months and five days after his final mission, Michael Herbert came back to his eternal home. South Australia's last brave son, who was lost in Vietnam, has returned to us, and his funeral service yesterday, which I think all of us found deeply moving, closes a poignant chapter of a painful conflict.

The war in Vietnam continues to hold a central, challenging place in our collective memories. It divided and sundered the Vietnamese people for whom it was fought. It brought suffering and loss to warrior, widow and orphaned child.

For thousands of Vietnamese families the war also precipitated a perilous voyage aboard flimsy craft, across roiling seas, to this continent. Theirs is a story of immeasurable courage and of commitment to their children and their new home. Of course, it was wonderful to see so many South Australians of Vietnamese origin in the cathedral yesterday honouring Michael Herbert's sacrifice, being led by our Lieutenant-Governor, Hieu Van Le, who came here as a refugee from that conflict.

For thousands of Australian servicemen the war brought unfair and undeserved blame and derision at home. Their courage and service to our nation was, at first, neither properly recognised nor decently honoured. Those who returned came back to the country and town streets, and the farms, factories and suburbs they now saw with newer, harsher wisdom borne of pain and extreme hurt about the way they were treated.

In 2006 this state took a significant step to full and proper recognition and reconciliation when we together unveiled the Vietnam War Memorial at the Torrens Parade Ground. I particularly want to pay tribute to Bill Denny in his role achieving that war memorial. It represented the first occasion that we as a state had formally honoured the South Australians who lost their lives in Vietnam and expressed sorrow to their families for their great loss.

The memorial itself commemorates an alliance, a mateship shared by two very different peoples, that was forged by bravery, compassion and an honest, decent quest for freedom. Fittingly, the two soldiers on the memorial stand side by side in perpetuity, dignified and resolute, proud and unbroken. For the next of kin and for both Vietnamese and Australian veterans the memorial has become a place where they can sit and reflect and remember and find some measure of solace. I trust that Michael's return to the state of his birth, to his loved ones, school friends and fellow servicemen also brings resolution and peace.

Michael Herbert was born in Freeling in 1946. His parents, Jack and Joan, both served our nation during World War II—his mother in a searchlight battery with the Army; his father in the Royal Australian Air Force. It was wonderful to see Michael's father in his Air Force uniform yesterday in the cathedral.

Michael quickly developed his dad's affinity for the Air Force. As a schoolboy, Michael joined the Air Training Corps where, at one time, his father also served as his commanding officer. Michael gained his civil private pilot's licence at age 16 while he was still a student at Sacred Heart College, and the following year he was appointed as a cadet at the Royal Australian Air Force Academy. I think he got his pilot's licence before he got his driving licence.

Upon graduating with his pilot's wings, he was posted to No. 2 Squadron as a Canberra bomber pilot. Michael Herbert arrived in Vietnam on 25 February 1970. He knew that service in Vietnam involved significant risks. The 2nd Squadron flew in support of all the forces that were fighting in that part of Vietnam. He accepted the risk because his goal was to serve his country in combat.

At 7pm on Tuesday 3 November of that year, Michael Herbert and Robert Carver took off for what was expected to be a routine bombing mission. The weather was clear, the aircraft was flying well above the range of known anti-aircraft artillery, and there were no known enemy surface-to-air missiles in the area. Having delivered their payload, they turned for home and received confirmation from the radar operator of the successful completion of their mission. A minute later their plane vanished from the radar screen and the two young men were lost without trace.

It has since emerged that the plane was in fact discovered by local people in the region sometime around 1978, but the find remained a secret until January this year. The first Australian servicemen to set eyes on it were taken to the wreck site, located in dense jungle not far from where it was reported missing on 14 April all those years ago. The remains of Flying Officer Michael Herbert and Pilot Officer Robert Carver were formally located on 18 July. Flying was Michael's life—a life he gave in the service of our nation.

Sadly, Joan Herbert, who devoted countless hours to writing hundreds of letters asking for help to locate her missing son, passed away in 2003. I am told she described the ceremony held in 2002 to dedicate the memorial gates erected in Michael's honour at the main entrance of Sacred Heart College as the funeral Michael never had. The other members of Michael's family—father Jack, sister Kerryn and brother Shane—were together yesterday when Michael finally returned home.

Ceremonies such as yesterday's are important for Australia's soul. They mark an everlasting companionship between the living and the dead—a handshake across the void. So often we visit war graves and try to touch with our minds the relatives who sometimes we did not even know—the ordinary heroes who made us proud and continue to make us proud. We sing hymns and we lower the flag half-mast; we fire the guns in salute and hope that somewhere, somehow, they can hear us in our acknowledgement of the magnitude of what they did and what they lost on our behalf.

On behalf of the people of South Australia, we offer the family and friends of Michael Herbert our condolences for their loss and our admiration for their unyielding courage. To Flying Officer Michael Herbert, we offer our deep and abiding gratitude for his service and for his sacrifice. He will forever hold a treasured place in the hearts and memories of our state and our nation. I know I speak for all members of this house and this parliament in saying that we are all so pleased that Michael is now home at last.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:15): I rise today to second the Premier's condolence motion and I acknowledge, as did the Premier, the presence of Michael's brother Shane, Jim Bourke and Bill Denny in the chamber. I speak on behalf of the opposition in expressing our sincere regret at the death of Flying Officer Michael Herbert and, indeed, regret for the loss of all young South Australian lives cut short as a result of war.

Some 47 years after the first Australian troops landed in South Vietnam, the last Australian serviceman missing in action has now been laid to rest. Flying Officer Michael Herbert, who was born in Freeling and grew up in the beachside suburb of Glenelg, was just 24 when he was declared missing in action during the Vietnam War. On 3 November 1970, the Canberra bomber in which he was returning to base crashed in the jungle in Vietnam's Quang Nam province. Flying Officer Herbert was just two months shy of finishing his tour of duty. He had been in Vietnam only since February that year. However, in that short time he had flown 199 missions.

Flying Officer Herbert's body and that of Pilot Officer Robert Carver were found in the southern Vietnamese jungle in July this year—and it is interesting to note that it was a private organisation that found those last missing in action young Australians. A service was held to farewell Robert Carver in Queensland last week and a very moving state funeral was held for Flying Officer Michael Herbert in Adelaide yesterday.

The Vietnam War is the most controversial war Australia has been involved in and at the time it caused massive social unrest in Australia. The war was the cause of the greatest social and political dissent in Australia since the conscription referendums of World War I. It is also the longest conflict in which Australian troops have been involved. From the time of the arrival of the first Australian troops (known as 'the Team') in 1962, almost 60,000 Australians, including ground troops and Air Force and Navy personnel, served in Vietnam. Some 521 Australians died as a result of the war and over 3,000 were wounded.

By 1969, as many of us would remember, anti-war protests were gaining momentum and, as American troops were gradually withdrawn, the focus of the Australian troops became training

South Vietnamese regional and popular forces. Many soldiers who served in Vietnam met a hostile reception on returning to Australia. The community's anger about Australia's involvement in the conflict was unfairly projected onto those returning soldiers. It is of some comfort that over recent years there has been a significant change in the community's attitude and the respect given to our Vietnam veterans.

The sacrifices made by the Vietnam veterans and their families are today recognised for the sacrifice and courage they deserved. It is with these sentiments that Flying Officer Herbert was finally laid to rest yesterday. Flying Officer Michael Herbert's farewell may have been 39 years overdue, but it was a fitting goodbye to a young life cut short by the injustices of the war. The eulogies given and the tributes paid made it clear that he was, indeed, a fine young man. His death in the line of duty left a family back here in Adelaide without a son and without a brother, a family left wondering what had happened to their beloved young man and a family left wondering whether they would ever be able to say goodbye properly. As a mother myself, I can well understand how hard it must have been for Michael's mother, who did not live to see his return. However, I understand that she did find some comfort in the service held at his old school, Sacred Heart College, and the naming of the main gates in his honour.

I was at Flying Officer Herbert's funeral yesterday and I was very moved by the eulogies given. I was also moved by the presence at the funeral of representatives of the Vietnamese community, including, of course, our own Lieutenant-Governor, Hieu Van Le. An incense bowl in recognition of Michael's service and sacrifice was placed with other emblems during the service by the Vietnamese representative.

It may have been 39 years since Flying Officer Herbert disappeared, but the wounds are still very fresh for his family and friends. Time in this case has not healed all wounds. Hopefully, now that their loved one has been laid to rest with the honour deserving the last Australian missing in action to be returned from Vietnam, some closure can be achieved. I commend the motion to the house.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:20): I rise to support the Premier on this important motion. We are familiar with the words of the Gospel of St John:

Greater love hath no man than this, that he lay down his life for his friends.

Mr Speaker, that is what we remember today: the altruistic sacrifice of a young South Australian, made in the prime of his life, and the impact his loss has had on his family, his comrades and our state. We were diminished by the loss of Michael Herbert nearly 40 years ago.

Michael and his family are South Australians through and through. Jack Herbert, Michael's father, and his mother, Joan Skehan, both came from Port Pirie. Both parents served their nation in the Second World War. At the end of that conflict, the family settled in north Glenelg, in a home that is still theirs today. Jack and Joan had four children: Michael, Anthony Peter (who tragically died in infancy), Kerryn and Shane. I am pleased that Shane can be with us today as we honour Michael, his father and mother—the whole Herbert family.

Michael was always infatuated by flying, and a career as a pilot was his choice at an early age. He was a member of the Air Training Corps at 13 years, and obtained his private pilot's licence at 16 years (before he could shed his L plates on the road). Michael was selected to attend the RAAF academy at Point Cook, Victoria, in 1964 and graduated in January 1969. He then completed the No. 30 Operational Bomber Conversion Course before joining 2nd Squadron RAAF in Vietnam on 25 February 1970. Michael was a keen, popular and professional pilot. He flew 198 missions in just over eight months before he disappeared, together with his navigator and friend Robert Carver, while conducting a routine night bombing mission on 3 November 1970.

Mr Speaker, to me, the loss of a soldier, sailor or airman in the service of their nation is a tragedy. Invariably, it is the loss of a young Australian, taken from us in the prime of his life. It says sad things about war and the capacity of leaders not to be able to find suitable alternatives to armed conflict. It should also remind us of the tragedy it visits on families. Michael's loss is a clear example of the pain of such a loss. Michael was to remain lost in the bosom of Vietnam for 39 years, 9 months and 28 days until the discovery of his remains on 18 July, a little over seven weeks ago.

I cannot imagine the pain endured by Michael's family during that time. The not knowing, the uncertainty and the lack of closure would have been more than many could bear. Michael's

sacrifice on behalf of his country must be remembered but so, too, must the sacrifice and courage of his family. They have stood tall. No-one could come through this experience unchanged but, through all of this, the Herbert family retained its dignity. They never gave up. They stared down pity. They absorbed the blows of uncertainty and contradiction. They replaced all those emotions with those of courage and determination.

Mrs Joan Herbert was the mother who never gave up—the mother whom the family knows has guided the process of the recovery of Michael's remains. Jack Herbert is a classic of that stalwart World War II generation who offered his life in the service of his nation, saw his son's life taken in the service of his nation, who was focused on providing the strength of character and example all good fathers strive to provide. Seldom will you ever see the strength of purpose and devotion shown by this man, and I think all of South Australia regards it as a blessing that Jack Herbert could be at Michael's funeral yesterday. Michael's sister Kerryn and brother Shane have lived this tragedy for almost their entire lives. Kerryn was a teenager when Michael was lost and Shane only 11 years old. Both of them have carried this legacy with dignity and courage.

It is difficult and dangerous to compare sacrifice, but the certainty of loss must account for something positive. The knowing must bring some peace. The uncertainty of loss sadly brings the opposite. It exaggerates and extends pain. It prevents resolution.

Shane is with us today. On behalf of all present I acknowledge him. I congratulate you, Shane, on your courage. I am immensely pleased that Michael is home. We remember your mother Joan and ask that you pass on the thoughts of this house to your father.

The finding of Michael Herbert did not happen by chance. After all, nearly 40 years had elapsed and I know that during that period there was at least one occasion when the family was incorrectly told that Michael's remains had been found.

We like to say that Australians place special emphasis on 'mateship' and 'loyalty'. We hear it spoken about on ANZAC Day and other important days of remembrance, but do we live the word? Well, not all of us. I do not know why. Maybe the true strength of character and morality necessary to pursue a cause in the face of all adversity is just not part of the moral fibre of all of us.

Every so often, however, the stars align and good things happen. Such was the case when Lieutenant-Colonel Jim Bourke, a career Infantry Corps officer, formed Operation Aussies Home in 2002. Jim and his mates are special men. Jim served two tours in Vietnam. His first concluded prematurely when he was shot through the jaw and in his second he was part of the famed Australian Army training team and led a company of Montagnard soldiers out of Plieku. He was part of what was known as the 2nd Corps Mobile Strike Force. After the war, in the 'end of the war list', Jim was decorated for gallantry. He was awarded the Medal of Gallantry, our nation's second highest gallantry decoration.

Jim lived the phrase uttered by Warrant Officer Kevin Wheatley VC just before he offered his life for a friend; that is, 'Australians don't run out on their mates.' Disturbed by years of inaction from federal governments of both persuasions, Jim set about finding the six soldiers missing in action in the Vietnam War. He was supported by 44 members of the public—concerned Australians and members of the families of those missing.

Jim Bourke was also supported by other members of the military. Former Warrant Officer Peter Aylett—himself a two tour veteran of Vietnam—prepared himself to undertake the arduous journey through the jungle with the RAAF recovery team to the wreck site. Behind the scenes there were little known Australians who helped complete the jigsaw. Paul Darraouzet, a businessman and philanthropist, was taken with Jim Bourke's endeavour and provided the financial assistance that allowed Jim and his team to do their good work.

Operation Aussies Home was also assisted by other members of the Defence Force. Major Jack Thurgar, a Vietnam veteran who served with the SAS and was subsequently decorated, now works with the Army History Unit. Jack was one of the first to discover the plane on 14 April and returned to the site to play a key role in the excavation in July. The RAAF recovery team, led by Wing Commander Michael Warby and Squadron Leader Jim Cottrell, also deserve recognition.

But, in the end, the discovery of all six young men left behind when our nation's involvement in the Vietnam War ceased is in some way down to Jim Bourke. He, too, is in the Speaker's Gallery today. Jim, we salute you. Your aim was to fully account for all those lost in Vietnam. You have achieved that. I commend to the house your words: 'It is our sacred duty to these men who gave their lives. I think we as a nation have a moral obligation to their families.'

That's how I see it and that's what's driven us. We're doing it for the families.' The refreshing simplicity of the infantryman shining through!

Today we remember Michael Herbert. We acknowledge the pain endured by his family and their courage and dignity. We also remember those who made the momentous events of the last week possible. I conclude with the last words of the eulogy given at Michael's funeral in St Francis Xavier's Cathedral yesterday:

We cherish the memory of Michael (and Robert Carver) and will continue to honour their sacrifice.

Home at last.

Home at last.

Honourable members: Hear, hear!

Mr HAMILTON-SMITH (Waite) (14:30): I rise to support the motion and, as we have heard, note that Michael Herbert was born in Freeling, South Australia to John and Joan and completed his secondary schooling at Sacred Heart College in Somerton, close to their home in Glenelg. We have heard of Michael's interest in aviation and of the beginnings of his career. We have heard that, after graduating in 1967, he moved from RAAF Base Point Cook for training and then on to RAAF Base Pearce, graduating with his pilot's wings in January 1969, then posted to No. 2 Squadron as a pilot of Canberra bombers.

Flying Officer Michael Herbert arrived in Vietnam in February 1970. He is survived by a loving family, who miss him terribly. Michael was one of many thousands of proud Australian men and women who served to protect our way of life in action in South Vietnam. These were difficult times for Australia, for a world gripped in a Cold War, but particularly for the people of South Vietnam, many of whom were there yesterday.

I recall as a student at what was then Daws Road High School, at the northern foot of Centennial Park Cemetery, the gun carriages driving by our school during these tragic years delivering the dead to be buried at Centennial Park with full military honours. Over 500 died, thousands were wounded. Others returned to resume normal lives. Many others returned shattered men, deeply hurt. Some, like Michael, did not return, until now. He was not alone: six young Australians lay in the bosom of South Vietnam, not found but with each other.

As Ashley Ekins of the Australian War Memorial has noted, the term 'missing in action' has long brought anguish to the families of our servicemen lost in war. Of the 60,000 Australians who died in the First World War, over one third were recorded as 'missing'. Almost half the Australians who died in Gallipoli have no known grave. Many bereaved families were haunted for a generation by the memories of sons, brothers, fathers and husbands who had disappeared without trace. The scale of the loss made this a shared national experience—and yesterday's funeral was part of that experience—starkly recalled in scores of overseas war cemeteries with headstones inscribed with Kipling's simple words: 'An Australian soldier of the Great War...known unto God'.

There was no such solace for the next of kin of servicemen listed as missing in action during the Vietnam War. As I have said, over 500 died. Among them were six Australian servicemen—four Army soldiers and two RAAF airmen—who were initially recorded as 'missing in action' (MIA) in four separate incidents. In all six cases, their classification was subsequently amended to either 'killed in action' or 'missing in action—presumed dead'. All six servicemen were at the time perhaps identified as having simply no known grave.

The first Australian combat unit to fight in Vietnam was the 1st Battalion of the Royal Australian Regiment, a regiment with which I served (6th Battalion). 1 RAR was also the first to have soldiers recorded as missing in action. In November 1965, 1 RAR joined an American battalion of the 173rd D Brigade on Operation Hump, a five day search-and-destroy operation into the enemy dominated territory of War Zone D, about 40 kilometres north-east of Saigon. This area was known to contain a Vietcong stronghold and the base for an enemy regiment, as well as an enemy supply route linking the communist war zones to the Ho Chi Minh Trail.

For the first two days, the rifle companies of 1 RAR had sporadic enemy contacts as platoons patrolled through swamp and thick jungle. On the afternoon of 8 November, while the soldiers of A Company were pushing through dense rainforest near the top of the Gang Toi hills, they struck a strongly defended Vietcong bunker system.

As they crested a ridge, the leading Australian platoon suddenly came under a hail of fire from machine guns in well-sited bunkers supported by rifles and grenades. Five men were hit

almost immediately at close range, the rest of the platoon quickly went to ground and began returning fire as the wounded men withdrew and were dragged back, all except for Lance Corporal Richard 'Tiny' Parker, who had been commanding the point section. Parker had fallen directly in front of the enemy bunkers. He was lying face down and was not moving. He could not be reached and he did not respond to shouts from his mates. This was the first time the Australians had encountered a Vietcong main force unit that had fought and stood their ground. They could tell from the sounds of heavy firing that the American battalion across the river had also run into trouble.

With his forward platoon pinned down, Major John Healy, commanding A Company, ordered another of his platoons to assault the enemy bunkers from the flank. As they advanced, this platoon was also kept in heavy crossfire from enemy machine guns concealed in bunkers. Private Peter Gillson, a machine gunner with the forward section, was hit by a burst of automatic fire as he stepped around the twisted roots of a tree. He fell just 15 metres from the enemy position, propped against the roots.

Gillson's platoon sergeant, Sergeant Colin Fawcett, crawled forward under fire to help the wounded soldier. Fawcett reached for Gillson's arm but could not feel a pulse at the wrist. He saw that Gillson had been hit several times. He attempted several times to drag Gillson's body out of the line of fire, but both the soldier and his machine gun were wedged tightly amongst the tree roots. He was forced to move back. Fawcett was later awarded the Military Medal for his brave actions. The assaulting platoon was now at risk of being encircled by the enemy and was compelled to withdraw under enemy fire. In the judgment of official historian Ian McNeill:

It would have been foolhardy for him to have pressed the attack...Healy had done all he could and his company had performed credibly...the men were depressed at leaving two soldiers behind.

The Australians wanted to return to the Gang Toi hills, a full battalion attack operation was prepared later in the month but was never conducted. No trace of the missing soldiers was found until recently. Peter Gillson's wife, with stoic resignation, later wrote to his platoon commander the following:

I am really proud to be called a soldier's wife, even though it is heartbreaking at times, but I suppose we all must expect these things, and when it does happen we must be as brave as our men were—but in a way I am very lucky because I have a son which Peter never saw. He is only four months old but he'll never know just how much strength he has given me to go on. I only hope that his son will grow up to be as fine a man as Peter was.

The court of inquiry conducted by 1 RAR shortly after the action recommended that Private Gillson be recorded as 'killed in action' and that Lance Corporal Parker be recorded as 'missing in action, presumed dead'. Both soldiers were officially listed as missing because at that time their bodies had not been recovered.

In 1969 Private David Fisher, a national serviceman serving with 3 Squadron, Special Air Service regiment, became the next soldier declared missing in action. In September 1969 Fisher was second-in-command of a five man, long range SAS patrol searching for signs of enemy activity in the Nui May Tao massif in south-eastern Long Khanh province. His patrol commander was Joe Van Droffelaar who later served with me in 1 Squadron in 1980 and who I know was very moved and had never got over the fact that he had come back without Fisher.

After patrolling for seven days in persistent rain, on 27 September the Australians had a series of sharp contacts with strong groups of Vietcong. Outnumbered and pursued through the jungle they called for a helicopter extraction. The helicopters arrived within half an hour just as the enemy were closing in on the SAS soldiers. During the hectic moments of the 'hot' extraction, while under fire and surrounded by the enemy, the members of the patrol clicked on their carabiners and attached themselves to ropes dangling from a helicopter and were lifted clear of the jungle.

As the helicopter gathered speed and helicopter gunships moved in to fire on the enemy on the ground, the patrol members noticed that Private Fisher was missing. He had fallen from his rope from a height in excess of 30 metres above the tree canopy. It was later suggested that, under pressure, Fisher may have attached his carabiner to the wrong loop of the rope or, as Van Droffelaar insisted, to his webbing rather than a rope.

An air search began within 10 minutes of the incident and a ground search began within five hours. The 10-man SAS patrol searched the jungle around the site, joined the following day by rifle companies who searched for the next six days. Fisher's body was not found until recently and he was declared missing in action, presumed dead. He had only two months remaining of his tour of duty.

Then, in 1970, the two RAAF airmen were declared missing in action in Vietnam, one of whom we address today. Flying Officer Michael Herbert and his mate Pilot Officer Robert Carver both of 2 Squadron were believed killed when their Canberra bomber disappeared while flying at night during a bombing mission in the north of 1 Corp region in South Vietnam. On 3 November 1970, Herbert, who was the pilot and aircraft captain, and Carver, the navigator and bomb aimer, had taken off from Phan Rang at 7pm heading for their target in Quang Nam province, 65 kilometres south-west of Da Nang.

The weather, as we have heard, was relatively clear and the flight to target was without incident. The Australians carried out their bombing run and released their bombs over the target at 8.22pm. After acknowledging a radio message they switched frequency for the return flight to Phan Rang. Shortly afterwards, the aircraft disappeared from the radar screen that was tracking it.

Australian and American air units mounted an aerial search the next morning. The extensive search involved 67 sorties over an area of 16,000 square kilometres but it was hampered by poor weather conditions. The search failed to find any trace of the aircraft or crew and was called off after three days. Pilot Officer Carver had served only eight weeks in Vietnam and Michael Herbert who had qualified, as we have heard, at the age of 16 as a pilot had only two months to go to finish his tour.

As we have heard, the cause of the disappearance was never determined. The ageing Canberra bomber was flying well above maximum range of entry of anti-aircraft artillery and there were no known North Vietnamese surface-to-air missile launch sites in the flight path. Although discounted by an RAAF court of inquiry, it is argued that the most likely explanation of the aircraft's sudden disappearance without remains at that time may have been a catastrophic midair explosion caused by one or more bombs being hung up in the rack after release.

For the parents of those lost, the term 'missing in action' became increasingly difficult to live with. After the years of uncertainty, Robert Carver's parents eventually gave up hope that he would be found. Mr Sydney Carver had his son's name placed on the Toowoomba War Memorial. Every day, he passed the memorial and never failed to look at the inscription.

Mrs Joan Herbert continued her dream that her son Michael was alive and roaming the jungles of Vietnam, dreams that eventually developed into nightmares. Over the next decade, she wrote more than 600 letters to Vietnamese and other political leaders inquiring about his fate. The families of both RAAF officers said they could not rest until the truth was known. Now the truth is known.

The last Australian soldier to be listed as missing in action was Lance Corporal John Francis Gillespie of 8 Field Ambulance. On 17 April 1971, Gillespie was serving as a helicopter medic during a 'dustoff' (helicopter medical evacuation) operation in the Long Hai hills of Phuoc Tuy province. Four South Vietnamese regional force soldiers had been injured by a mine explosion and the difficult terrain demanded a helicopter evacuation, but the Long Hai hills were an insecure landing zone.

The caves and dense timber of the Long Hais had long harboured a major Vietcong base and the dustoff operation required the protection of helicopter gunships. As the first wounded soldier was being winched up, the hovering helicopter was hit by machine-gun fire. It crashed to the ground and burst into flames. Although the crew escaped, Lance Corporal Gillespie and three other soldiers were engulfed in the fireball.

A helicopter crewman, Corporal Robert Stephens, repeatedly entered the burning aircraft and tried in vain to rescue Gillespie until being forced back by the flames. Stephens was later awarded the British Empire Medal for his courage. Gillespie's body could not be recovered from the burning wreckage, which was reduced to slag by the fire. Private Gillespie was listed as 'missing in action', apparently on a technicality because his remains could not be found at that time. The classification was subsequently altered to 'killed in action'.

The last Australian combat troops were withdrawn from South Vietnam in 1971. For the next decade the question of Australian servicemen missing in Vietnam received little official attention. Then, in May 1984, a joint Foreign Affairs and Defence mission travelled to Vietnam to investigate the Australian missing in action cases with the assistance of Vietnamese government officials. The five-member team visited Quang Nam, Da Nang and Dong Nai provinces and walked the sites of the two incidents. They were prevented from reaching the other two sites due to uncleared minefields.

The team's investigations were hampered by the time lapse since the incidents, the uncertain nature of much of the information available and the movement of civilian populations and Vietnamese military units during and since the war. Unfounded media claims that the team had solved the mystery of the missing also aroused false hopes and angered some of the next of kin. Regrettably, the team members discovered no further information or traces of the remains of the Australians at that time. They concluded that it was most unlikely that any further information on the whereabouts of the remains of the six Australians would become available in the future.

The remains of Private Gillson and Lance Corporal Parker were located in southern Vietnam in April 2007. They were repatriated to Australia in June 2007. Human remains located in February 2004 were positively identified as those of Lance Corporal Gillespie early in December 2007. He was repatriated to Australia later that month. The remains of Private Fisher were located in southern Vietnam in August 2008. They were repatriated to Australia in October that year. And, now, the remains of Pilot Officer Carver and Flying Officer Michael Herbert have been found. May they rest in peace.

Here, I join others in thanking Jim Bourke, Jack Furgar and others from Aussies Home for what they have achieved. Your mission has been accomplished. Yesterday, several hundred veterans—Australians and Vietnamese—and their families said farewell to Michael. Today our thoughts are with his family, but also with the family of all Vietnam veterans. Thank you, Michael Patrick John Herbert. You served your country well. We will remember you. For so many years he lay in good company in South Vietnam. He now continues to lie in good company, the company of the brave, at home. Rest in peace.

The Hon. R.J. McEWEN (Mount Gambier) (14:48): Mr Speaker, 5722256, McEwen, R.J., Sergeant, 2nd Pacific Island Regiment. A serviceman never forgets to things: his number and his mates, even when the nation turns their back on his mates. This grievance motion gives us the opportunity to say to the Herbert family: we honour your son and the sacrifice he made, and we continue to share with you the pain. It also gives us an opportunity to say that many other shattered men came home and have not fully recovered, and we have not helped them, and we still owe them support.

Mr PENGILLY (Finniss) (14:49): I also rise to support the motion. I will not even attempt to repeat the words that have been so eloquently spoken this afternoon in this place. I also attended the funeral of Flying Officer Michael Herbert yesterday, and I would also like to acknowledge the presence in the chamber today of Michael's brother, Shane, Jim Burke and Bill Denny, all of whom contributed a huge amount to bringing Michael home.

I found it in an intensely moving funeral service yesterday. Nothing impacted upon me more than the words of Michael's brother, Shane, who spoke about his hero brother and the effect the loss of Michael had on Shane, as an 11 year old, and his family.

I swear that, in the cathedral yesterday, not only was Michael Herbert there in the coffin but he was also there in spirit. I also felt that those veterans who were there yesterday, particularly those members of 2 Squadron, all dropped around 39 or 40 years and had a spring in their step that they had not had for many years.

It is significant to me—and it is about Michael Herbert, not me—that those of us of that generation were in the Defence Force or were eligible for national service by virtue of our age. My number never came up. Some in this chamber probably were not even born when the Vietnam War was being fought. It was the first 'television' war. We also seemingly got used to hearing of our losses in Vietnam, particularly from the Army. As a 20 year old, I can recall the Canberra bomber being lost. I have a clear recollection of it because those things impacted heavily on my generation.

Being the father of two young sons—and I was talking to Shane, Jim and Bill earlier—the irony of yesterday was that I discovered that my eldest son was born 10 years to the day after Michael disappeared and my youngest son was born on the day (a number years later) that Michael Herbert arrived in Vietnam, and that had a very strong impact on me. I know that other members at the funeral yesterday felt the same way. I was speaking to members afterwards and they all felt that finally Michael was home.

As Jim Bourke and those involved said, they got them all home. As fate would have it, I walked back down King William Street and happened to be standing alongside Frank Hodge, who spoke yesterday and who was in 2 Squadron with Michael Herbert. I noted his comment on the *PM* program last night to the effect that we have been able to complete a job that we started 39 years ago to bring these guys home.

It goes back to the absolute spirit of Australian service personnel. If you go back to Simpson and his donkey in Gallipoli where he brought them down and if you go to Kokoda during the Second World War where there is a famous picture (and I cannot remember the names) of an Australian digger helping another one over his shoulder, this is what Australian defence personnel are all about.

As the member for Waite so eloquently said, they get them home. It was a good thing for this chamber to know what has happened (and will always happen, I am sure) with Australian defence personnel serving overseas. I am very pleased for the Herbert family—for Shane, his father, sister and the rest of the family—that Michael is finally home resting in Adelaide and that life will go on. It truly was the end of an era for Australia bringing the last serviceman home and having him buried. I support the motion.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:54): It is with a very heavy heart that I rise to support the condolence motion for Flying Officer Michael Herbert. I do not know the Herbert family in any way but it was a great privilege for me to be there with hundreds of other people to pay my respects for a very brave man who, tragically, at the early age of 24 lost the opportunity to live his life.

The service of our nation is one that thousands of Australians have undertaken. The member for Waite referred to the First World War and the 60,000 Australians who passed away. A statistic I find amazing from that service in the First World War is that, in a nation of a little under four million people at that time, 400,000 people served our nation in the Defence Force. It was 40 per cent of the men aged between 18 and 40 who served our nation in the Great War.

For me, though, the emotion of the day was encapsulated by Mr Jack Herbert's attendance at the ceremony. While Mr Herbert is quite ill and in hospital, his desire to be there to recognise the sacrifice his son had made was obvious to all of us. The fact that he was delayed by some 30 minutes in getting there from hospital made no difference to the hundreds of people who were in the church yesterday. We all respected the fact that the Herbert family had to be there in total to celebrate a day that was enormously important to them. To me, when he was wheeled into the church in his wheelchair wearing his pilot's uniform from his service in the Air Force in World War II, that really captured everything that is great and brave about Australians.

I think it is appropriate that this house pays tribute to the Herbert family. It was important that hundreds of people attended yesterday who, in many cases, would not have known Michael Herbert but wanted to be there to pay their respects. It was an emotional day for all of us, but one that will live long in the memories of the South Australians who were there. I support the motion.

Dr McFETRIDGE (Morphett) (14:55): I rise to support this motion. The Herbert family are constituents of mine and live at Kibby Avenue, Glenelg North. I should remind the house that Kibby Avenue is named after William Kibby VC, who was killed in action serving this country.

I give thanks to Michael Herbert for his supreme sacrifice for his country during the Vietnam War. I also thank the Herbert family for their sacrifice, and I am pleased that after many years the remains of their son and brother have been returned. To thank Jim Bourke and those who were involved in returning the remains of Michael Herbert to South Australia is something that goes without saying. It is so important to everyone here and particularly to the Herbert family.

I was very pleased yesterday to attend the funeral and see Father Tony Kain, who is the Catholic priest at Glenelg. Tony is a terrific bloke and I know that the affection between the Herbert family and Father Kain is genuine and that has been the case for many years. I was also very pleased to see there students from Sacred Heart College (which is also in the seat of Morphett) to help celebrate the life of Michael Herbert. I was very pleased to stand with them as part of the guard of honour in Wakefield Street after the funeral service. It is a very poignant reminder for me every time I drive past those gates at Sacred Heart College that Michael Herbert lived and died for us in South Australia.

Michael Herbert will not be forgotten. You are only dead when they stop talking about you, and I know that people will keep talking about Michael Herbert because he was a real hero for all of us here in South Australia. I would like to say thank you to the Herbert family for what they have had to put up with, and I wish them the very best for the future.

Ms CICCARELLO (Norwood) (14:57): Yesterday marked a sad but proud day in the history of South Australia. We paid tribute to a young man for his exemplary bravery. We said our goodbyes and we finally laid him to rest in his home town among his family, friends and colleagues.

Flying Officer Michael Herbert from Glenelg, along with his colleague Pilot Officer Robert Carver from Toowoomba in Queensland, were both just 24 years old when they paid the ultimate sacrifice for their country. They had completed a bombing mission in Vietnam and were returning to base when their No. 2 Squadron Canberra aircraft, call sign Magpie 91, went missing about 65 kilometres south-west of Da Nang. One can only imagine the heartbreak of their families and friends when searches and investigations failed to yield any information about the crash or, indeed, a location that would lead to their whereabouts.

I have closely followed developments in this case this year. Therefore, we were all very pleased when the crash scene and the remains of the two men were discovered in April this year and what this must have meant for his family and friends. They were the last two soldiers unaccounted for from the Vietnam War, and we can now close a chapter in Australian military history.

I visited Vietnam on the 40th anniversary of the Battle of Long Tan with the Attorney, the member for Morialta, the Lieutenant-Governor, Mr Hieu Van Le and Mr Bill Denny. It was also the first time the Lieutenant-Governor had returned to Vietnam following his escape, along with his wife Lan and a boatload of refugees, who were the first to arrive in Darwin following a very perilous voyage. I think we were all heartened by listening to our Lieutenant-Governor say that when he arrived in Darwin he was greeted by people in a small tinny and they said, 'G'day mate. Welcome to Australia.' At the Long Tan memorial we were able to pay tribute to all those who had courageously fought and given their lives, and we could only imagine the suffering and discomfort they must have endured in such a hostile and testing environment.

The Vietnam War was a turbulent time in Australia and throughout the world. It was a conflict that was deeply controversial and it framed the politics and mood of a generation. However, despite any individual feelings that one might have about that war, we should never forget the 60,000 Australian soldiers who shouldered the responsibility of a nation and the 500 young men who lost their lives.

My brother, and all his peers, faced the dreaded prospect of being called up by the extraction of a marble, and we sometimes felt guilty at the relief we felt when, by luck of a birth date, they were spared having to go to war.

The funeral of Flying Officer Michael Herbert must be, without question, a bittersweet time for his loved ones. I offer my sincere condolences to his family and friends and trust that this time will put an end to decades of uncertainty and grief.

I also put on record my thanks to the many Australian-Vietnamese organisations for working so hard to locate our missing men in Vietnam and return them home with dignity. I also acknowledge the Payneham RSL for three years ago having erected and dedicated a memorial to those who fought in Vietnam. I finish with the fourth verse of Laurence Binyon's poem entitled 'For the Fallen', which is particularly appropriate at this time. It says:

They shall not grow old, as we that are left grow old:

Age shall not weary them, nor the years condemn.

At the going down of the sun and in the morning

We will remember them.

Mr PEDERICK (Hammond) (15:01): I also acknowledge the sacrifice that Michael Herbert made for this country, as many thousands of servicemen and women have done over the years. I acknowledge all those servicemen and women who have gone into service for this country, both here and overseas, in past and current wars. I have been very fortunate to say goodbye to my brother on two deployments—one to Rwanda and one to Iraq—and welcome him home twice. It is very hard to imagine the strain on a family such as the Herbert family, for 39 years not knowing exactly why and where their brother and son was. It was fantastic to see yesterday the strength of the family—Shane in his eulogy, Kerryn, and also father Jack, who certainly told the doctors he was going to his son's funeral. I have the utmost respect for that. So, Michael, may you rest in peace. You will not be forgotten.

The SPEAKER (15:02): I also express my gratitude to those responsible for the repatriation of Flying Officer Herbert's remains, and add my thanks to the family of Flying Officer Herbert. I can only begin to imagine the trauma of not knowing what has happened to a loved one. Hopefully, the repatriation of his remains will go some way to mitigating the terrible treatment of returned servicemen from Vietnam. May his soul, and the souls of all the faithful departed, through

the mercy of God, rest in peace. I ask all honourable members who support the motion to do so in the traditional way.

Motion carried by members standing in their places in silence.

[Sitting suspended from 15:03 to 15:11]

ARKAROOA WILDERNESS SANCTUARY

The Hon. I.F. EVANS (Davenport): Presented a petition signed by 689 residents of South Australia requesting the house to urge the government to prevent exploration and mining in the Arkaroola Wilderness Sanctuary.

BUDDHA STATUE

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 74 residents of South Australia requesting the house to urge the government to oppose the erection of a Buddha statue structure on the Adelaide hills face.

BUS SERVICES

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 30 residents of South Australia requesting the house to urge the government to implement a comprehensive bus service to serve the Aberfoyle Park, Happy Valley, O'Halloran Hill area, reinstate bus service No. 618 to the Marion Shopping Centre and enter into consultation with residents regarding bus services.

ANSWERS TO QUESTIONS

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

DISABILITY SERVICES

24 Mr HANNA (Mitchell) (30 September 2008).

1. How many people are currently on the 'Options' unmet needs register and how long they have been on this register?
2. How many people are currently on the 'Options' waiting list and how long they have been on this list?
3. How will the new information service through Disability SA be funded and how can this new service provide specific information for each disability?
4. Where will the knowledge of specific disabilities come from if organisations are being defunded without notice?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): I provide the following information:

As part of the South Australian Government's Reforms, Disability SA was established in 2006 and comprises the former Intellectual Disability Services Council, the Julia Farr Services, the Adult Physical and Neurological Disability Options Coordination and Brain Injury Options Coordination agencies.

The unmet needs data systems from the above agencies were merged and a process for identifying those people most in need was developed.

A person's priority forms the waiting lists for services. The list is not a 'wait in turn' system and therefore the list will fluctuate. As a part of negotiations for a new Disability Agreement, States and Territories have agreed to work with the Commonwealth Government on developing a nationally consistent approach to measuring unmet needs, including supported accommodation.

Due to increased demand for services, funding of \$679,693 was redirected from some non-government agencies providing information and advocacy services to accommodation, day options and respite services.

As part of Disability SA's reform processes, a single, unified information and referral system is being established. A Steering Committee with representatives from the Department for

Families and Communities (DFC) and the former Association of Non-Government Organisations of SA (ANGOSA now called Disability Alliance) and National Disability Services (NDS) has been formed to guide the improvement of information and referral services.

People with a disability can now seek information or make a referral via a much simpler system based on a centralised contact system including a 1300 phone number to receive enquiries and referrals. An increased range of information sheets on a broad range of disability types are available from Disability SA offices throughout South Australia or via free download from the website at www.disability.sa.gov.au (Current figures on unmet need are also available on this website).

Work on the promotion of the new information service has begun and is continuing to be refined, particularly to those who are socially or geographically isolated, so that all key stakeholders know how to obtain information or make a referral.

This supports the South Australian Government's principle of 'Ask Just Once' incorporating increased information rather than duplication of effort supporting many sources of information.

WATER FOR GOOD

158 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (30 September 2008). What initiatives have or will be implemented on industry to conserve water?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security): Water Efficiency Plans were introduced on 1 July 2007 following a decision of First Ministers, in response to ongoing drought conditions in the Murray-Darling Basin. From that date, large industries (using over 50ML/a) have been required to complete Water Efficiency Plans.

Looking forward, the Water for Good plan includes a further range of education and efficiency measures, including extending Water Efficiency Plans to industries using over 25 ML/a and leakage detection audits.

PENSIONER CONCESSIONS

361 Mr HANNA (Mitchell) (4 November 2008). To what extent will the minister increase pensioner concessions to address the effect of inflation on low income recipients?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): The Minister for State/Local Government Relations has advised that:

The Minister for State/local Government Relations does not have responsibility for setting pensioner concessions.

CORONER'S RECOMMENDATIONS

364 Mr HANNA (Mitchell) (4 November 2008). Which of the Coroner's 2006 and 2007 recommendations have yet to be implemented?

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): After a review of departmental and Ministerial records, I can advise that there were no Coroner's recommendations relating to the Aboriginal Affairs and Reconciliation portfolio that were brought to my attention as Minister for Aboriginal Affairs and Reconciliation or that of the Aboriginal Affairs and Reconciliation Division, Department of the Premier and Cabinet in 2006 or 2007.

Relevant Coroner's recommendations are referred to the agencies responsible for responding to the recommendations, which will generally be service delivery agencies.

The relevant annual reports of the Coroner for the years 2006 and 2007 confirm that no recommendations were addressed to the Aboriginal Affairs and Reconciliation portfolio.

ABORIGINAL COMMUNITIES, FUNDING

372 Dr McFETRIDGE (Morphett) (17 November 2008).

1. How much funding did the State Government allocate in 2008-09 to provide governance training:

(a) on the APY Lands;

- (b) on the Maralinga Tjarutja Lands;
- (c) in Aboriginal Lands Trust communities; and
- (d) to the Aboriginal Lands Trust Board?

2. How does this level of funding compare with the previous year?

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): Since October 2007, the Aboriginal Affairs and Reconciliation Division in the Department of the Premier and Cabinet (AARD), the Office of the Registrar of Indigenous Corporations (ORIC) and the Office of Consumer and Business Affairs (OCBA) have partnered to deliver the Regional Corporate Governance Training program. The program consists of Introductory Governance Workshops and enrolments in the nationally accredited Certificate IV in Business (Governance).

Financial support of \$76,000 for the training in 2007-08 was provided by the Commonwealth Government and \$80,000 by the South Australian Government. ORIC funded the training and accommodation costs for the Certificate IV in Business (Governance).

For 2008-09, AARD negotiated for the Commonwealth to provide \$110,000 to fund three Introduction to Corporate Governance workshops. ORIC continues to support participation in the Certificate IV course.

To date, 172 participants have completed the workshops in South Australia and Alice Springs. This training has been extremely well received with demand far exceeding availability. Additionally, in October 2008, 14 students graduated from the ORIC funded Certificate IV that commenced in Adelaide in June 2008, the first in South Australia.

Members of all Aboriginal Lands Trust communities have attended the training, as have representatives from the Aboriginal Lands Trust, Maralinga Tjarutja and Oak Valley. Attendees are generally board members, administration staff or employees of local Aboriginal service provision organisations.

In addition to the Regional Corporate Governance Training program, the Aboriginal Affairs and Reconciliation Division has developed a capacity building program specifically for the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands which includes structured training using ORIC materials as well as mentoring and support provided direct to community councils. The corporate governance training aspect is being delivered by AARD in conjunction with ORIC and is tailored specifically for participants with English as their second or third language. The training program is called Building Strong Corporations.

The budget for the APY Lands Capacity Building initiative was approximately \$180,000 in 2007-08 and was \$200,000 in 2008-09.

POLICE VEHICLES

479 The Hon. G.M. GUNN (Stuart) (19 May 2009).

1. Why was a police vehicle car parked on an angle in the driveway of Tregalana Station, between Lincoln Gap and Whyalla, on Sunday 26 April 2009?
2. How can a passing vehicle's speed be detected when the police vehicle was parked in such a position?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): On Sunday 26 April 2009 between 11.00am and 2.30pm, a police constable was conducting speed detection duties on the Lincoln Highway.

On occasions, police park in various safe locations adjacent to the Lincoln Highway whilst undertaking policing duties. In this instance, police were conducting traffic duties using hand held laser.

Parking on an angle allows clear and uninterrupted views of the Highway in both directions, provides a high visibility presence and deters irresponsible road behaviour.

BON BON STATION

480 The Hon. G.M. GUNN (Stuart) (19 May 2009). How much did the State Government contribute to the purchase of Bon Bon Station, which has been converted from a pastoral lease to conservation purposes, and what were the reasons for this contribution?

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): I am advised:

The State Government contributed one million dollars (\$1,000,000) to the purchase of Bon Bon Station for the protection of the biodiversity values of the property in perpetuity.

SCHOOL OF THE AIR

481 The Hon. G.M. GUNN (Stuart) (19 May 2009). Why are there high costs associated with accessing the internet educational programs from the School of the Air and will there be any increase in the level of State Government funding to support this program?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide): Internet access costs are set by the commercial telecommunications carriers. Parents can access services from the commercial telecommunications carrier of their choice.

The Department of Education and Children's Services recently increased the funding to Open Access College for the provision of internet services to School of the Air families for 2009 and 2010. A review is planned to be undertaken in 2010.

In December 2008 the Department of Education and Children's Services increased funding by 50 per cent for the provision of internet services to remote and isolated School of the Air families, bringing the funding to \$30,000 annually.

In addition, the Open Access College receives \$50,000 to provide assistance to remote and isolated families in the purchase of computers for their children's education.

POLICE RECRUITS

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (28 October 2008).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): The Auditor General's Report identifies an increase in employee benefits expenses from 2006-07 to 2007-08 of \$43.762m. Of this, \$9.2m relates to police and cadet employee benefits expenses with the majority of that associated with recruitment.

FIREARMS LICENCES

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (28 October 2008).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): A person who does not have a current, valid South Australian firearms licence cannot purchase a firearm in South Australia.

South Australia Police (SAPOL) advises the Auditor-General's comments relate to the process of follow-up by Firearms Branch when a person has applied to purchase a firearm but has either not completed the transaction to purchase the firearm or has not registered the firearm within the required 14 days.

I am further advised a person who is seeking to purchase a firearm in South Australia must submit an 'Application to Purchase a Firearm' (APP) to the South Australia Police. If the applicant does not act on the APP within four weeks after it has been approved, a letter is sent to the applicant reminding them to either register the firearm or to contact Firearms Branch to discuss their application.

If the applicant fails to respond to this letter, the Firearms Control System generates a further report which lists all firearms for which an application to purchase has been submitted but which have not been registered. The great majority of these relate to the applicant deciding not to proceed with the purchase of a firearm. A small number fail to act on the reminder letter to register their firearm. These people are advised to immediately register the firearm or face criminal proceedings.

The comments in the Auditor-General's report relate to not having dealt with the follow up process in a sufficiently timely manner at the time of audit. The 'Purchase Applications' report is now broken down into smaller components and divided amongst staff within the whole of Firearms Branch for contact to be made with applicants so that follow up is now undertaken more quickly.

I am also advised approximately 22,000 APPs are received and processed by Firearms Branch each year. There are no recorded instances of firearms disappearing or becoming untraceable under this process.

FIREARMS LICENCES

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (28 October 2008).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): The *Firearms Act 1977* directs that an application for a firearms licence or permit must be in a prescribed manner and that the Registrar of Firearms must keep a register of licences and permits granted.

I am advised that during the 2007-2008 audit of SAPOL, the Auditor-General's department queried the process for the issuing of firearms licences and the need for specific delegation of authority to approve a firearms licence. SAPOL Solicitors Branch examined current administrative laws, processes and a number of existing judgements and reached the view that as the Firearms Act 1977 has no contrary intention, all firearms licences approvals have been issued lawfully pursuant to the Act.

However, I am further advised that in light of the Auditors-General's comments, an Instrument of Delegation was approved by the Commissioner of Police in July 2008. The delegation expressly covers the positions of Sergeant, Adjudication Section; Senior Adjudicator; Firearms Adjudicator and Firearms Clerk which are located within the South Australia Police Firearms Branch.

NATIONAL FIREARMS MANAGEMENT SYSTEM

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (28 October 2008).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): The possible development of a National Firearms Management System (NFMS) has been a Ministerial Council—Police Emergency Management—Police (MCPEMP) agenda in recent years.

Funding was provided on a pro rata basis by all agencies to develop a business case which was presented to MCPEMP in 2007. The cost of the NFMS was estimated to be \$58 million over five years. Due to the estimated costs and some concerns about the capacity of the NFMS to deliver anticipated savings and benefits, MCPEMP has resolved to explore alternatives. The matter was last discussed at MCPEMP in November 2008.

POLICE EMPLOYEES

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (28 October 2008).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): As at 30 June 2008, SAPOL's systems indicate that the remuneration of 938 SAPOL employees exceeded \$100,000 for the year 2007-08. This compares to 440 employees in 2006-07 and 251 in 2005-06.

Until a few years ago, SAPOL employees in the \$100,000+ salary bracket were primarily senior management level Officers and Executives. The large increase in recent years is not reflective of any significant increase in the numbers of Officers and Executives but comprises middle management Police Act positions where base salaries have been incrementally increased pursuant to EB agreements. The increase in base salaries also increases the amounts paid as overtime, penalties and allowances, because these payments are calculated as a percentage of base salaries.

For 2007-08, 12 of the 938 employees occupied Executive positions—Commissioner, Deputy Commissioner, seven Assistant Commissioners and three SA Executive Service employees. The decrease from 13 Executive level employees receiving over \$100,000 in 2006-07 to 12 in 2007-08 is due to the retirement of the former Deputy Commissioner.

The remaining 926 non Executive level employees comprise 916 sworn police employees covered by the SAPOL Enterprise Bargaining Agreement 2007 and 10 unsworn employees. Of those 916 sworn employees, 150 were attached to or relieving in positions classified at Inspector and above, 75 were relative to Senior Sergeant First Class positions, 106 relative to Senior Sergeant positions, 339 relative to Sergeant positions and 246 are other ranks.

JULIA FARR SERVICES

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (28 October 2008).

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): I am advised:

On 27 April 2006, a proposal was approved to dissolve the Boards of the Intellectual Disability Services Council, Julia Farr Services and the Independent Living Centre. The proposal included transferring the function of these boards and their respective assets and liabilities, into new disability services governance arrangements, namely Disability SA as a division within the Department for Families and Communities.

The Julia Farr Services Board of Directors, at its meeting on 26 June 2006, passed a motion to accept the government's offer to:

- Make available to the Julia Farr Housing Association (JFHA) an additional \$21m in community based housing for people with disabilities over the next three financial years, commencing in the 2006-07 financial year.

A legally binding 'Heads of Agreement' was executed on 25 September 2007 by the SA Housing Trust and Julia Farr Housing Association, which restates the commitment of \$21m. Construction and planning for new building construction activities commenced during 2007-08, with an intention to fully commit the agreed \$21m by 30 June 2010, or as agreed by both parties.

ENVIRONMENT AND HERITAGE DEPARTMENT LAND

In reply to **Mr WILLIAMS (MacKillop)** (11 November 2008).

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): I am advised:

During 2007-08, one parcel of land was sold by the Department for Environment and Heritage (DEH) reducing the number of parcels from 105 to 104. At the time that this parcel of land was recognised in the accounts in 2000-01, its original value (Book Value) was \$675 as per the Australian Valuer General valuation. Its subsequent sale reduced the total value of land held for resale by DEH from \$950,500 (rounded to \$951,000) to \$949,825 (rounded to \$950,000).

This parcel of land was sold at a Market Value of \$65,000 with net proceeds (that is, less selling costs) of \$52,966 being returned to the Consolidated Account.

OUTBACK COMMUNITIES ADMINISTRATION MANAGEMENT PLAN

In reply to the **Hon. G.M. GUNN (Stuart)** (26 March 2009).

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): The Minister for State/Local Government Relations has advised that:

Unlike land owners/occupiers in a council area, communities in the areas currently administered by the Outback Areas Community Development Trust do not pay rates to fund general and localised services and activities. It is proposed to introduce two mechanisms 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 requirements for accountability, transparency and community input into the development of long-term strategic

management plans and annual business plans, such as is currently required of councils under the Local Government Act 1999.

An Asset Sustainability Levy nor a Community Contribution Scheme will not and cannot be raised until proper governance policies and processes have been established by the Authority and thorough community consultation undertaken.

WORKCOVER CORPORATION

In reply to **Dr McFETRIDGE (Morphett)** (8 April 2009).

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development): I have been advised:

1. The Public Sector has no unfunded liability. Workers compensation costs are budget funded within an agency's appropriation and are accounted for in the forward estimates each year. The public sector's outstanding liability cannot be compared to, or added onto, WorkCover's unfunded liability.

With regard to the outstanding liability, each year independent actuaries estimate the provision for workers compensation outstanding liability as at 30 June for all Crown Self Insured agencies.

The provision for the gross (before 3rd party recoveries) outstanding liability as at 30 June 2008 was assessed at \$366.6 million. The gross outstanding liability is an estimate of the amount required to manage and close all existing claims if no more workers compensation claims occur after 30 June 2008.

Since June 2003, the rate of increase in gross outstanding liability has diminished from 20.4 per cent to 2.3 per cent (June 2008). This positive outcome reflects significant improvements in the claims performance of the Crown Self Insured agencies.

McLAREN VALE POLICE STATION

In reply to **Mr PENGILLY (Finniss)** (30 April 2009).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): The Commissioner of Police has advised me that under changes effective 1 July 2009, policing services at McLaren Vale have been improved.

The McLaren Vale Police Station has historically been allocated the status of a 'one person' police district with the assigned officer essentially being expected to resolve all policing issues within that community. This policing model has worked well in small and predominantly isolated rural communities but its effectiveness in areas close to metropolitan regions has increasingly been limited.

In the case of McLaren Vale, as the services from Aldinga have expanded, increasingly the station has had to support the officer at McLaren Vale by responding to service needs in this area after-hours and when the officer is not available.

Under the new arrangements policing services will continue to operate in the McLaren Vale area on a full time basis, meaning a police officer will be stationed in the area during business hours, 5 days a week, 52 weeks of the year with the police station open between 9.30am to 12.30pm to provide front counter services for residents. For the remainder of the time the officer will patrol the McLaren Vale area (McLaren Vale, McLaren Flat, Blewitt Springs, Kangarilla and surrounds) visit schools, speak with local businesses, and deal with other matters on an as needs basis. In addition to this, McLaren Vale will also have continuous 24-hour patrol coverage via patrols from Aldinga improving the service to the community.

These arrangements will ensure that the McLaren Vale residents have defined and regular access to police station based services with the officer assigned to the station function then conducting general patrol duties within the township and environs for the remainder of the shift. The arrangements will also provide a patrol presence in the region that significantly exceeds the capability of the formerly assigned individual officer.

Both policing and community issues in McLaren Vale will be closely monitored and reviewed at daily Tactical Coordination Group meetings as part of the South Coast Local Service Area crime management process.

Crime patterns at McLaren Vale will be identified at the earliest opportunity and resolved through the flexible deployment of wide ranging police resources. Inappropriate and criminal behaviour in the region will be more effectively resolved through the enhanced multifaceted deployment of policing resources such as Traffic, Investigation, Crime Prevention and Tactical Team members.

MALVERN POLICE STATION

In reply to **Mr PISONI (Unley)** (12 May 2009).

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): The South Australia Police have advised me that current operating hours of the Malvern facility are 8am to 7pm seven days a week and closed on public holidays. I am further advised the hours are to remain unchanged.

BEEKEEPERS

In reply to the **Hon. G.M. GUNN (Stuart)** (14 May 2009).

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): I am advised:

The policy on beesites in parks has not changed. Existing licensed apiary sites on reserves can be maintained and can be transferred to another licence holder provided this is also in accordance with a Park Management Plan.

Although access to current sites can continue, a precautionary approach is taken in regard to extending access to parks for apiary use and the opening up of new sites is not generally supported. This is to ensure that native flora and fauna are protected and not impacted by the establishment of an apiary site or displaced by honeybees through competition for food and shelter.

PAPERS

The following papers were laid on the table:

By the Speaker—

64th Report of Environment, Resources and Development Committee entitled Desalination (Port Bonython) which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991

By the Minister for Sustainability and Climate Change (Hon. M.D. Rann)—

Adaptation in South Australia—Minute to the Premier prepared by the Premier's Climate Change Council—May 2009
Government Response to Advice Received from the Premier's Climate Change Council
Greenhouse Strategy—Minute to the Premier prepared by the Premier's Climate Change Council—May 2009

By the Deputy Premier (Hon. K.O. Foley)—

Police Superannuation Scheme Actuarial Report 2007-08

By the Treasurer (Hon. K.O. Foley)—

Regulations under the following Acts—
First Home Owner Grant—Disclosure of Confidential Information
Southern State Superannuation—General
Superannuation—Lyell McEwin Employees

By the Minister for Transport (Hon. P.F. Conlon)—

Motor Accident Commission Act 1992—Direction pursuant to Section 5
Non-Metropolitan Railways Transfer Act 1997—Schedule of Approvals to Remove Track Infrastructure for the Period 1 July 2008—30 June 2009
Regulations under the following Acts—
Development—Charles Sturt Development Plan

Harbors and Navigation—General
Motor Vehicles—Demerit Points—Mobile Phones
Passenger Transport—
 Drivers Eligibility
 General—Taxis
 Taxi Meters
Road Traffic—
 Miscellaneous—Expiation Fees—Mobile Phones
 Miscellaneous—Wheels and Tyres
 Road Rules—Ancillary and Miscellaneous—Mobile Phones

By the Minister for Infrastructure (Hon. P.F. Conlon)—

Regulations under the following Acts—
 Valuation of Land—Fees and Allowances

By the Minister for Energy (Hon. P.F. Conlon)—

Regulations under the following Acts—
 Electricity—General—Energy Efficiency Shortfalls
 Gas—
 Energy Efficiency Shortfalls
 Gas Infrastructure

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

Police Complaints Authority Report pursuant to Criminal Law (Forensic Procedures) Act 2007
Summary Offences Act 1953—
 Return of Authorisations Issued to Enter Premises—
 Pursuant to Section 83C(1) for the period 1 July 2008—30 June 2009
 Pursuant to Section 83C(3) for the period 1 July 2008—30 June 2009
 Return of Dangerous Area Declarations Pursuant to Section 83B for the Period 1 April 2009—30 June 2009
 Return of Road Block Establishment Authorisations Issued Pursuant to Section 74B for the Period 1 April 2009—30 June 2009
Terrorism (Preventative Detention) Act 2005—Report 2008-09
Regulations under the following Acts—
 Administration and Probate—Interest on Pecuniary Legacies
 Legal Practitioners—General
 Public Trustee—Commission and Fees
 Subordinate Legislation—Postponement from Expiry—Schedules 1 & 2

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

Charitable Funds, Commissioners of—Report 2007-08

By the Minister for Mental Health and Substance Abuse (Hon. J.D. Lomax-Smith)—

Regulations under the following Acts—
 Controlled Substances—
 General—Prescribed Professions
 Poisons—Prescribed Professions

By the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report for the period 1 April 2009—30 June 2009
Regulations under the following Acts—
 Animal Welfare—Codes of Practice
 Environment Protection—General
 Natural Resources Management—General—Water Allocation Plans—Transitional Provisions

By the Minister for Aboriginal Affairs and Reconciliation (Hon. J.W. Weatherill)—

Aboriginal Lands Trust—Report 2006-07

By the Minister Assisting the Premier in Cabinet Business and Public Sector Management (Hon. J.W. Weatherill)—

Regulations under the following Act—

Freedom of Information—Exempt Agency—City of Burnside

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Regulations under the following Acts—

Family and Community Service—General

Land and Business (Sale and Conveyancing)—Site Contamination

Liquor Licensing—Dry Areas—Long Term—Loxton

Local Government—General—Prescribed Fees

Supported Residential Facilities—General

Local Council By-Laws—

Cooper Coast, District Council of—

No. 1—Permits and Penalties

No. 2—Local Government Land

No. 3—Roads

No. 4—Moveable Signs

No. 5—Dogs

Kingston District Council—

No. 1—Permits and Penalties

No. 2—Moveable Signs

No. 3—Local Government Land

No. 4—Roads

No. 5—Dogs

By the Minister for Agriculture, Food and Fisheries (Hon. P. Caica)—

Adelaide Hills Wine Industry Fund—Report 2007-08

Barossa Wine Industry Fund—Report 2007-08

Langhorne Creek Wine Industry Fund—Report 2007-08

McLaren Vale Wine Industry Fund—Report 2007-08

Riverland Wine Industry Fund—Report 2007-08

SA Grape Growers Industry Fund—Report 2007-08

Regulations under the following Act—

Plant Health—General

By the Minister for Gambling (Hon. A. Koutsantonis)—

Response of the Minister for Gambling to Inquiry into the Independent Gambling Authority by the Statutory Authorities Review Committee

By the Minister for Employment, Training and Further Education (Hon. M.F. O'Brien)—

University of South Australia—Report 2008

By the Minister for Science Information Economy (Hon. M.F. O'Brien)—

Playford Centre Charter

DESALINATION PLANT, RENEWABLE ENERGY

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) (15:13): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: I am pleased to advise the house that the government has delivered on its commitment that the \$1.83 billion Adelaide desalination plant will be powered by

100 per cent renewable energy. I am also pleased to advise that AGL has been chosen to supply that renewable energy. AGL will supply renewable energy to meet 100 per cent of the electricity consumed by the Adelaide desalination plant over a 20 year contract period. This also includes the electricity consumed by the marine works and the transfer pipeline system.

The agreement with AGL ensures that 100 per cent of the renewable energy will come from GreenPower accredited sources—located in South Australia—now and in the future. The use of GreenPower accreditation standards will ensure clean and sustainable energy for the desal plant, one of South Australia's largest infrastructure projects.

We are confident that the approach by SA Water and AGL will ensure we have an energy solution that achieves the best environmental outcome for this project. This purchase means the electricity consumed by this desalination plant be met by generation that does not create greenhouse gas emissions. Obviously, when people heard about the desal plant, people expressed concern—environmentalists and others—about the large amount of energy it consumed, and so we are very pleased that that energy will be renewable energy.

In concert with the commonwealth's renewable energy target, this investment will provide a stimulus for more renewable energy development and investment in the future. This purchase will provide an environment for more investment in renewables by removing renewable energy available to meet the commonwealth's renewable energy target. There has already been \$1.6 billion invested in wind farms in South Australia. Before this government was elected there was not one single wind turbine operating that I know of. We now have \$1.6 billion invested in wind farms in South Australia.

In 2008-09, it is estimated around 2,000 gigawatt hours of electricity was generated from wind farms in South Australia, and this project will consume about a maximum of 480 gigawatt hours per annum. The opposition sneer—not one single wind turbine operating in their watch. We have more wind power not only than any other state but we have more wind power development than the other states combined. Currently, around 14 per cent of South Australia's electricity generation comes from wind farms.

South Australia is committed to remaining a national leader in renewable energy. We are home to about half of the nation's wind power, about 25 per cent of Australia's grid connected domestic solar panel systems and more than 90 per cent of national investment in geothermal energy. We are also increasing South Australia's renewable energy production target to 33 per cent by 2020, well above the national target of 20 per cent by 2020.

AGL has demonstrated a strong commitment to the development of renewable energy projects in South Australia. It is Australia's largest private owner, operator and developer of renewable generation, with more than \$2.3 billion worth of accredited renewable projects either built or under construction. This is a significant contract for South Australia and follows a comprehensive and competitive tender process that included assessment against a range of criteria. SA Water has negotiated an outcome which is value for money, which provides flexibility of electricity usage and which is highly mindful of the environment.

The Adelaide desal plant is on track to produce first water by December 2010, and when it reaches full capacity in 2012, it will produce 100 billion litres of water per year—up to half of Adelaide's drinking water needs. The plant will provide water security through a guaranteed climate independent source of water for Adelaide that will reduce our reliance on the River Murray.

I am proud that the South Australian government is undertaking this project, powered by 100 per cent renewable energy, a project that will take pressure off our iconic river. Because we know that the drought is having a devastating effect on the River Murray, the Lower Lakes and the Coorong. But it is not just drought that is doing the damage. Over allocation and over extraction by the upstream states is doing potentially irreversible ecological damage to the Murray, Lower Lakes and Coorong.

The simple truth is that, of the water extracted from the Murray-Darling Basin, 93 per cent of it is drawn from New South Wales, Victoria and Queensland—93 per cent from the upstream states. Only 7 per cent is taken out in South Australia. However, it is in South Australia where the effect of overuse by upstream states is being most acutely felt. The Murray is dying from the mouth up. The Murray Lower Lakes and Coorong face an emergency. The government is doing what it can in the face of this emergency, including the purchase of 50 billion litres of water that will be delivered to Lake Alexandrina this summer—considerably more than the Liberals called for, if one remembers.

However, South Australia cannot avert the disaster alone. The government has advocated strongly for a truly national approach to the problems faced by the Murray-Darling system. Despite the Murray-Darling Basin Intergovernmental Agreement being signed last year, unacceptable barriers to water trade still exist in Victoria. These trade barriers severely hinder the ability of the federal government and South Australia to purchase water for the environment and increase the flow of water into our stressed Murray Lower Lakes and Coorong.

As you are aware, South Australia is therefore preparing a constitutional challenge in order to remove barriers to water trade in the Murray-Darling Basin. In particular, South Australia objects to Victoria's 4 per cent trading cap and 10 per cent non-water user limit. I am pleased to inform the house that the proposed constitutional challenge has already had a positive effect. The Victorian government has indicated that it is prepared to change certain aspects of its control over water trade. Victoria has undertaken to remove its 10 per cent non-water user limit by the end of October this year.

I, of course, welcome this move, but let me say this: the government is continuing with preparations for the High Court challenge on trade barriers. If Victoria does not remove the 10 per cent non-water user limit by 31 October, as promised, we will immediately proceed to the next stage of the challenge. I have written to the Prime Minister and the premiers of Victoria, New South Wales and Queensland stating South Australia's unwavering position on the proposed High Court challenge and our determination to do whatever it takes to save the Murray-Darling Basin and especially the Murray Lower Lakes and Coorong.

However, it is not just over-allocation and over-extraction by upstream states that is the problem. Water theft is a crime that takes water from all who depend on the Murray, but it is ultimately the environment, including the Murray Lower Lakes and Coorong that pays the highest price. South Australia is raising the stakes on those who steal water from the River Murray by dramatically lifting penalties. Currently, the maximum fine for stealing water is \$35,000 for an individual and \$70,000 for a corporation. Under the new provisions, the maximum fine will increase to \$700,000 for individuals and \$2.2 million for corporations. The state government is massively increasing penalties for water theft. If anyone illegally takes water out of the Murray, the penalty will fit the crime.

UNITED WATER

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:24): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: Can I start by saying that the Liberal Party Whip must have a sense of humour putting the member for Morphett between the member for Davenport and the member for Bragg. Maybe Marty can give him some UN peace-keeping skills.

Mr GRIFFITHS: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

Mr GRIFFITHS: The Treasurer has sought the leave of the parliament to make a ministerial statement but he chooses to speak on everything other than that.

Members interjecting:

The SPEAKER: Order! The Deputy Premier has been given leave. He should stick to what he intends to say. It is not in my hands, but it is in the hands of any member of the house to withdraw leave. The Deputy Premier.

The Hon. K.O. FOLEY: Thank you, sir. I do apologise humbly, as always. On 31 August 2009, SA Water filed proceedings in the South Australian Supreme Court against United Water alleging—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: It doesn't matter how far she goes down, sir. She still just picks up the octaves. You're hiding behind the bills there, so we don't see you when you yell. I will start again.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: On 31 August 2009, SA Water filed proceedings in the South Australian Supreme Court against United Water alleging misleading and deceptive conduct and breach of contract. The claim for damages concerns past charges invoiced by United Water under the contract entered into by the former Liberal government on 18 December 1995. The contract sets the lump sum prices for the first five years, with reviews to be undertaken each five years. The first lump sum price review under the contract—

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry?

Mr Williams: Keep going.

The Hon. K.O. FOLEY: Well, it's a serious matter. I'm trying to inform the house.

Mr Williams interjecting:

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

The Hon. K.O. FOLEY: We've mismanaged the contract? Gee, you're not bad. The first lump-sum price review under the contract took place in 2001 under the former Liberal government.

Members interjecting:

The Hon. K.O. FOLEY: Let's just wait and listen. The new pricing arrangements applied from 1 July 2001 and were agreed by both SA Water and United Water in a letter of confirmation that was finalised prior to the Labor government coming into office. Importantly, because the price variation was conducted within the mechanisms provided in the original contract, there was no need for the contract to be varied.

On 27 September 2001, a briefing minute was sent to the then Liberal minister for government enterprises, Dr Michael Armitage, to note that the 2001 pricing review negotiations had proceeded in accordance with the appropriate clauses of the agreement. In accordance with the 2001 pricing review agreed with the former Liberal government, United Water commenced invoicing the new prices from 1 July 2001. SA Water paid those invoices from that time. During and subsequent to the 2001 price review, SA Water and United Water engaged in discussions about additional services and enhanced service levels.

Those discussions were ultimately documented in 2003 in a variation to the contract. As part of that variation, SA Water considered that, whilst not legally required, it was practical to refer to the price changes agreed to back in 2001 under the former Liberal government. The opposition has suggested that the 2003 variation presented an opportunity for SA Water to renegotiate the prices agreed to in 2001 by the then Liberal government. Crown law advice is that this is incorrect.

Mr Williams interjecting:

The Hon. K.O. FOLEY: Do you honestly think I would mislead the parliament on such an important issue? I mean, honestly.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: If the member for MacKillop, who was disloyal to the past leader and the current leader and stays at number three on the front bench—says a lot about that lot over there—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: But, sir, there is a suggestion that I am misleading the house; that is unparliamentary.

Mr Williams interjecting:

The Hon. K.O. FOLEY: So I am not misleading the house?

Mr Williams interjecting:

The SPEAKER: Order! Perhaps the Deputy Premier could ignore interjections.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney-General!

The Hon. K.O. FOLEY: Crown law advice is that this is incorrect and that, under the contract, SA Water was legally bound to pay the prices agreed to in 2001 by the former Liberal government until the next price review in 2006. Of course, had the Labor government been aware in 2003 that United Water had engaged in misleading and deceptive conduct, we would have taken action there and then. However, United Water's conduct only came to light years later. That is the very nature of being misled and deceived: one only finds out later that it has occurred. Under our action we are claiming that the former Liberal government was misled and deceived, as was this government up until 2006 when our suspicions were such that we undertook further action.

Ms Chapman: For the last three years?

The Hon. K.O. FOLEY: We've been in dispute for three years.

Ms Chapman interjecting:

The SPEAKER: The member for Bragg will not interject!

Members interjecting:

The SPEAKER: Members on my right as well.

The Hon. K.O. FOLEY: The government has been in dispute for three years. The true circumstances—

Ms Chapman: You don't get out of this one so easily.

The Hon. K.O. FOLEY: I don't get out of this one easily? We are suing them for overcharging under their government because of their contract.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney-General! It's going to be a long 18 days if it's going to be like this. Members will not interject, and they will not interject by way of mumbling to themselves either, which is a sign of madness. The Deputy Premier.

The Hon. P.F. Conlon: She interjects immediately.

The Hon. K.O. FOLEY: Yes, interjects immediately as you sit down, sir.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: We are claiming damages right back to the beginning of the contract is my information and my understanding, much of which claim resulted from the former Liberal government being misled and deceived because of the inadequacies of its contract.

Ms Chapman interjecting:

The SPEAKER: Order! I warn the member for Bragg. The Deputy Premier.

The Hon. K.O. FOLEY: Mr Speaker—

Mr Pengilly interjecting:

The SPEAKER: That is not an opportunity for the member for Finniss to play tag team. I warn the member for Finniss! The Deputy Premier.

The Hon. K.O. FOLEY: The government has up to six months in which to serve this action, but I can assure the house that serving will occur in the very near future unless United Water is prepared to accept the government's terms for a settlement, which is the appropriate

recovery of massive overcharges in the order of tens of millions of dollars. We do not, under any circumstances, suggest that we will not be serving. I would have thought that, as a lawyer and as a shadow attorney-general, she would fully understand processes of litigation such as this.

I will repeat that last paragraph: United Water's conduct only came to light years later. That is the very nature of being misled and deceived: one only finds out later that this has occurred. The true circumstances of the misleading and deceptive conduct have only become apparent more recently during ongoing negotiations to determine the lump-sum charges for the 2006 price review. One of the key reasons for this is that United Water has adopted a systematic approach of stonewalling requests for information about the breakdown of its charges under the contract.

Members interjecting:

The Hon. K.O. FOLEY: Members opposite may condone this type of behaviour; we do not. On no less than 17 occasions, between when the negotiations commenced on 16 December 2005 and 16 March 2009, United Water has refused, sidestepped or deflected SA Water's requests for more information—on no more than 17 occasions. Upon becoming aware of United Water's conduct, SA Water has sought comprehensive legal advice from the Crown Solicitor's Office and it has retained external Queen's Counsel.

In addition, SA Water has undertaken comprehensive financial analysis and modelling to determine the true extent of the damage caused to South Australian water users by United Water's conduct. Because of the size and complexity of the contractual arrangements, and because of United Water's approach of obstruction, deflection and delay, this has been a task that has taken many months of dedicated effort. However, it was essential for SA Water to be in a position to demonstrate a very strong case through the court proceedings before the claim was lodged with the Supreme Court.

Due to the confidentiality requirements and in order to avoid any potential compromise to SA Water's position in the ongoing litigation, I am advised by crown law that I am unable to disclose any further detail of the nature of the conduct complained of or of the precise details of how it has come to SA Water's attention. These matters could be fully disclosed to the parliament when disclosure will not jeopardise the ongoing court claim.

SA Water's claim is in the order of some tens of millions of dollars. As further information becomes available from United Water during the court proceedings, a more precise amount will be specified. The 2006 lump sum price review has not yet been finalised. SA Water is strongly of the view that the court proceedings do not have any effect on the ongoing day-to-day management of the contract.

United Water has publicly confirmed that its operations under the contract will not be affected and that United Water will continue to deliver services to customers in metropolitan Adelaide. The government and SA Water emphasise that they will continue to have full confidence in United Water's South Australian workforce providing the on-ground services to its customers.

I have previously stated in press conferences and in the media that it is highly unlikely, given the time of some 15 or 16 years, that this government will bring water service back into public control and ownership. I have already made that public over the last two weeks. The government has made an in-principle decision that we will go out to public tender for this contract, and preliminary work has begun on the procurement process.

May I add to the statement further by saying that this action by the government is on the advice of the board of SA Water, which is largely a private sector comprised board, on the advice of crown law, and some of the most senior QCs in South Australia. This action is designed to recover in the order of tens of millions of dollars for deceptive and misleading conduct by United Water that go back to the very signing of this privatisation contract. We are claiming as much for damages under the former Liberal government as we are under the Labor government.

For us not to have acted, for us to have ignored crown law advice, would have been to have been derelict and negligent in our responsibilities as a government. I find it shameful and quite unbelievable that a Liberal opposition would be attacking this government for fixing up the mess that it created.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield) (15:45): I bring up the 32nd report of the committee, being the annual report for July 2008 to June 2009.

Report received and ordered to be published.

VISITORS

The SPEAKER: I belatedly acknowledge the presence in the gallery—in fact, so belatedly that I think they have now left—of students from Mount Gambier High School, who were guests of the member for Mount Gambier.

QUESTION TIME

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:47): My question is for the Premier. How does the Premier justify his statement of 6 August 2009 that he 'would support the establishment of a national anti-corruption agency that covers the whole country', and is this an admission that the bodies currently established in South Australia do not adequately deal with corruption in this state?

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) (15:48): I cannot believe it took seven weeks to come up with that! I know that they have different priorities on that side of the house, but the fact of the matter is that we are very proud of the work that our Auditor-General does, we are very proud of the work that our Ombudsman does, and we are very proud of the work of the Anti-Corruption Branch in this state. We are very proud of the systems we have put in place.

However, there is a call around the country, by various people, saying, 'We want an ICAC.' That is \$30 million here, that is \$30 million here, that is \$20 million there, that is \$60 million there. What we are suggesting is that perhaps it would make more sense, as with the National Crime Authority, to have one ICAC servicing the whole of Australia. Our priority continues to be more police, more investment, more nurses, more doctors. You can fight amongst yourselves, you can go to the rave parties, you can let out the parolees—you can do all the things you want to do. We will get on with the job of running this state, employing more people, employing more nurses, employing more doctors and employing more police.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:49): I have a supplementary question. Will the Premier advise why he thinks that a federal independent commission against corruption is needed yet refuses to implement a South Australian independent—

The Hon. K.O. FOLEY: I have a point of order, sir. That is another way of asking the same question.

The SPEAKER: Order, the Deputy Premier!

Members interjecting:

The SPEAKER: Order! It does, in essence, repeat the original question. I will give the Premier an opportunity to answer it. The Premier.

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) (15:50): I will answer it again. What is the point of having an ICAC in every state chewing up hundreds of millions of dollars that I would like spent on hospitals, more police, fighting crime and, by the way, keeping people such as von Einem and McBride locked up—people you would let out.

NATURAL RESOURCES MANAGEMENT COMMUNITY GRANTS

The Hon. S.W. KEY (Ashford) (15:50): Will the Minister for Environment and Conservation advise the house of any recent government initiatives to encourage volunteer participation in projects to care for our state's precious natural resources?

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) (15:51): As many members would be aware, this week is Landcare Week. It is a time when we reflect on the enormous contribution that the Landcare movement has made to the

care and management of our natural resources in this country. It is a particularly important week this year because we commemorate 20 years since former Labor prime minister Bob Hawke stood alongside the National Farmers Federation and the Australian Conservation Foundation. It was a genuine coming together of groups that traditionally had not communicated. The Landcare movement was born in that substantial way.

The significance of this event should not be underestimated. It marked a new way of thinking about natural resources. It was a vision that included the use of our land alongside the protection of our environment—something that we now take for granted. Some 20 years on, community interest in caring for our land is just as strong. Again, the Labor Party has been at the forefront of renewing the way in which we think about our precious soils, plants, water and ecosystems with reforms that the Minister for Health (the former minister for the environment) made when he introduced the integrated system of natural resources management in 2004.

Here in South Australia many people dedicate their spare time, expertise and energy through sustainable farming groups, Friends of Parks groups, catchment groups, progress associations and many other community organisations to undertake relatively small but quite vital local environmental projects. They have a huge impact. Members may recall that, in June, I announced \$631,000 in small grants funding to 73 community groups. I can recall the member for MacKillop saying it was all too late and we had not given people enough time—

Mr Williams: There was no new money.

The Hon. J.W. WEATHERILL: It was all new money. They actually got cheques and I call that real money. The member for MacKillop said that this was far too short a time in which to roll out these programs, but they were all over-subscribed. There were more applications for these grants than money. The proposals were of an excellent quality and because we used a very non-bureaucratic way of assessing them—a very simple process using the natural resources management boards in a quick process; we designed a simple application form process to cut through the red tape—the community groups were able to access those funds in a timely fashion; and they did wonderful things with them.

There has been strong support for the government to build on the success of this grants program, so on 26 August I announced an expanded \$2.5 million community grants program as part of the state NRM funding for 2009-10. Today I am pleased to announce that the state government's land care, coast care and water care grants for 2009-10 are officially open. I encourage all those community groups involved in caring for agricultural land, water resources and our native flora and fauna to consider applying for a grant. I encourage them to discuss their project ideas with their regional NRM boards so that we can marry the strengths of the regional planning process with the on-the-ground approach of these community organisations.

As Landcare celebrates its 20th birthday, it is fitting that we are empowering people to work locally to deliver results on the ground that will help their community effectively respond to the broader challenges posed by climate change and extended drought. By providing this support, the government believes it can help the people to do the work about which they are so passionate in their communities. Applications for the community grants program close on 9 October and further information can be found at the NRM website.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:55): My question is for the Attorney-General. Does the Attorney-General stand by his public comments that an independent commission against corruption is not needed in South Australia or does he now support the Premier who thinks a federal independent commission against corruption is warranted? If so, is this an admission that the bodies currently established in South Australia do not adequately investigate—

The Hon. K.O. Foley interjecting:

The SPEAKER: The Deputy Premier does not like interjections when he is speaking. The Leader of the Opposition has the call.

Mr Williams interjecting:

The SPEAKER: Order!

Mrs REDMOND: Mr Speaker, I would ask you to keep the Deputy Premier under control at least while I ask the question.

The SPEAKER: I am sure he will.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

Mrs REDMOND: I will start again, sir, because it is an important question, in spite of the Treasurer's comments. Does the Attorney-General stand by his public comments that an independent commission against corruption is not needed in South Australia or does he now support the Premier who thinks a federal independent commission against corruption is warranted? If so, is this an admission that the bodies currently established in South Australia do not adequately investigate, prevent or limit corruption in this state?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:57): I stand by my comments and I support the Premier, and there is no admission or inconsistency.

DROUGHT ASSISTANCE

Ms THOMPSON (Reynell) (15:57): My question is to the Minister for Agriculture, Food and Fisheries. Minister, what recent initiatives has the government put in place in order to provide ongoing drought support for our state's primary producers?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (15:57): The state government is continuing to provide significant support to assist rural communities affected by the drought. The government has recently announced a number of initiatives aimed at both ameliorating the effect of the drought on those communities and assisting them in planning for a sustainable future.

The Planning for Recovery program open to farm businesses which have been approved for an exceptional circumstances interest rate subsidy forms part of phase 10 of the government's drought support measures. This program has played a pivotal role by assisting farmers through grants of up to \$4,000 for the development of integrated business plans and up to \$10,000 to make on-farm changes to help drought proof their businesses, bearing in mind, as people here would know, there is no such thing as drought proofing, but it is certainly of great assistance to them. Since its commencement in May 2007, the program has assisted more than 1,000 farm businesses to make on-farm changes such as modifying farm machinery for no till, improving livestock handling facilities and upgrading irrigation systems.

Another initiative is the Family and Business Mentor program. This is a new initiative that provides a peer support service for drought-affected families who are struggling with the need to make objective decisions about their future. Many farming families have been put under considerable stress by the drought and the FAB mentors program is about peers helping each other to find a way forward, to clear their mind, communicate and take steps to seek further assistance from experts in the field. It provides a go-between role, supporting the functions of formal community counsellors and those specialising in rural finance.

A trial program was funded by the government on Eyre Peninsula and Upper and Far North regions, involving 15 family businesses over a period of five months and the feedback was very positive. The full program commenced last week, with the first mentors based in Snowtown, the Birdsville Track and Mudamuckla—and that is on the Eyre Peninsula for those who do not know. The government is also recruiting additional mentors with a view to focusing on the Mallee and the Riverland.

A third notable initiative is the Irrigated Industry Support Program for 2009-10, which was announced by the government last month and which will provide eligible irrigators along the River Murray with grants based on crop type, area and critical survival needs by reimbursing them for water purchases that will help to keep their permanent plantings alive. To access these grants, irrigators will need to demonstrate the viability of their business, and if they do not have a current business plan they will need to commit to developing one in the near future.

A fourth initiative that I will mention today builds on the successful regional coordinators and task forces which have been established in the Riverland and the Mid North and on Eyre Peninsula. The state government is providing funding to support the Murray-Mallee and Upper South-East regions to form a drought recovery reference group. Mr Bill Davies has been appointed

as a drought recovery coordinator and he will work closely with the reference group to coordinate drought recovery initiatives on behalf of the local community.

These are commendable initiatives which underscore the deep commitment that this government has in continuing to support our vitally important regional industries and communities. In particular, I again wish to highlight the regional coordinators and task forces that are collectively doing an outstanding job in our regional and drought-affected areas.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen—Leader of the Opposition) (16:01): Will the Premier rule out announcing for the next state election a policy for establishing a state independent commission against corruption?

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) (16:01): I cannot rule out your announcement that you are going to be introducing a private member's bill, which one of your Liberals was already talking about before. Apparently it is being revived or revegetated or something.

The Hon. M.J. Atkinson: Resuscitated.

The Hon. M.D. RANN: Resuscitated, that's right. We have completely different priorities on law and order. I want to talk about some of the things that we have heard, including that you would not overrule the Parole Board if it made a decision to release Bevan Spencer von Einem. You said this:

Well, it would depend on the circumstances. If von Einem was 87 years old and was no threat—

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

Mr GRIFFITHS: On a point of order, Mr Speaker, I ask you to make a judgment on the matter of relevance. The question was quite specific and the Premier is talking about many other issues.

The SPEAKER: Give the Premier an opportunity to explain the relevance of what he is saying.

The Hon. M.D. RANN: If members opposite do not think that the release of Bevan Spencer von Einem is relevant to their credibility as a future alternative government then they are on a different planet, because—

Mr WILLIAMS: On a point of order, Mr Speaker, the Premier has had an opportunity to explain the relevance and I think he has failed miserably, as he always does.

The SPEAKER: Order! The member for MacKillop's opinion has no bearing in this place. The Premier, though, must not engage in debate.

The Hon. M.D. RANN: I am not; I am trying to be helpful. I am trying to be helpful to members opposite who would be extremely hesitant to move against a recommendation of the Parole Board on the issue of von Einem or McBride. In terms of this issue of corruption, the great corruption of our children is the selling of drugs. The Leader of the Opposition goes to a rave party with Sandra Kanck—

Mr VENNING: I again raise a point of order on relevance, and the Premier is now defying the chair.

The SPEAKER: I do not think the Premier is defying the chair, but I will listen carefully to what he has to say and I will pull him up if I think he is.

The Hon. M.D. RANN: It is quite clear that the Leader of the Opposition cannot handle the truth of her own previous commitments on law and order. On the issue of ecstasy, following attending a rave party with Sandra Kanck, she said, 'I mean certainly the information is that ecstasy doesn't seem to be as big a risk as a number of other drugs.' Not a risk! Tell that to the parents of kids who have died as a result of an ecstasy overdose.

The SPEAKER: Order! I think the Premier is now straying from the topic and engaging in debate.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Sir, I now seek a point of clarification.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney-General!

Mr WILLIAMS: I did not discern any difference in the Premier's response to the question between the time when you suggested that he was not defying the standing order regarding relevance and your ruling now when you suggested that the Premier is defying the standing order regarding relevance. I seek your clarification on why you made that ruling.

The SPEAKER: It is a fair question. The chair has to give a member an opportunity to make their point before determining whether they are engaging in debate or whether the member is answering the substance of the question. In answering a question, a minister may be making points that at the outset may not appear to be answering the substance of the question. I, like previous occupants of the chair, have always allowed a minister a certain opportunity in answering the question to frame it as the minister sees fit.

Likewise, in the course of debate on bills I could point to any number of instances where members have ranged very widely in debate and the practice of the chair has always been to give members a fair degree of tolerance in ranging over a number of issues before the chair pulls the member up. So, my answer to the question is that I did not rule either way with regard to whether the Premier's answer was relevant or was answering the substance of the question. I was simply providing the Premier with an opportunity to make his point and demonstrate relevance. I do, however, concede that the Premier was engaging in debate and that is why I intervened when I did.

APY LANDS, HOUSING AND EMPLOYMENT

Ms BREUER (Giles) (16:07): My question is to the Minister for Housing. Can the minister inform the house of new developments regarding the provision of housing and employment for people in the APY lands?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (16:07): I thank the member for Giles for her question, and I know how important this issue is to her. Last week I was in the APY lands to sign a memorandum of understanding between the state government and the APY executive which became effective immediately.

It is a commitment to work closely with the APY to increase the standard of housing for Aboriginal people on the APY lands. Safe quality housing for Aboriginal people is fundamental to building sustainable healthy and productive communities. South Australia is receiving \$291 million as a result of the remote indigenous housing national partnership to provide new housing and upgrade hundreds of homes across South Australia. This memorandum of understanding gives us a framework to work with the APY executive so that we can deliver real outcomes and reach our targets under the national partnership.

The MOU shares some common objectives with the national partnership agreement and these include: the increased supply of affordable, sustainable and suitable housing; to reduce overcrowding and improve dwelling conditions; to develop responsible housing management services; and to create meaningful opportunities for Anangu employment and training derived through new housing investment.

Thirty-three new houses are to be built in Amata and Mimili this year and next year, and I am pleased to say that work is underway. The federal government provides for up to 200 existing homes to be upgraded across the state and, again, the first of those upgrades is already underway. Housing construction on the lands is underwritten by long-term leases negotiated on agreed housing lots negotiated with the communities to provide stability of tenure and to create a base on which real improvement in these communities can be created.

Local communities are playing an important role in identifying location, size and style of houses relevant for their community. The MOU commits the government and the APY executive to work together on the delivery of improved housing and social outcomes for those living on the lands. With a 20 per cent employment target, the MOU provides for substantial training and employment opportunities for Anangu through involvement in the construction, maintenance and administration of these homes.

The MOU agrees to the establishment of a public housing model of management. Residents of new and upgraded houses will also receive extra support to make their tenancies a success. They will be assisted to make tenancy plans as well as participate in homemaker services and family support education. The Housing SA position on the lands has been upgraded to regional manager status, and the officer will be required to work closely with the APY executive, local communities, and other lands-based services to help ensure that the provision of this new housing has sustained benefits in these communities.

The agreement will be reviewed annually, so we can continue to build on it and improve as we learn. I look forward to working with the APY council to continue to make progress in the lands, and thank them for their effort, cooperation and commitment to their community and to these significant initiatives.

POLITICAL DONATIONS

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (16:11): My question is for the Premier.

The Hon. M.J. Atkinson: Silent Steve.

The SPEAKER: Order!

Mr GRIFFITHS: Premier, did you attend the SA Progressive Business function on 10 July 2008, hosted by Abigroup at a cost of \$2,000 per head, or any other function with bidders for the \$323 million super schools project during the bidding process, and, if so, is this permitted under the probity rules of the bidding process?

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) (16:11): I remember the last time we had questions like this. I do not want to see the Deputy Leader of the Opposition's career go so quickly down the gurgler.

Mr PENGILLY: On a point of order, I believe that the Premier has deferred greatly from the question and is, indeed, discussing the future of the deputy leader. Let me assure you that that future is bright. I believe it is relevance.

The SPEAKER: Yes; I draw the Premier back to the substance of the question.

The Hon. M.D. RANN: I was just saying that, of course, the last time I got questions 'did you attend', what was it? Applied Scholastics in Melbourne.

The Hon. M.J. Atkinson: Criminon.

The Hon. M.D. RANN: And then of course, Criminon in Melbourne. I cannot believe—

Members interjecting:

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

Mr WILLIAMS: Sir, you just ruled that the Premier should come back to the substance of the question, and he immediately defied your ruling and went straight back to where he left off.

The SPEAKER: I thank the member for MacKillop for his help. The Premier will answer the substance of the question.

The Hon. M.D. RANN: Absolutely! Can I just say this: in terms of hypocrisy the Leader of the Opposition made a declaration about not accepting donations and going to fundraisers, and then went to a \$2,000 a head, hosted—

Members interjecting:

The SPEAKER: Order, the Premier!

Members interjecting:

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

Members interjecting:

The SPEAKER: Order!

Mr GRIFFITHS: On a point of order, my question was very specific. It was about a function on a specific date. I am asking the Premier for an answer about that. It is a matter of relevance.

The SPEAKER: Yes; the Premier must answer the substance of the question. The Premier.

The Hon. M.D. RANN: I tell you what: I will report back. I do go to progressive business functions, and I do think it is important for political parties to go out and raise their own funds, because you know what the alternative is, that applies in other states. In other states they have taxpayer funded political parties—taxpayer funded party political advertisements during an election campaign. If that is what you want, then get up and say so.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: But, you know, the total hypocrisy—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —of a Liberal Party that comes in here and says, 'Oh, no! We've got different rules. We're not going to go to any fundraisers or accept any donations,' and then the Leader of the Opposition has a \$2,000 a plate function. I do not think they were just paying for the salami. Yet, I find this extraordinary, given that the last time you went through this—and if the Deputy Leader of the Opposition wants to be around in this parliament, he has to remember this—allegations were made in this parliament, supported by forgeries released by the Liberal Party, and here you go again!

Members interjecting:

The SPEAKER: Order!

STURT STREET JUSTICE PRECINCT

Ms CICCARELLO (Norwood) (16:15): Can the Attorney-General inform the house about the additional criminal courts in Sturt Street?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:15): I can, Mr Speaker. On 4 June last year, the Premier and I announced a \$48.1 million package over four years to speed up the state's court system in the interests of delivering swifter justice for all. Included in this package was the resolution to reopen the Sturt Street justice precinct as dedicated criminal courts. Also built into the package was a move to more than double DPP staff numbers, appoint extra judges and devote additional resources to forensic science. That is DNA. We recall that the member for Bragg did not want Bevan Spencer von Einem DNA tested.

The government decided to carry out this strategy in light of the fact that our tough stance on crime had led to a big jump in prosecutions. More cases are now before our courts, and this is because of our huge investment in police, innovative law making and crimes coming to light—more criminals being caught—under the Rann government. However, on the other hand, the backlog of criminal cases for the District Court of South Australia has been identified as an obstacle to progressing the government's law and order agenda. Therefore, the very cornerstone of the government's \$48.1 million strategy has been the reopening and modernisation of the Sturt Street precinct, which had lain dormant for many years.

The building at 83 Sturt Street, which had been commissioned for court operations 37 years previously, is now completely refurbished and operational thanks to the government's decision to resurrect it. I am particularly pleased to report that this refurbishment project, which has been jointly managed by the Attorney-General's Department and the Courts Administration Authority, is well ahead of schedule. Originally due for completion in November 2009, the project is now finishing some two months earlier than expected.

The courts are completed to the relevant building standards and operational requirements, and additional funding of \$471,000 has been provided in the budget for the necessary resources for an earlier than expected start date. The centrally located courts feature two large courtrooms, two cells, two jury rooms, interview rooms and ample space for prosecution and defence lawyers, witnesses, victims and court administrators.

I have been most impressed with the renovations carried out in the building; it is an excellent use of space. The building completion includes the installation of video cameras for video

conferencing, security devices and systems, modern technology and a lift for high quality disabled access. The moving in should be finalised soon, with the court scheduled to go live soon.

There has been some public criticism of the new courts by the Public Service Association. In particular, Mr Peter Christopher, the Chief Industrial Officer of the PSA, has questioned security. Any claims that the building is ill-equipped and insecure are erroneous. All aspects of the Sturt Street court precinct have been endorsed by all the relevant parties. On the matter of security, the proposed facilities combined with the integrated security procedures for the Sturt Street courts have been signed off by the Sheriff's Office, along with the Courts Administration Authority security adviser and security executive.

If the PSA had any issues with the security of the Sturt Street courts it should first have followed the normal procedures and raised those concerns with the relevant agencies. It is disappointing to think that the PSA would take its concerns directly to the media instead of dealing with them in the usual and rather more effective way. Had the PSA asked questions of the agencies in the first instance, it might have learnt that all aspects of security in the courts have been signed off by the relevant authorities.

As people enter the building they will walk through the security detector. Their bags will be placed open on a table for the Sheriff's officer to look through. People can also be checked using a hand-held wand. The jury room can be kept locked and remain inaccessible to the public at any necessary time. The witness box and the dock are as far apart as the courtroom design could allow. The courtrooms feature similar dimensions to those of previous courts at Sturt Street. The vulnerable witness room is secure and is located very close to the Sheriff's Office and has been endorsed by the Commissioner for Victims' Rights, Mr Michael O'Connell. In fact, two vulnerable witness rooms have been created at the Sir Samuel Way Building and are identical in design to the one at Sturt Street. Witnesses other than vulnerable witnesses do not generally wait in the secure area, and there are video link-up facilities between Sturt Street and the Sir Samuel Way Building if necessary. There are also lockers for Sheriff's officers and changing facilities provided in the Sturt Street courts.

I have not had any concerns from the judges about the newly refurbished courts at Sturt Street. Furthermore, Supreme Court justices have scheduled high-profile criminal trials at Sturt Street, which is further affirmation of the precinct coming up to standard. That said, Sturt Street was never intended to hold trials like the 'bodies-in-the-barrels' murders. This week Sturt Street has been deemed inappropriate to hear the Carly Ryan murder trial. It sometimes happens that, upon assessment by both legal counsel, a court is deemed inappropriate to hear certain matters. Sturt Street has only two cells, and in the Carly Ryan murder case there are multiple accused and cells cannot be shared. So, it is not surprising that this is one matter that is not fit for our new courts. The Carly Ryan murder trial can be listed in an alternative court, with Sturt Street being available to hear many other matters.

I was also interested to hear the member for Bragg criticise the Sturt Street refurbishment. I presume that the member for Bragg is out there spending the Leader of the Opposition's pledge money—so, \$100 million to \$150 million—for a new Supreme Court, as pledged by the member for Bragg: 'k'ching, k'ching', there it goes. With the refurbishment—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Oh, I'm making it up? Would you like me to go through your list of offences?

Members interjecting:

The Hon. M.J. ATKINSON: Perhaps a real inner city location with zing! With refurbishment complete, the precinct will be a comfortable, practical and well-resourced platform to tackle the state's backlog of criminal cases. Over five years, the two extra courtrooms will hear about 300 trials. This will quickly and efficiently work towards clearing the current backlog and helping to prevent further delays in case listing. Along with other measures, the precinct will minimise waiting times in the state's higher courts.

STURT STREET JUSTICE PRECINCT

Ms CHAPMAN (Bragg) (16:24): My question is to the Attorney-General. Will the Attorney explain to the parliament what is the nature of the criminal cases that will now be heard in the newly refurbished Sturt Street court, which he just described as 'many other matters'? The

Attorney-General has already pointed out the criticisms raised by the Public Service Association—and, in particular, Mr Peter Christopher—with respect to security.

However, whilst he claims in his previous statement the support of the judiciary, Justice Trish Kelly adjourned the Carly Ryan murder trial most recently when defence counsel, supported by the prosecution, made that application on the basis that the courts were not fit for multiple defendant cases. The opposition also notes the government's intention to progress the many outstanding child sex abuse cases where the protection and privacy of witnesses and victims will be paramount.

The Hon. P.F. CONLON: I have a point of order, Mr Speaker. This is way beyond anything necessary to explain the question.

The SPEAKER: I think the member for Bragg's explanation is an example of my extending the same courtesy to members of the opposition in their explanations that I do to ministers. The Attorney-General.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:25): Mr Speaker, if the member for Bragg were to look over the cause list on the Courts Administration Authority's website on any particular day, she would see that the vast majority of criminal trials have single accused, not multiple accused.

Regarding sexual abuse cases, I do not know of any government that has tried harder to reform the law of sexual abuse and child sexual abuse. Members will recall that it was this government, in cooperation with Family First, that lifted the statute of limitations that prevented sexual abuse cases before 1 December 1982 even being the subject of charges. The Liberal Party wanted to keep that immunity for sex offenders. Indeed, I have the very document in which the attorney-general (Robert Lawson), in the blink of an eye, approved the continuation of that immunity. So, if Robert Lawson—who knows what he does these days to fill his day—had had his way, sex offenders before 1 December 1982 would have gone unpunished.

I am certain that many sex abuse cases will be transacted at the Sturt Street courts, and that justice will go swifter in South Australia because of the large amount of taxpayers' money that has been devoted to the police, the Office of the Director of Public Prosecutions and the Legal Services Commission, and the three extra judges recently appointed to the District Court by this government. I note that the member for Bragg was there for the swearing in of two of them, so I think it is all-round good news for the criminal justice system in this state.

It would be very disappointing to the member for Bragg that the Sturt Street courts cost taxpayers only about \$3 million because, if the Liberal opposition had its way, it would build a Taj Mahal on Victoria Square costing between \$100 million and \$150 million for a new Supreme Court. That is the difference between the Rann government and the Liberal opposition. We are willing to invest in a modest court building—modest, but functional.

PUBLIC-PRIVATE PARTNERSHIPS

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (16:28): Why did the Treasurer award a \$323 million contract to private sector consortium Pinnacle Education for the government's super schools project, when this was \$9 million more expensive than the traditional public sector build? The Partnerships SA guidelines published by the Department of Treasury and Finance website make it clear that:

The project must be able to demonstrate that the cost to the community of the project provided by the public sector is lower than the equivalent project provided by the public sector.

Further, the Treasurer told parliament on 3 June 2009:

I have always said that if these PPPs do not provide value for money to the state, we will proceed with a very different delivery model.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:30): This is a very interesting question and it is important that I make the point: who is the shadow treasurer for the Liberal Party?

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: I say that for one very important reason, not just because there has been only one press release by the new shadow after he was prompted by a journalist. I have been attacked by and have had to debate with and confront the shadow finance minister Rob Lucas on half a dozen occasions already and my main thrust—

Mr WILLIAMS: I have a point of order, sir. It might be interesting to someone on that side, but the opposition has asked serious questions today and we are still waiting for answers.

The SPEAKER: Order!

Mr WILLIAMS: There is no relevance—

The SPEAKER: Order! The member for MacKillop needs to draw his point of order. He does not need to add any elaboration to it.

Mr WILLIAMS: Well, sir, there is no relevance in his answer to the question.

The SPEAKER: However, if he sits down I will uphold his point of order. The Treasurer must answer the substance of the question.

The Hon. K.O. FOLEY: The reason I am saying that is because Rob Lucas raised this issue about a month ago. He raised this very point a month ago.

Mr WILLIAMS: I have a point of order, Mr Speaker. The Treasurer is directly defying your ruling made not 10 seconds ago.

The SPEAKER: Order! I don't think he is. The Treasurer.

The Hon. K.O. FOLEY: As I said, it has already been raised either at a committee meeting or publicly in the press by the shadow treasurer, Rob Lucas—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: He is shadow finance, right. The deputy leader is at least a month behind. In fact, more embarrassing—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: Not at all, because I have a diligent staff—something the former leader did not have when the false email came in. I will now give an answer that I think will demonstrate why Rob Lucas is a far superior shadow minister to the hapless deputy leader and shadow treasurer.

Mr GRIFFITHS: I have a point of order, sir. The Treasurer has reflected upon me in an inappropriate manner.

Members interjecting:

The SPEAKER: Order! I presume the deputy leader is referring to the word 'hapless'. I do not think the word 'hapless' has been considered unparliamentary. No doubt, out of an abundance of courtesy, the Deputy Premier, if the deputy leader has been offended, will apologise.

The Hon. K.O. FOLEY: Being the decent guy I am—and clearly I have upset and offended the sensitivities of the new deputy leader—if he is upset by my calling him hapless, I withdraw and apologise. I do not want to embarrass the deputy leader on his first attack at me, but a press release issued by me and my colleague the Minister for Health (as the acting minister for education) states—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Wait for it. The press release of 17 July states:

...although the PPP model ultimately proved to be nearly \$9.2 million (or almost 3 per cent) more expensive than a traditional build, it did come with Pinnacle's commitment to meeting the government's extremely tight timetable for delivering the schools at a fixed price. Such a timetable would have proved extremely difficult to deliver under a traditional procurement method, and that is one of the real advantages in the PPP system; the successful tenderer carries the financial, construction and maintenance risks.

On 17 July in a public press release I explained why. Since that time, shadow treasurer Rob Lucas—

Members interjecting:

The Hon. K.O. FOLEY: Sorry, shadow finance minister Rob Lucas—I keep getting confused as to who does what—raised it as an issue either in a committee, in parliament or publicly; I cannot remember where.

Rolling into the house two-thirds of the way through question time is the new deputy leader—who was goaded into a press release by a journalist from *The Australian* because he had never put one out, who has not got up one morning and attacked me on radio and who has outsourced treasury to Rob Lucas—whose first major attack on me was answered publicly nearly two months ago. I say to the deputy leader that you have to do better than regurgitate one of my press releases from seven weeks ago.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Mr Speaker, I can say that I did read today that Rob Lucas is now on the tactics committee. I bet you that was Rob Lucas's idea to ask that question. Was it Rob Lucas's idea, because, if it was, he set you up, sucker.

Members interjecting:

The SPEAKER: Order!

PUBLIC-PRIVATE PARTNERSHIPS

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (16:36): My question is again for the Treasurer. Why does your government not have the same level of probity requirements as the Victorian government for private sector consortia bidding—

The Hon. P.F. CONLON: Mr Speaker, I rise on a point of order. I would not do this but they appear to have been sticklers for standing orders in other areas. Could the deputy leader address the questions through you consistent with standing orders?

The SPEAKER: The deputy leader will address his questions through the chair.

Mr GRIFFITHS: My apologies, Mr Speaker. The question is through you to the Treasurer. Why does the government not have the same level of probity requirements as the Victorian government for private sector consortia bidding for government contracts? In relation to a Victorian government desal project, on 13 August 2009, the Victorian Minister for Water told the Victorian parliament:

Both bidders were required to sign the probity process deed. The probity process deed...made it absolutely clear that neither bidding consortium was to engage consultants to engage in lobbying or alternatively to lobby themselves within the generally understood meaning of the term 'lobbying'.

The Victorian Premier then went on to say:

...the probity and process deed specifically prohibits the engagement by bidding consortia of people to lobby on their behalf.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:37): Firstly, can I say in reference to the Victorian Minister for Water, who is a friend of mine—I know Tim Holding well—that I, like everyone on this side of the house and I am sure members opposite, was very relieved and pleased when the search parties returned with Tim Holding safe and not injured. I was tempted to make a phone call to Victoria and see whether the search party for Tim Holding could be diverted to South Australia to look for the shadow treasurer as he had been unsighted for some weeks, but I thought better of it.

Mr Griffiths: If only it was funny.

The Hon. K.O. FOLEY: I must admit, for someone who gets hurt by the word 'hapless', I am sure it takes a lot to make him laugh. The issue of probity—fancy a Liberal talking to me about probity after the way they handled probity when they were in government. A deputy premier, a premier, tourism ministers, a whole suite of government ministers fell on the issue of probity.

Cameras ran out of tape. The probity auditor went home before the last bid; the bid went in late. I mean, for goodness sake.

I will come back to the house with a more detailed answer, because I will look at what specifics were raised, but we have the highest level of probity in our PPP processes—

Ms Chapman: You can't even find the USB file.

The Hon. K.O. FOLEY: That was the result of human error.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Unfortunately, it is very difficult for someone to prohibit a piece of reckless behaviour by someone walking out of a building with a USB stick. That is—

Ms Chapman: He's still working for you.

The Hon. K.O. FOLEY: He has been taken off the project, absolutely. I am happy the shadow—what are you now you have been demoted? Attorney-general. Not that that is a demotion.

Members interjecting:

The Hon. K.O. FOLEY: From deputy leader, I meant, sorry. I meant to say 'deputy leader'. Remember the deal the demoted deputy leader stitched up to hide Catch Tim from the eyes of the Electoral Commission when she was president of the Liberal Party. She had this incredible labyrinth of hidden little companies and whatever so she could hide Catch Tim from the eyes of the Electoral Commissioner. So don't you dare talk to me about probity.

We have extremely high levels of probity. We have a number of probity auditors on projects. We have protocols about ministers meeting or not meeting with bidders. We have a protocol on lobbyists on these issues, and I can say as a minister who oversees these projects that we have a very, very high level of probity, to ensure that we are not only conducting ourselves properly but are seen to be conducting ourselves properly. So I say to the shadow finance minister that he should make a little more effort when he is trying to make a point, instead of running into a brick wall as he has just done with this question.

OPERATION NOMAD

Mr HANNA (Mitchell) (16:41): My question is to the Minister for Police. Given the government's commitment to addressing the threat of bushfires, and the record number of police in SA, why is it necessary for patrols to be taken off metropolitan streets when patrols are sent into the Adelaide Hills for Operation Nomad, the operation which targets arsonists and bushfire high risk areas?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (16:41): We have got record numbers of police and Operation Nomad has been an outstanding success. With regard to the specifics I will check with the commissioner and come back to the member.

ROBINSON, MR S.A.

Ms CHAPMAN (Bragg) (16:42): My question is again to the Attorney-General. Why did the Attorney-General on 14 July 2009 claim in this parliament that Judge Kitchen had declined an application made by the DPP for the serious repeat offender legislation to apply, when the judgment in the case confirms that the prosecution had not even applied to have the offender declared a serious repeat offender, as they had acknowledged that the law did not apply to him, and will he now apologise to the now retired judge?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:42): I will gather the detail and get back to the house with an answer. But I certainly stand by the account I gave at the initial news conference about Shane Andrew Robinson that occurred at my electorate office on a Friday. I have, in fact, been discussing this matter with judges, and I will get back to the house with a detailed reply.

PAXTON REPORT

Dr McFETRIDGE (Morphett) (16:43): My question is to the Minister for Health. What is the status of the Paxton report, and is the minister acting on any of the recommendations of that report?

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:43): I thank the member for his question. I assume the member is referring to the Paxton report that has looked at issues to do with efficiency in management across a range of our hospitals. That report is actively being pursued by the Department of Health and its various entities.

CORRECTIONAL SERVICES OFFICERS

The Hon. L. STEVENS (Little Para) (16:44): Can the Minister for Correctional Services inform the house about the recent correctional officer trainee graduation at Port Augusta?

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) (16:44): I can—and I thank the honourable member for this question without notice. I recently went to Port Augusta to see the graduation of correctional officers, and I was very pleased to see that, after a decade of doing those graduations in Adelaide, we have finally taken them back up to Port Augusta where they belong. Now more than ever our regional prisons are providing employment opportunities for local people. The most recent batch of our graduates all live in the town in which they work. Eleven of the 12 graduates are to be posted to Port Augusta Prison, while one will be taking up a role at Cadell Training Centre. The regional prisons provide employment and bring economic security to country communities.

The latest class of trainee correctional officers have completed a three month course of theory and practical on-the-job experience to prepare them for the challenging and unique role in the state's prison system. Prison officers come from all walks of life. The most recent class included a former train driver, a carpenter, a former manager, a tyre fitter and a supervisor at the now dismantled Baxter immigration detention centre. Graduates bring with them a wealth of experience and a fresh approach to supervising and rehabilitating prisoners.

The Rann government will continue to improve existing facilities across the state. As members would be aware, the government is investing \$38 million for 232 additional beds across our prisons including 80 medium to high security beds at Port Augusta Prison. This is in addition to the 374 new beds provided for in 2007-08 and 2008-09. In total, 606 new beds will be built into the state prison system.

Mr Pengilly: What's happening with Mobilong?

The Hon. A. KOUTSANTONIS: Mobilong? Well, when you visit it, you'll know.

Mr Pengilly interjecting:

The Hon. A. KOUTSANTONIS: You're more than welcome to visit. The Rann government is also making sure that, where there is an increase in the prison population, that increased population also corresponds to staff increases. In 2008, 155 new correctional officers were recruited into the system. This year alone, 65 new officers have started work in our state's prisons, including the 12 who graduated at the end of last month.

While visiting Port Augusta Prison, I was fortunate enough to meet with and commend the staff who played a critical role in the management and the aftermath of a riot that occurred there in October last year. Many cells were extensively damaged and it is a credit to the staff's vigilance and maturity that the task of re-accommodating prisoners safely and securely was managed so professionally. I have said it before and I will say it again: I believe South Australia has some of the finest correctional officers in the country and I congratulate the latest school of trainee correctional officers and wish them well into the future.

The great thing about this course, as I said, is that after a decade of bringing that training into the city, we are now training people locally in regional areas taking the courses out to them. It is part of our process of investing in regional employment. The great thing about it is that these officers who did the training course in Port Augusta do not have to leave their families to come to Adelaide for three months. They can do it locally and it is part of our way of investing in our regions.

When the shadow minister visits Port Augusta Prison he will see the great work that those officers did in the aftermath of the riot in bringing back order to that prison and the way they equipped themselves. I was very pleased to hand out medals to the emergency response group and the officers on duty that day for the courage they showed in protecting their fellow officers and making sure that the entire prison did not descend into chaos.

What happened on that day was a great example of how prison officers are trained well in emergency management response. They did their jobs well, they responded well and the great thing about it now is that they are better off for the experience.

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: I look forward to the opposition supporting those amendments in the house. I notice that my now third correctional services shadow minister—

The Hon. I.F. EVANS: I rise on a point of order. The minister has entered debate about legislation before the house. He just told the house that he hopes the opposition supports the amendments before it. He cannot enter debate about legislation before the house.

The SPEAKER: If it is an infringement, it is a fairly minor infringement of the rule about pre-emption, but I think the minister has concluded his answer.

MAJOR PROJECT DEVELOPMENTS

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (16:49): I table a copy of a ministerial statement relating to parliamentary questions about the proposed Stansbury marina and Myponga/Sellicks Hill wind farm development made earlier today in another place by my colleague the Minister for Urban Development and Planning.

GRIEVANCE DEBATE

SOMERTON PARK MINI WIND TURBINE TRIAL

Dr McFETRIDGE (Morphett) (16:49): Good news has just arrived on my desk with a press release from the Department of the Premier and Cabinet saying that the proposed mini wind turbine trial at Somerton Park has been pulled. Over the last few weeks there has been quite a bit of distress caused in the local community at Somerton Park over a proposal to place four mini wind turbines on top of the Somerton surf lifesaving club.

I declare that I live about a hundred metres from that surf club and if I stood on my front balcony I would be looking at the roof of that surf club. I have no hesitation in acknowledging that. I, for one, was concerned about the surf club turning from a beautiful building into something that was going to look like a fortress out of Mad Max with four wind turbines on the roof of it.

This proposal has not gone away. I understand that the government has bought these four wind turbines already. It purchased them before any public consultation on where they were going to go, particularly, on top of the Somerton surf club. When the member for Bright was asked on 891 ABC Radio about the proposal to place these wind turbines on the Somerton surf club she had no idea about it. So, not only were the local residents not consulted about these mini wind turbines but neither was the member for Bright (into whose electorate the Somerton surf club is going; it is leaving my electorate, unfortunately.) The local member had no idea about these mini wind turbines. Not for one minute should anybody think that the residents in Somerton Park and I, for one, are not in favour of using alternative forms of renewable energy to produce power.

The Hon. R.J. McEwen interjecting:

Dr McFETRIDGE: If the member for Mount Gambier wants to have these on top of any building in Mount Gambier, I suggest he consult with the local residents first because 91 per cent of local residents—not just me as a resident there or me as the local member but 91 per cent of the local residents in the area—rejected overwhelmingly this proposal. Can I just say that in the first letter she put out, the member for Bright stated:

Your local council, the City of Holdfast Bay, recently voted to allow the installation and trial of four mini-wind turbines on the roof of the Somerton Surf Life Saving Club.

Now, they did not vote to allow that; they gave in-principle support for them provided there was positive community feedback and, if the surf club agreed, then the council would look at that.

I should say that that was actually moved in confidence after the former Labor candidate for Morphett, councillor Rosemary Clancy, moved that the council discuss this in confidence and then even the in-principle support for it was moved by the current Labor candidate for Morphett, councillor Tim Looker. So, whether there was any discussion about the strategy, I do not know, but it is just a coincidence. This whole issue was put up in secret, discussed by the council in secret, and then, when it really hit the fan, it was overwhelmingly rejected by the citizens of Somerton Park.

A letter that has been circulated today by the member for Bright indicates that the council will still need to make its own decision about what it does, but, as far as she is concerned the Rann government no longer supports the project. Well, this was a state government project, and the president of the Somerton Surf Club said this on two occasions on 891. On 1 September, Steve Cornish said, 'The proposal for the club is a state government project.' Later on, he said again, 'This is a project of the state government.' It was not a council project, it was not a surf club project, it was a state government project.

The soon-to-be local candidate for the Labor Party—because she will be the candidate in the new part of the electorate—had no idea about it. Perhaps it was payback for raising the issue of nuclear power, I do not know, but she had no idea about it. She went into panic mode because she realised that local residents did not know anything about it. Maria Kourtesis, the candidate for the Liberal Party in Bright, went out there. She door knocked, and she alerted the candidates with some of the local councillors, and 91 per cent of the residents overwhelmingly rejected this proposal, on which the government has already spent \$295,000 to buy four mini wind turbines.

There was no engineering study, no wind studies, no real case studies, but, 'We'll buy them; we'll stick them on the building, and the residents down there can suck it and see.' Well, that does not happen, not down in Somerton Park, not when you have Maria Kourtesis out there working hard and not when I am out there as a resident and also as the local member getting grief from the local residents about not being spoken to, not being consulted. The government goes out there, spends the money, acts first and thinks later.

APY LANDS

Ms BREUER (Giles) (16:54): I want to first of all reflect on the question I asked the Minister for Housing today about housing in the APY lands. I recently spent a week visiting the APY lands, and in every community I visited concerns were expressed about housing or the lack of housing. Until we resolve that issue in the APY lands we are really not going to have much progress in addressing many of the other issues such as domestic violence, neglect of children, literacy levels in young people, alcohol problems, petrol sniffing, etc. When you have a number of people living in a house and no prospect of getting something else, life is pretty bleak. As someone reflected, if you take away people's hope you do not leave them with very much. I am pleased, and I just hope that we can get on now and get those houses which are desperately needed.

I spent a week in the lands, as I said, and there were many issues, and I will probably reflect later in the week on more of them. I want to tell you a good news story about the lands. One of the biggest issues in the week that I was there was the dance competition that was coming up the following week between all the APY schools. Every year every student on the APY lands, from reception to year 12, participates in this event, which is always held at Pukatja, or Ernabella, as it is more commonly known.

Families and school staff, right across from Watarru (which is in the furthest regions) to Indulkana travel to Pukatja to watch and cheer on their children. It is an amazing event. They were expecting about 400 children and about 1,500 people all up in the community. However, the week before this event was due to go on it looked as though the event would have to be cancelled because the Pukatja toilets, the ablution blocks, were completely out of action. I visited those toilet blocks, and I was quite shocked at the state they were in. They needed substantial repairs and cleaning, and it seemed very unlikely that this could be done by the following Thursday when proceedings were due to start, mainly because of the issue of trying to get anything done quickly in the lands. It certainly is a problem when you have to bring in people from Alice Springs or wherever.

This problem was raised with me, and it looked bleak, as I said. However, I decided to see what could be done. The following weekend I spent in Alice Springs and I visited a number of organisations. One of those was a meeting with the new CEO of AP Services on the Sunday

afternoon. We met and discussed the issue of AP Services in the lands, and there are some real issues that need to be resolved over the next few months.

I was very impressed with the new CEO, Leonie Cameron. I explained to her, at the end of our meeting, about the situation at Pukatja, and asked her if there was any way that they would be able to help and I was amazed at the results. The next day I spent travelling back to my electorate—it took all day—in Whyalla. Tuesday morning I opened my email and I found an email from her saying that repairs had started at 7 o'clock on the Monday morning, clean-up had gone on and was nearing completion, and there would be no problem with the event going ahead.

It was just quite amazing to see the amount of work that AP Services had done. There are something like 12 toilets and 30 showers in that block, and they were able to clean up, organise, and get them all ready for the competition. It was a wonderful good news story, and I want to express my congratulations and thanks to the people who were involved. It was not a pleasant task. Those involved were: Anthony Quinn and Richard Khan (whom I met while I was there), Michael Hanson, David Grimson and Kim Barnsley, and work experience workers Stanley Doolan and Michael Evans. This was a job that was well above what they would normally be expected to do. They did an excellent job, and I am sure that all the young people in the APY lands were grateful for it. I also must say congratulations to Mimili, which won the competition. I wish I could have been there, but I hope that I can go next year to have a look.

A number of other issues developed during the week. One of the biggest issues is the negative impact of the recent federal government changes to funding for the delivery of municipal services and also employment programs in the lands. This was a very big issue. CDEP workers are no longer able to work on the rubbish collection or landscaping activities, which has significant implications for the young men who worked in those jobs. Basically, council officers in the local communities, the local community councils, were very badly affected. No funding is foreseeable and they are really at a loss to understand what their future may be. Their offices are empty. This is a major problem which needs to be addressed, and I will discuss this with the Minister for Aboriginal Affairs and Reconciliation.

KANGAROO ISLAND, INFRASTRUCTURE

Mr PENGILLY (Finniss) (17:00): Last week, the Kangaroo Island Council sent out a cry for help—an absolute plea for assistance—which was, to a large extent, as a result of years of frustration over its incapacity to service its area with the funds available to the extent it should be furnished. The council commissioned a report by Access Economics into the possibility of a traveller's levy/tax for Kangaroo Island. This received some coverage in the media, and I have been listening with interest to the public debate that has taken place since the announcement, and I will follow with interest the public debate over the next few weeks.

As I said, this was a plea for help. Over 40 per cent of Kangaroo Island's ratepayers do not live on the island. Kangaroo Island has a resident population of 4,500 and a limited rate base. Of course, over the past 12 months or so, the council has been trying to accommodate about 185,000 visitors with limited resources and a lack of both state and federal government funding to assist it.

It is simply not feasible for this council to look after its 1,300-odd kilometres of road. Given that under 200 are state arterial roads and looked after by the Department for Transport, Energy and Infrastructure, it is impossible for the council to look after those other roads, many of which are over 50 years old and, in some cases, much older than 50 years. The gravel roads (ironstone gravel and some limestone) are deteriorating rapidly, particularly the ironstone roads.

This all goes back many years and the history of it is long and arduous. When the Brown government came to power in the early 1990s, premier Brown put in place the Premier's Infrastructure Fund which sealed the South Coast Road, the West End Highway, and put in a desalination plant at Penneshaw (the first one in the state) and did things at the hospital and so on. Unfortunately, the Rann government on coming to office failed to top up this fund and, accordingly, little or no money has been spent since. Therefore, things have only deteriorated further.

In addition to that, the sea passage between the island and the mainland from any two points still has not been declared an extension of the national highway which also adds to the cost of doing business on the island, and it is just getting more difficult. I am concerned where this may lead. We are yet to see anything come from the government on where it may or may not go, bearing in mind that it would require special legislation. I am not sure where the government is up

to with that and, quite frankly, until such time as something comes before the house, it will be difficult for this side of the house to formulate an opinion on it.

The reality is that—and the Mayor of Kangaroo Island Council, Jayne Bates, made some comments during the course of her media interviews on this—it may be necessary for the council to start shutting down roads, which will be a dreadful thing for both residents and visitors alike. It urgently needs a reintroduction of a major fund to fund this infrastructure. Roads such as the North Coast Road in its entirety—and I point out that I have a property along there and therefore a conflict of interest, I guess—also the Cape Willoughby Road along the Dudley Peninsula are two major tourist roads that are inhibiting the safe passage of both residents and visitors. It is also inhibiting the potential for small businesses to start up and put in place better and more regular facilities for food, wine, dining and accommodation.

I say to the house that they are facing a very difficult time on Kangaroo Island. We still have, as I have mentioned before in this place, these layers of bureaucracy with numbers of CEOs and all these other things that go with it. My view is that this still has not been rectified. We need to revisit that, but first and foremost the government has to have a very serious look at where the council is at financially.

Time expired.

WATER SECURITY

Ms CICCARELLO (Norwood) (17:05): Benjamin Franklin once remarked that, when the well is dry, we know the worth of water. More than 200 years later, as our country and state weather one of the most severe droughts on record, I am pleased that the Rann government has always recognised the importance of those words and acted decisively to ensure that that figurative well never runs dry.

Without question, water is one of the most debated issues in South Australia today. Whether it is a desalination plant, water restrictions or the fate of the Lower Lakes, it seems that everyone has an opinion on how best to secure the water future of this state. Whilst I welcome and encourage debate on these important issues, I take enormous issue with those who claim that the government is not doing everything it can to find practical and effective solutions to our water needs.

One simply has to read our recently released plan, Water for Good, which guarantees South Australia's future water security to 2050 and beyond in order to realise that we are 100 per cent committed to ensuring that our state remains a world leader in water management. Of course, all of this is anathema to the opposition and, given the fact that they have nothing to work with, I am particularly interested though hardly surprised that they seem hellbent on attacking our stormwater harvesting credentials.

It is an easy target, given the recent heavy rains and the perception that all that water simply flows away, but as usual it is way off the mark and simply highlights the opposition's total lack of any viable alternative policies. You only have to look at our record to know that the Rann government has always been totally committed to investing in stormwater projects, and there is no better evidence of this than the fact that South Australia now leads the nation in stormwater capture and re-use.

Five years ago, as part of our Waterproofing Adelaide strategy, we pledged to increase our annual stormwater re-use to 20,000 megalitres. I am very pleased that we will soon exceed that target, but importantly we will not rest there. That is why we set up the Stormwater Management Authority in 2007 and tasked it with the important mission of maximising our stormwater potential. That is why we are committed to implementing the findings of the Urban Stormwater Harvesting Options Study, which recently determined that it was technically feasible to capture 60 gigalitres of stormwater in the metropolitan area and a further 15 gigalitres in regional South Australia. That is why we revised our original water blueprint to commit this government to doing everything it can to achieve this by the year 2050.

As I have already said, we are already well travelled on the road to this ambitious target. We have already committed to harvesting more than 1.2 billion litres at Cheltenham Park and we have given support to many smaller projects such as the green village of Lochiel Park and implementing stormwater reuse on metropolitan golf courses. In July this year, we submitted a bid to the commonwealth valued at \$145.1 million for a further seven stormwater projects across the metropolitan area. These include projects at the Adelaide Airport, Riverside Golf Club, Old Port

Road, Adelaide Botanic Gardens and Barker Inlet wetlands as well as further stages of Water Proofing Northern Adelaide and Water Proofing the South. These projects will harvest up to eight billion litres of stormwater for treatment through aquifer storage and recovery schemes.

This is just the beginning of our stormwater plans, and I am excited about what we will be able to do in the future. However, we cannot do it alone and, to this end, I would like to pay tribute to the many stakeholders involved in ensuring that successful stormwater harvesting becomes an increasingly viable reality. I am sure that everyone is aware of the pioneering work done by the Salisbury council in this field, and I thank it and all the local councils around the state for coming on board and playing their part.

I was also heartened to see recently that the NRM board gave some funding to inner suburban councils, including Norwood Payneham & St Peters, to do a study on how stormwater could be collected in inner suburban areas. There is no question that the target we have set is ambitious and expensive, but with continuing collaboration between all levels of government and the private sector it is definitely within reach.

BAROSSA HOSPITAL

Mr VENNING (Schubert) (17:09): Madam Deputy Speaker, before I begin my speech I want to make a comment about question time today when some very important questions were asked on this side of the house. Time and again, no attempt was made to answer those questions. I believe it is a travesty of what this house stands for. It is question time, after all, not statement time. I believe that the questions that were raised, particularly in relation to an ICAC, should have been treated seriously and answered in full, because the people of South Australia expect us to do just that.

Last year, funds were allocated in the state budget for a business case to be undertaken relating to the construction of a new health facility in the Barossa: a new Barossa hospital. Despite the funding being announced on 5 June 2008, a working party to formulate the business case was not formed until November. It can be alleged that this was a deliberate tactic so that the business case was not completed prior to this year's state budget—and there was no mention.

The Barossa community was grateful that some money was put towards examining the construction of a new health facility. However, to date, despite the report being completed, it still has not been released and now everyone is quite anxious about what is happening.

The business case should be made public so that the community can see what the proposed hospital entails, if in fact it supports its construction at all, and how much money is needed from the government to make it a reality. Also, it may highlight what the funding options are, and there would be several. I believe the report will make a compelling case for a new health facility development.

The Barossa region pays more than its fair share of taxes. It is a large source of revenue for the state government, but what have we seen in return? I implore the Rann Labor government to release the business case to the public as soon as possible, and I will be speaking to minister Hill this afternoon about that. I am happy to keep the politics out of it if he wishes to confide in me and give me any information at all. Trust is involved here, and he can trust me.

The Hon. M.J. Atkinson: Trust you? Kevin Foley did.

Mr VENNING: I am sure the report will echo what I and many in the community have been advocating for a long time. We urgently need a new hospital. When the Liberals were in government, the Hon. Dean Brown pledged to build a new hospital in the Barossa—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: —and preliminary planning work had begun.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: However, obviously, with the change of government it did not come to fruition—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: —and it has been on the back-burner ever since the Rann government came to power.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: I have said it before in this house and I will say it again—

Mr PENGILLY: Madam Deputy Speaker, I rise on a point of order. The interjections from the Attorney-General are detracting from the business of the house.

The DEPUTY SPEAKER: They are not helpful?

Mr PENGILLY: No.

The DEPUTY SPEAKER: Attorney, I ask you to refrain from interjecting.

Mr VENNING: I have said it before in the house and I will say it again: I am amazed that patients receive the high standard of service they do at the Angaston and Tanunda hospitals, particularly in the dilapidated Angaston facility. The staff who work there are fantastic and provide a wonderful service, but the facilities we ask them to work in are a disgrace, and at the moment they are particularly bad.

The Barossa Council has agreed to let the state government build a brand new hospital on council land next to the planned Barossa health and fitness centre, but there is still no commitment from the Rann Labor government. Maybe I should be appealing to the federal government for funds. That may have to be an option.

I ask minister Hill to release the business case now. It will reiterate what I have been advocating for the past 10 years. We have only six weeks left of this parliament; 18 days of sitting. I hope that in the run-up to the March state election this issue will feature prominently in the election manifestos of both major parties. People can be assured that I will do all I can to ensure that it does. The Barossa deserves a new hospital.

I also want to inform the house about the very bad condition of Gomersal Road, which is an issue that I have raised in this house for many years. I was very pleased to see the previous Liberal government seal it. However, this new highway, which opened in 2005 and which was an initiative of previous minister Laidlaw, has eight times the expected traffic volume on it, with huge, heavy loads, and it is worn out. It is rough, potholing and dangerous and far in excess of the financial capacity of the Light and Barossa councils to address it. It should immediately be transferred to state government control and responsibility. I drive on it regularly, and the tailgate actually goes 'ching'. I am saying this because, if there is an accident there, there is going to be a paper trail. I have brought this up before. I believe that this is before the Minister for Transport, and negotiations are taking place.

The Hon. M.J. Atkinson: A paper trail to your deficit.

Mr VENNING: I can't believe this is the Attorney-General, chucking insults like he does across the chamber. Irrespective—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr VENNING: I am appealing to the minister to address this for the sake of safety and people's lives.

The DEPUTY SPEAKER: The member may have 30 seconds more if he wishes.

Mr VENNING: Thank you, madam. I appreciate that very much, because I think that is the first time I can remember that being done after deliberate delaying tactics from the other side. I understand that the minister has this issue before him, that is, a swap with the councils involved. Most of this road is in Light council and a small proportion is in the Barossa council. I understand that the minister is trying to arrange a land swap between the council and the state government. I ask the minister to speed it up so that we get the money to have this road fixed before any of my constituents, or anyone else, is hurt.

Time expired.

MAWSON ELECTORATE, COMMUNITY EVENTS

Mr BIGNELL (Mawson) (17:15): The last few weeks have been very busy ones, as they usually are in the electorate of Mawson, but I want to touch on a few events that have taken place lately, the most recent of which was on Saturday night and the awards night for the Willunga Farmers Market. I know many people on this side of the house are regulars at the Willunga Farmers Market, including you, Madam Deputy Speaker, and our tourism minister (Jane Lomax-

Smith) and, of course, the Premier (Mike Rann), who opened the market two years ago in its new location in the heart of Willunga.

At the awards night at the Clappis family home at Willunga, the outstanding service award went to Ray Seidel. The value-adding producer award went to Hardings Fine Foods (and congratulations go to Tony Harding and his family on the outstanding olive oil and other produce that they sell each Saturday morning at the Willunga Farmers Market). The grower of the year was Starlight Springs, and Ian and Colleen, who are fantastic growers at Myponga who have great produce each and every week. The best customer service award went to McLaren Vale Orchards, while the favourite stall was Australian Happy Foods, run by the Clappis family. Congratulations go to Anna, Andy and their girls for their fine stall each and every Saturday. I always say they have not seen people queuing for bread like they do at the Happy Food stall since the bad old days of the Soviet regime in Moscow.

On Friday, we had the opening of the new buildings at the Southern Vales Christian College Aldinga campus. Four or five new classrooms were opened. It was great to go along and hear from not only the officials at the school but also their students and, in particular, the campus leader, Lachlan Barnett, and the campus vice-leader, Sharaia Coppen. Also, we were welcomed by the head of the Aldinga campus, Mr Ian Bartsch, and the college principal, Mr Andrew Clayton, and the dedication was carried out by the Reverend Dr Barry Manuel, who gave a fine dedication that was much appreciated by invited guests, teachers and, of course, the students, who are looking forward to moving into their new classrooms.

They are also looking forward to the improvements at the school that will come about through the Building the Education Revolution money. It was interesting to talk to some of the people at the school afterwards and hear their thoughts about the criticisms the federal opposition is levelling at this spending, because they see it as money well spent and cannot work out why the opposition, or anyone else, would criticise the sort of infrastructure that is going into our schools in South Australia. I know that just within the seat of Mawson more than \$25 million is being spent, and it is very much welcomed by students and parents at the various schools.

Willunga High School is receiving \$7.5 million, which has nothing to do with the Building the Education Revolution: it is, in fact, state government money that we have fought hard for. I met with the principal at Willunga High School last Friday also, and that is all progressing well. Hopefully, we will have building underway by the end of November.

On 22 August I attended the opening of the Onkaparinga Rugby Club's new facilities. Of course, Madam Deputy Speaker, you were there, as was the health minister (John Hill) and the federal member for Kingston (Amanda Rishworth). The federal government and the state government each contributed \$100,000. I congratulate Nigel Phillips and everyone else on the committee at the Onkaparinga Rugby Club. They have done a great job of putting together a very professional proposal to get this funding, and it is a great new facility that will be used by the Onkaparinga Rugby Club and many people in the south who are members of that club.

The 40th Almond Blossom Festival was held in early August, and Premier Mike Rann came down. There was a great parade in the main street of Willunga. As always, we saw the local Willunga CFS lead the parade, and this year they had a brand spanking new truck—thank you very much to the emergency services minister. It was very much appreciated by the volunteers in the CFS at Willunga.

Also, I recently hosted a wine forum here at Parliament House, attended by the head of Austrade in Moscow (Mr Dan Tebbett), who does a magnificent job over there. He came to Parliament House to talk to winemakers from not only McLaren Vale but I also invited some from Clare and the Barossa Valley. They were able to get an update on what is happening in the Russian market and, of course, I have told people here before that in the next few years we are going to sell plenty of wine to the place with the second biggest oil reserves and the biggest gas reserves.

MEMBER'S REMARKS

Mr PENGILLY (Finniss) (17:20): I seek leave to make a personal explanation.

The DEPUTY SPEAKER: Does the member claim to have been misrepresented?

Mr PENGILLY: Yes, I do. Madam Deputy Speaker, this morning, during the course of the debate on the Fire and Emergency Services (Review) Amendment Bill, the member for Morialta, in response to a speech that I gave, implied that I left out the Metropolitan Fire Service. That is far

from the truth. The fact of the matter is that I have very cordial relations with the MFS. Indeed, the MFS is in the regional city of Victor Harbor. From my time on the CFS board, of which I was presiding member for five years, I had numerous discussions and negotiations with the MFS. I absolutely and categorically refute and reject the allegations made by the member for Morialta. It is a nonsense. The fact remains—

The DEPUTY SPEAKER: Order! The member is entering into debate.

Mr PENGILLY: Madam Deputy Speaker, I accept your ruling. The fact remains that I reject the assertions made by the member for Morialta.

The DEPUTY SPEAKER: Order!

Ms SIMMONS: Madam Deputy Speaker, I have a point of order. I have a correction to make. In no way did I—

Members interjecting:

The DEPUTY SPEAKER: Order! There is no point of order. There may be a personal explanation.

Ms SIMMONS: The point of order is that the member for Finnis was incorrect.

The DEPUTY SPEAKER: That is not a point of order.

LEGISLATIVE REVIEW COMMITTEE

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:22): I move:

That the Hon. I.F. Evans be appointed to the Legislative Review Committee in place of Mrs Redmond.

Motion carried.

RIVER TORRENS LINEAR PARK (LINEAR PARKS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

SECOND-HAND VEHICLE DEALERS (COOLING-OFF RIGHTS) AMENDMENT BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 31 printed in erased type, which clause being a money clause cannot originate in the Legislative Council but which is deemed necessary to the bill. Read a first time.

Mr VENNING: I have a point of order, Madam Deputy Speaker. Will you explain to the house the meaning of that message? Are they giving us instructions?

The DEPUTY SPEAKER: The Legislative Council is simply pointing out a fact, which no doubt we would have noted.

FIRE AND EMERGENCY SERVICES (REVIEW) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3661.)

Ms CHAPMAN (Bragg) (17:25): What is important, minister, is that you not only have the responsibility to progress the reform on governance and ensure there is a legislative responsibility on land owners (both private and public) but you also have the responsibility in cabinet to make sure that funding is available to do the things that are necessary for the public and private landowners to actually undertake their work. It is a question of funding, but it is very significant when it comes to public lands, because cold burnings cost money and dealing with adequate breaks costs money. On public land that is a public responsibility.

So that we do not have the carnage that we saw on Kangaroo Island—the absolute destruction of natural infrastructure and flora and fauna to which I have referred—it is necessary that the commitment is made. The answer to how that is dealt with is for you, minister. In the cabinet, when it is deciding that it will spend \$47 million on carpet and cabling for a new headquarters for SA Water in Victoria Square or making a decision to spend \$42 million to build a new film hub at the Glenside Hospital, you need to fight for the people of South Australia to get your share of the money to make sure those programs are undertaken.

The Hon. M.J. ATKINSON: I have a point of order. The member for Bragg keeps referring to the minister in the second person singular when she should be addressing her remarks through the chair. Madam Deputy Speaker, you are not 'you' but, rather, Madam Deputy Speaker and the member for Bragg's remarks should be through you.

The DEPUTY SPEAKER: That is sufficient. I understand and uphold the point of order and ask the member to address her remarks through the chair.

Ms CHAPMAN: Thank you, Madam Deputy Speaker, and I thank the Attorney-General for his guidance because it is useful for a change. He is absolutely correct. It is the responsibility of the minister in cabinet to secure those funds.

The other thing you have to do when you present to us legislative reform of issues such as how we manage the Native Vegetation Act is to make sure that there is some sort of balance between the protection of our natural environment and adequate protection of those who might access and use it. For example, it is very important to remember that, while we will now impose this responsibility on landowners, the Native Vegetation Act has been used to date to intimidate people in the community into not actually undertaking the responsibility which we are about to impose on them.

I use myself as an example. In 2005 there was a fire on a property on Kangaroo Island and for part of that property I was the registered proprietor. That property had a cold burn done on it with a permit. The occupier of that property was my father. He had been managing that property for 55 years and he regularly ensured that cold burns were done. The fire occurred while he was alive and still in charge of the property. Nearly 18 months after he died the department of environment came along and said that we—that is, me and my brother and my sister (who own parts of this property but which I no longer own)—were responsible for breaches of the Native Vegetation Act. In that correspondence they were threatening to investigate, which they did. They threatened to prosecute. Eventually they gave up, but not after a considerable period and extraordinary cost, costs which I asked the department at least have the good grace to pay, but it has made no contribution.

I am not here to complain about that but I am here to tell the parliament, and in particular the minister, that it is important that individual people in the community are not intimidated by a regime of legislation or regulation, or the environmental police who prosecute and police it. Not only did they not pay in that instance but in December 2007, when a fire ravaged the parks on Kangaroo Island, including the Western River National Park (which borders the subject property to which I have referred today), not a word of thanks came from the department for environment for the huge tracks that had to be put through on that same property to protect all the landowners east of that property, which it did. Not a word of thanks from the department. What did they do in the end? They said, 'We will help rehabilitate some of that. We will pay half the cost.'

This shocking carnage to the environment occurred because the current legislation in respect of firebreaks is not adequate. It means that, at the time of the hot tempo of a fire and in a hurry, bulldozers have to go in, fences are cut and you wreck the environment. It is really important that the minister appreciates that we will impose a legal obligation on both public and private landowners today. As the minister responsible in cabinet, he has to ensure that the money is available for that to happen and that the people in the community who are private landowners—and separate from the obligation that he and his fellow cabinet ministers will have in managing public land—are not fearful of prosecution and that they take pride in their properties which they love. They enjoy living in those environments and they may earn a livelihood from it as well.

Many people in my electorate live in the Adelaide Hills. It is a beautiful environment in which to live, but a shocking hazard if you have a neighbour next to you, public or private, who fails to protect the rest of the community properly, for example, by leaving fuel to build up on that property. We could have all the reports in the world, I can keep going to funerals and I can keep coming into the parliament and screaming about this—and I will, if necessary—but this government now has the opportunity to ensure that we are protected. Prior to our passing this legislation allowing for governance reform to provide the efficiencies, the government needs to assure us that there is adequate funding and access for those landholders to undertake that responsibility.

Finally, in relation to the transfer of litigation to the industrial court, I am not satisfied on anything I have read, including the review document, as to why that is necessary or appropriate. I think some comments have been made on this already. However, it is pretty obvious that the government has announced that it will transfer many industrial relations matters to the

commonwealth. I do not know whether this is to give the industrial court more work, but I think it is incumbent on the minister to explain to the parliament why it is appropriate that that area of litigation needs to transfer to that court.

Time expired.

Mr HAMILTON-SMITH (Waite) (17:33): I rise to indicate that I will be supporting the bill and I commend the minister for bringing it to the house. I am sure the government cares about protecting the community from the risk of bushfire as much as the opposition, and I think we need to work together on this bill, if possible, to improve it. I represent the electorate of Waite, which includes the precinct of Belair. I noted earlier in the year media reports about modelling done by the CFS and the Victorian fire authorities over 10 years ago, but never publicly released, that claimed that more than 300 people would die in the first hour of a major bushfire in the Adelaide Hills because of terrain, fuels, a lack of awareness, panic and a lack of planning.

In the same reports, the media indicated that at least 50 people could die on the notorious Sheoak Road in Belair (within the electorate of Waite) either trapped in their homes or trying to flee in cars. I can confirm that there is a real concern about this in my constituency and that is why I will be supporting this bill. I think it is a step in the right direction, but perhaps it could go further. I will be moving an amendment to do that and I will refer to that in a moment.

The area of Belair is just one spot in the Adelaide Hills at risk of a Victorian-style disaster; if you can imagine, as has occurred in the past, multiple fires on an extreme day approaching Belair from the south, the west and the north, and possibly even from the east. We have had fires up Brown Hill Creek. We have had fires come up through Sleeps Hill. We have had fires coming up through the Belair National Park. It is conceivable they could come from the south as well.

There are few escape routes from Belair—the commonly known Windy Point Road, Old Belair Road, possibly down to the roundabout and down through Flinders. It is conceivable that thousands of people could be trapped on an extreme event day. I have no doubt there would be massive loss of life and massive damage to properties and housing. That is why I organised a public meeting in my electorate on 17 August at St John's Grammar to bring the community together.

I can report to the house that nearly 300 people attended that meeting and we canvassed a range of issues. It was drawn to the attention of the meeting that the Victorian Bushfires Royal Commission report (which was tabled that same day) confirmed that 173 people had died, over 2,000 homes had been destroyed, 5,000 farm animals destroyed and 70 communities devastated. Sadly, it seems many of the recommendations in the Victorian bushfires report have been echoed in earlier reports.

I thank Euan Ferguson, the Chief Officer and CEO of the South Australian Country Fire Service, for attending that evening and speaking to the meeting. I also thank Chief Superintendent Silvio Amoroso who was in charge of the excellent Operation Nomad which involves police patrols visiting convicted firebugs. I think it is a very successful program. I also thank Ivan Brooks, the Mayor of Mitcham, for providing a local government perspective to some of the challenges we face. I think such meetings are very important in ensuring that the community is informed and that there is a two-way exchange of information.

I certainly came away from the meeting with the view that the state government should seek to complete and publicly release updated modelling of bushfire risks in the Adelaide Hills in extreme conditions. The Hills population has grown in recent years, and we need to know how many lives and homes are at risk. I know some of this modelling could be shocking and quite scary but I think shock and fear are appropriate. We use such methods in our road safety messages, and we use it for drug and alcohol prevention. I think there is a case to use it for bushfire prevention and preparation because a lot of people are not getting the message.

Based on that up-to-date modelling of extreme conditions risk, I think there should be a complete and full audit of our ability to respond and cope with the Victorian style and scale of bushfire disaster in the Adelaide Hills and new action to ensure that bushfire awareness and preparation plans (including local action plans by households, street by street, suburb by suburb) have been heard and acted upon by local communities.

There should be funding, in my view, to ensure that bushfire evacuation plans for schools, aged care centres, childcare centres and hospitals in high-risk fire zones are prepared and

rehearsed. We need to start taking this really seriously and we need to start rehearsing some of these emergency measures.

Others have spoken about the positive measures in the bill: its replacement of the three-tiered framework for bushfire mitigation down to a two-tiered system; providing the ability to establish bushfire risk areas in urban communities; replacement of the current advisory board, etc. All of those are good measures. I would observe, though (and I made this point at the briefings and I thank the government and the officers who attended) that I think the tenor of the bill is very much the protection of property where my prime focus is on the protection of lives which I think is implicit in the bill but which needs to be enunciated more clearly, in my view, and that is why I will be moving an amendment.

I want to bring the attention of the house to some excellent work done by the Parliamentary Library on this subject. In its work 'A Survey of Bushfire Report and Inquiry Findings: South Australia, Victoria and the Australian Capital Territory' by Dr Robert G. Richardson, who was a contract research officer, the parliamentary library has drawn to the parliament's attention that bushfire awareness and preparation stand out as the key challenges in preventing these disasters. I want to quote from some of this research because I think it is very pertinent and, sadly, it foreshadows recommendations contained in the royal commission's findings in Victoria.

It seems that governments around the country and communities learn the same lessons over and over again, fire after fire, yet we never seem to quite get it right in terms of preventing those tragedies from recurring. For example, on page 1 of the report, the parliamentary library observes that in the wake of the disastrous South Australian Ash Wednesday bushfires in 1983, the 'Report of the Review Team on the South Australian Bushfires' concluded that an effective emergency management plan must ensure that citizens are adequately prepared for a bushfire.

I think these are very pertinent words. It is not the 300 people who turned up at my public meeting really that we need to get the message through to. They are motivated enough to come and learn and listen. It is the vast apathetic silent majority that I fear are not getting the message. They may be getting material in their letterbox and they may be hearing the message but are they listening to the message? Is it really sinking in? I fear that some of these people will be the ones who panic on the day, who make the wrong decisions on the day and who die on the day because we have not made them listen.

The parliamentary work shows that the events of Ash Wednesday demonstrated that the tendency of some residents to rely almost entirely on the state's overstretched firefighting services was ultimately impractical and that lives and property could have been better protected if residents had implemented appropriate precautionary measures. They did not. In support of greater bushfire awareness, the review team after the Ash Wednesday fires recommended that South Australian households be issued with an emergency handbook detailing essential bushfire prevention and management strategies.

If we issue such handbooks, it is implicit that we need a method to ensure that it is being used, that it is being held, that it is in the houses, that people are listening and using that handbook. There is no point issuing things that then finish up in the rubbish bin. Indeed, the first formal review into bushfire prevention management since 1983, the 2007 Ministerial Review of Bushfire Management in South Australia, acknowledged that a public education program was crucial in reducing the risk of another Ash Wednesday disaster.

It was also found that a more cooperative and coordinated response was deemed to be warranted, including wider stakeholder and community engagement and improved public fora aimed at providing a broader perspective on bushfire management values and local knowledge. In contrast to the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT, that work conceded that Canberra residents had 'not been sufficiently well prepared to understand the nature of the bushfire risk' associated with their city's bushland setting.

It is important to recall that. The residents had not been sufficiently well prepared. They may have been educated, they may have had material put in their letterbox but they were not prepared. Many of them died as a result. The ACT Fire Authority's inability to guarantee emergency assistance during the extensive 2003 bushfire crisis prompted the inquiry to argue that householders need to recognise the importance of adopting robust prevention and mitigation strategies and practices. How do we get the message through? How do we make people listen? How do we help them to help themselves? It is not just their ignorance that will cause their death; it will also kill their children, possibly their neighbours and others for whom they are responsible.

The report of the Bushfire Review Committee previously resolved that it may, in fact, be necessary to apply the force of the law to ensure that appropriate self-protection measures, such as an assured water supply, are adopted. That was in the report of Bushfire Review Committee on page 53; it is covered page 3 of the parliamentary committee's work.

The parliamentary committee's work goes on to talk about operational inadequacies and fuel reduction strategies. I notice that fuel reduction strategies are prominent in the bill, but I think there is a need to focus a little more on the need to protect and save lives. I will come back to that point. The parliamentary library's work talks about public warning systems and shortcomings, and others have mentioned that in this debate so far. It discusses evacuation—should I stay or should I go? It talks about training inadequacies, equipment concerns and inadequate maps and the recovery process after a fire, all of which are lessons that we must learn.

The parliamentary library's work highlights the key issues raised in various South Australian, Victorian and Australian Capital Territory bushfire reports and inquiries since 1983. As I mentioned, a lot of it is repeated in the Victorian Bushfires Royal Commission. The reported inadequacies of the past and existing bushfire prevention and management strategies are of particular significance as it was initially revealed that a lack of bushfire awareness and an over-reliance upon limited state and territory firefighting resources was detrimental to community safety. In response, the reports and inquiries favoured more intensive emergency service community engagement, backed by a clear and consistent education campaign aimed at encouraging residents to exercise greater self-reliance. I agree with all that, and I see signs of that in the bill.

Of course, when one turns to the royal commission's work—and I was particularly attracted to recommendation 7.1—one sees the need for the CFA (the CFS, in our case) to revise the publications and programs by which it communicates with the community about preparing for bushfires and what to do in the event of a bushfire; the need to reinforce existing advice to community members so that they prepare and decide well before a fire occurs; the need to clearly convey principles; the safest option is always to leave early rather than to stay and defend; that not all homes are defensible, that unless a property is defensible the advice is to leave early; that the impact of topography, fire weather and fire intensity on defensibility should be factored into household assessments; and that the risk of staying to defend includes the risk of physical injury and death.

We need to remind people that these fires kill or injure them or their loved ones. The contingencies are needed as the best-made plans may fail; but, even if the plan is to stay, preparations to enable leaving should also be made, including the preparation for a relocation kit, specifying the location of the designated community fire refuges. I completely reject the notion that they are not needed; they are needed, and the Victorian royal commission confirms that it is so. There could be psychological impact in staying to defend property, and it is advisable for children not to be present during the defence of properties. We need to hear and listen to these recommendations, otherwise we are condemned to repeat the mistakes of the past.

I have scoured the CFS website and note so much of its excellent material, which is being made available to householders. One article is entitled, 'The Bushfire Guide: prepare to stay and defend or go early'. I note that there is detail on a guide to bushfire survival, how to plan to survive, on bushwalking, on-the-road information, camping and houseboats. In particular, excellent information is provided on the website—and I know that some of it has been distributed to letterboxes either in CD form or in print—on a bushfire action plan, house by house, street by street, what you should do—stay or go—how to draw up your bushfire action plan.

If you decide to go early the material gives a lot of boxes to tick, checklists to examine. It covers how to prepare for your safety, what to do as the fire approaches the vicinity of your property, what to do as the fire front arrives, after the fire has passed, emergency numbers, actual fire days, spaces for you to personally note what you should do, how you adapt these principles and rules to your own home.

'A bushfire action plan will increase your survival chances', the material states. It has a wealth of information on how to save your life and the lives of your children, and how to save your property from destruction. The trouble is that so much of this material has gone straight into people's rubbish bins, I regret to say. That is very evident by the lack of community awareness and knowledge.

I think this bill needs a little bit more grunt. I do not want to be sitting at home or on the golf course in 10 years' time to be told that an Ash Wednesday, Victorian-type extreme event has swept

through the hills of Belair, which I once represented, and that hundreds or even thousands of people have been killed, maimed and injured. I want my conscience clear. For that reason, I will move an amendment, which is on file, to add the words 'to minimise the threat to human life from fire on the land' into a range of clauses within the bill, to refocus the bill on the need to save lives.

I would like to go further. I would like to see a requirement for bushfire action plans to be maintained by each household by law with some form of penalty if they fail to maintain them. I think we need to stop pussyfooting around. I heard the member for Fisher earlier echoing a similar sentiment. A certain group of people are not listening. I stopped short of proposing that specifically in my amendment but I hope that my amendments (if agreed to) will empower the relevant authorities to go that one step further if they are of the view that it is required.

I think we need to give our emergency services, for whom we are eternally grateful, greater authority to say to people that they must listen and do this to protect themselves and their children for their own good. There needs to be some form of obligation upon them to do so. This bill is full of mandatory provisions about what they must do to clear their properties and reduce fuel loads, but there is not a lot in it to insist that they think about their own bushfire action plan. I think there should be.

As I said, I stopped short of proposing more detailed amendments; rather, I have proposed a more general amendment simply to refocus it on the loss of life, because I fear that there will be loss of life. Nothing is more inevitable. I commend the bill and I support it. I congratulate the government for bringing the bill forward and I look forward to working with it constructively.

Mr BROCK (Frome) (17:54): I will be supporting this bill and I have taken on board the contributions of some of the speakers before me. I have not experienced (and I do not want to experience) a devastating bushfire similar to Ash Wednesday or the events in Victoria recently. That is something we do not want to do. I am sure that every member in this house and the other place are aware of this, and we want to be able to work together to ensure that this amendment bill for the fire and emergency services review is the best it can be and that all key stakeholders have a say in it.

As the member for Waite has indicated—and I listened with great interest to his comments—and he is correct: how do we educate people and get the message across? It is a very simple thing to talk about it, but how do we get the message over to all the people out there? In my short time in parliament, I have noted the expertise of people similar to the member for Stuart and others who have experienced bushfires first-hand. As I said, I have not experienced one and I do not want to; however, from an outsider's point of view, I feel for those affected by bushfire when I see them on the TV or hear about them. It is not only the loss of property or livestock: it is the loss of the lives of people and the scars that remain for most people who may not be physically affected but mentally affected for the rest of their lives.

I want to express my gratitude to the people who go out and fight the fires. We have paid firefighters for the MFS but we also have volunteers throughout all of South Australia, not only for the fires but also emergency services. They are volunteers who go out of their own accord in their own time. I know from my own experience of an accident that personally affected me some 18 years ago, the volunteers who went out there are still coming to terms with that after 18 years. I want to compliment the volunteers publicly to ensure that they are recognised and that they have the right equipment as we go forward with this bill.

There are numerous areas to deal with, one of which has been expressed by Mayor Peter Davis during the Port Lincoln bushfires regarding the clearing of native vegetation. I think we need to look at that with common sense because sometimes if you want to be able to clear it to prevent a fire, you are subject to restrictions, and I think we need to look at that going forward.

As I indicated earlier, we need to have very well presented and reliable equipment, not only for the mobile units but also the communication equipment to ensure that, as we go forward, we protect everybody and everybody can communicate well. As the member for Waite indicated, we also have to be very well prepared. How we get that information out to the people, I am not sure.

I have been listening to the previous speakers and I also have a list of proposed amendments here which will be discussed as we go through. As I go around my electorate, I talk to the people I believe have that first-hand knowledge of what exactly happens in an area. I have said it before: I liaise with my local government areas, and in my electorate I have five. I have liaised with those people; they are at the coalface. They can tell you exactly how they feel. In that regard, I

am very impressed that, from what I understand, there has been fairly wide communication regarding this bill. If that is the case, congratulations.

One of the things I have a concern about is that I have been speaking to my local councils and they have said that, through the central Local Government Association and their own locally, they have been discussing this for some time. I have a concern that this will be a separate issue, but I will not discuss it here today. Today I received a document from the Local Government Association regarding some amendments they would like to put forward, and that was sent to three Independent members of this house, the Minister for Emergency Services and the shadow minister. Those amendments—

The Hon. M.J. Atkinson: Surely four Independent members.

Mr BROCK: They were sent to three Independent members; one was missed out. As I indicated, that is a separate issue but those suggested amendments have been taken up by the member for Mitchell in his amendments.

[Sitting suspended from 18:00 to 19:30]

Mr BROCK: In closing, I want to say that I know every member of this house, irrespective of their politics or party lines, wants the best outcome from this bill when we are finished debating it. Not one of us here knows everything, and we all learn from each other. I know that I listen and learn from other people, gather whatever information I can from the debates and try to make the best decisions with my vote at the end of the day. I have listened, and will listen, to all speakers and all the amendments and, hopefully, at the end of the day, we will achieve the best outcome for all concerned. I commend the bill to the house.

Dr McFETRIDGE (Morphett) (19:31): I want to make a short contribution to this debate. As has been indicated, the Liberal Party supports the bill. We have some amendments that I know the minister will consider with great care, and I look forward to his taking those amendments on board.

The history of my involvement with both the MFS and CFS goes back a number of years. In fact, some of my earliest memories are of the South Australian Fire Brigade. My late father Malcolm was involved in the MFS, and I remember when he was the first officer at the Elizabeth Fire Station—I am not quite sure when, but in the early 1960s. They had a fire siren then and the men had to turn up when the fire siren went off. It was almost a combination of the MFS and CFS system. Over the years, the MFS has been a big part of my life and I pay my respects to all its members and, in particular, the chief officer, Grant Lupton, who I know is dedicated to the MFS.

The CFS has also been a huge part of my life. I remember as a student at Salisbury Primary School the then Salisbury EFS was just across the road. The siren would go and you could not hear what the teacher was saying (which was a bit of a blessing at times), and one of the young lads from the school would go across and open the shed, and away things would go. When I was older we moved away from the state, and we came back in the early 1980s and moved to Kangarilla and became part of its community. Like most community members, we wanted to become involved in the community, and I joined the Kangarilla CFS. In those days we had some old Bedford and Ford trucks and an old water tanker. How things have changed! I was down there recently for the annual general meeting and the new modern equipment that the CFS has is a credit to it. There are still some issues, but the CFS certainly still has a huge part to play in the protection of life and property in South Australia.

Can I say, however, that the cooperation between the MFS and the CFS has, from my experience, never been better. For a while, when I had a veterinary practice at Happy Valley, I had the privilege of being involved with the Happy Valley CFS and was its captain for a short time. We were involved with the CFS at St Marys and across at O'Halloran Hill in a mutual aid program, and that worked exceptionally well. We see in this bill the declaration of urban bushfire risk areas and there is no better example of that than in the foothills around Happy Valley, Aberfoyle Park, Flagstaff Hill, across the road to O'Halloran Hill and down towards Seacombe Heights. It is an area that has burnt on many occasions, and will burn again, unfortunately, but the cooperation between the MFS and CFS is something to be regarded. There has always been a bit of chiacking. When my father was in the MFS we occasionally had a few jokes at the expense of the EFS, as it was then, but I think it worked both ways. The 'mufs'—as members of the MFS were referred to sometimes—were always working together for better outcomes for the community.

This bill introduces some changes. There is an increased emphasis on cooperation between the MFS and the CFS and that is a significant enhancement of what has been happening already for a number of years.

I need to make a few points tonight. I want to emphasise that within the CFS there is a real change in the demographics of the urban areas, peri urban areas and even some rural areas where trying to get people to become members of the CFS is becoming more of an issue, and I believe having flexibility in the requirements for training is an issue.

For example, I did a series of courses when I was actively involved in the CFS. We now have a small property at Meadows. I have a heavy truck driver's licence and I have rejoined the Kangarilla CFS. I need to go to training and update my level 1 firefighters training in order to refresh myself but, at the same time, I do not want to go running to the bottom of Onkaparinga Gorge on the end of a one inch line at my age, thanks very much. I am more than happy to get into the tanker, which requires a heavy truck driver's licence, and drive it if they require my services.

People like me and a lot of other people throughout the community can participate in a limited way when things really hit the fan. There are moves to increase the flexibility for volunteers to participate. I think that is a good move and I encourage Euan Ferguson, who is doing an excellent job as the CFS officer, to embrace the changes because one day we will need everyone we can possibly get to assist, but those people must be capable of doing the task that is asked of them and, hopefully, no more than is asked of them at the time.

Let us not forget the SES, either, because its members are crucial in backing up the MFS and CFS on many occasions. Through David Place and SAFECOM the coordination comes together. This bill will improve the way in which services are coordinated and, hopefully, the way in which planning for major events is coordinated. We just need to look across the border to see what happened on Black Saturday to realise what could have been here because we had similar fire conditions here that day. Of course, we do not have to go too far back in history to remember Ash Wednesday and the foundation of the EFS (emergency fire service) in 1939.

This bill will assist fire planning in South Australia because one day it will happen here. People do not seem to realise that, but one sees the evidence of that when one drives around the Adelaide Hills. For example, when I was a member of Happy Valley CFS each spring you would go to places at the back of Cherry Gardens. You could drive the truck into some areas but, if it was an emergency, you would be reluctant to go in there, although you would warn people about the potential danger they were in. We need to make sure the planning is there, not only at a state and local government level but also at a personal level. This bill will assist all that pre-planning.

I must admit that there may be opportunities for this to happen now, but as a new chum in the CFS and then later on as an officer, one of the integral parts of training was undertaking burn-offs; which involved burning off people's properties, clearing properties and also carrying out hazard reduction, especially along roadsides. That played a vital part in not only getting people used to operating the equipment—the pumps and the hoses—but also watching fire behaviour as well. It was a vital part of training. I would like to see that sort of opportunity re-introduced as part of training because there is a real need for firefighters to experience first-hand how hot and dangerous fires can be, and I do not think you realise how much that radiant heat can affect you until you feel it first-hand.

We did have a scrub fire in the sandhills at Somerton Park last summer, so we do have scrub fires. There was a fire in the trees and grass by Minda Home. When you drive from our place to this little property we have at Meadows, you travel through Dashwood Gully and along Brooklyn Road. There is phalaris a metre high and as thick on both sides of the road, and it is ready to go. I would have thought that it would not be a terrible thing to allow the CFS to burn off that as part of their training and reduce the fire load.

People collect firewood along the roadside. Apparently, you need to obtain a special permit to do that. I would have thought you would be encouraging people to pick up bits of firewood along roadsides to reduce the hazards along what might become vital thoroughfares not only for the local residents but also for members of the emergency services if they are going from property to property. I hope that is something that will be reconsidered and allowed under either legislation or regulation.

In relation to the urban bushfire areas, this is a terrific thing. It is a vital move. Having lived at Happy Valley, I have seen the urban rural interface changing dramatically. When travelling

through Blackwood, the Sturt Gorge and then up through Cherry Gardens and across to Trott Park and Sheidow Park, one sees that the number of houses has increased dramatically.

We attended a fire at Trott Park once. The wind was blowing in from the north. It started in the paddocks by Glenthorne Farm, and we lost one shed. Again, there was great cooperation between the MFS and the CFS to stop the fire. It was a stinking hot day and a hell of a north wind. There was a row of houses with grass behind them, and if it was not for the quick action of the CFS and the MFS on that day, a number of houses could have been lost.

That interface exists in so many places. From Gawler down to the south, there are so many interfaces between what was a rural environment and what is now rural urban interface. It will be a good thing to have special areas designated where there will be an emphasis on setting up plans not only to reduce the hazards but also to implement plans for fire suppression and emergency response.

The opposition is proposing some amendments to the numbers of representatives of various organisations on some of the structures that are being set up, but I think this is a good move. We know that we are all living in a sunburnt country and we do not want to live with unnecessary risk. We all live with some degree of risk when you live in the country or on the urban interface, but now, at least with this legislation, we will be seeing some positive moves. I support the bill before the house, and I hope that the amendments will be supported as well.

Mr HANNA (Mitchell) (19:44): This bill streamlines the bodies which have overall supervision and consideration of bushfire risk mitigation in South Australia. It is a beneficial bill, and I support what the government is doing in general terms with this legislation. There are numerous minor changes which I do not need to specify.

What I would like to say in general terms is that the issue of bushfires affects a lot more South Australians than some people in the city think. That may be because people living in the suburbs have relatives in the country or perhaps they came from the country themselves. It may be because there are parts of the city that are at risk of fire due to arson or other risks during hot weather.

In my own case, I do clearly remember the 1983 fires. I was in Sydney at the time and somebody said, 'Aren't you concerned about the fires around Adelaide?' and because I was not familiar with what was in the news, I laughed it off. I thought, 'Well, you know, my family all live in the suburbs of Adelaide; they're not going to be in any danger,' but in fact the fires came down Greenhill within a few hundred metres of my grandparents' place at Burnside. It just shows that no-one can take the safety of their house and their person for granted.

Secondly, in my electorate of Mitchell, which covers the Marion and Reynella districts, there are substantial patches of land that are prone to fire risk. The geographical feature of O'Halloran Hill is pretty well in the centre of my electorate these days, and there is a lot of grassland in the Field River Valley and the surrounding areas. Indeed, just last summer, I think, arsonists lit a fire which came very close to the houses of people in Trott Park and Sheidow Park. I just want to underline the fact for my constituents that I speak on this bushfire legislation because it does affect so many South Australians, even those in metropolitan Adelaide.

The other feature that I mention at this point is that, very late in the day, I received communication from the Local Government Association. The submissions that it had put to the minister and also sent to me make a lot of sense. The one quote that I will make from its submission is as follows:

The LGA has not been engaged at a ministerial level to address issues of concern, nor is it aware of any proposed amendments that the government may wish to make as a result of feedback from consultations.

The LGA has suggested that there are some issues that need to be addressed. I should put this in context by saying that this is a bill that necessarily involves councils in South Australia. The fire prevention officers who are referred to in the bill are appointed by the council, so council oversight of what is going on in the area of bushfire risk prevention is an integral feature of this legislation. I am indebted to parliamentary counsel for this morning drafting a series of amendments which I will deal with in detail when we consider the clauses one by one.

The minister might well say that he has not had much time to consider the suggestions made by the LGA, but I humbly underline the point that, with the limited resources I have, I have been able to draft a set of amendments and consider the issues that have been raised by the LGA, so I sincerely hope that the minister is well briefed and is able to not only speak to the various

issues but also support them. It would be great to resolve these relatively straightforward issues tonight. Most of the amendments touch on aspects of council involvement in the whole process and, as I have said, the role of councils is crucial in bushfire mitigation.

The Hon. I.F. EVANS (Davenport) (19:49): In speaking to the Fire and Emergency Services (Review) Amendment Bill, I do not intend to repeat a lot of the comments made by our lead speaker (the member for Kavel), who has outlined the opposition's position, but I do want to take the opportunity to comment on fire and fire management generally.

As the minister knows, I already have four or five bills before the house that go to the question of fire and fire management, what to do with arsonists and all those sorts of questions. I hope the government finds a way to support one or two of them. I think tonight's debate illustrates the need for another bill similar to legislation which was introduced in another place but which was defeated here; that is, the need for a permanent parliamentary committee in relation to fire. This bill, for example, could have gone before the permanent parliamentary committee and been examined at length by that committee with recommendations to the parliament about the implications. I think the parliament would have been far better informed had that process occurred.

I want to raise a few issues in relation to fire generally. Like other members, I held a public meeting (from memory it was about two years ago) that Mr Ferguson and other members of the CFS attended. The reason I held it was to try to raise public awareness about the danger of fires. Of course, that was before the Victorian fires. I am pleased to see that in this bill the people responsible for the bushfire management plans will also have a role in running forums to maintain public education and awareness of fire. I suspect that those forums are better run by the CFS rather than by local politicians, including me. I think the experts should run them and that the elected officers should go along to become better informed. That is probably a better model, which is as it is proposed in the bill; I think they have probably got that right.

I want to comment on the public debate about fire. I get very nervous after a fire, because we have, in my view, a fairly uninformed media that goes out and runs all sorts of comments from all sorts of people who tend to be uninformed and tend to put out some very dangerous messages. I think there is a real issue for the CFS and the public generally about the exact nature of the message that needs to be remembered and communicated in relation to fire. I want to give a couple of examples.

My understanding, from all the advice I have had, either as minister for emergency services for a short time and, since then, from the CFS, is that in a bushfire other than not being in the area the next safest place to be is in your house. That is according to worldwide research in any jurisdiction in the world that has fire. Whether that is California, Greece, Victoria, Western Australia or South Australia, the safest place to be, if you can not be out of the district, is inside a building and, preferably, in this case, I would argue, your house.

I think I am right in saying that in South Australia the Wangary fires killed 12 or 13 people, from memory. I think 13 were killed, 12 of whom were trying to escape the fire in their vehicles, and one died of a heart attack; or, it might have been 12 killed with 11 trying to escape and one who died. The houses of those killed remained standing. In Victoria, of course, some will argue that over 100 were killed in their fire, and many in their houses. There needs to be an examination of that. You have to ask the question: how many actually stayed in the house and survived? And then work out a percentage. I suspect that the number killed in their houses compared to the people who stayed in their house, numbers-wise, would be a relatively low percentage.

The CFS will tell you that the worst place you can possibly be in a fire is your car, because the modern plastics are very combustible; and you are gone. What concerns me in this whole debate is whether we should have community refuges. If we educate the community to think that in the face of a fire they can go to a community refuge, we are inviting them to jump in their car and go to a community refuge. Most of them will do that at the wrong time; that is, when the fire is too close to them. It is one thing to do it in the morning before the fire starts or the instant the siren goes; although, some of the CFS local volunteers will say that once a siren goes it is too late and you should stay in your house.

The media have been running this debate about whether we should have community refuges, and I ask the question whether we are smart putting out there this concept that you can build a recreation centre (or whatever the community building is going to be) to an appropriate standard and then, in the middle of a fire or a community facing a fire, we are going to encourage people to jump in their car and race to the refuge.

The member for Waite had a very good public meeting at the St John's School gym which 300 people attended and, for those people who went, trying to get a car park close to the school hall was difficult. It was a very long walk because of the number of vehicles there but only 300 people went to the meeting. These community refuges are going to invite people to take a risk, and you have to ask yourself the question whether you want to invite them into their vehicles at that point in time.

It is a really interesting debate about what message we should send to the community about fire. Call me an old conservative, but I think the message has been—

Mr Piccolo: Anything else?

The Hon. I.F. EVANS: And a few other things but they are unparliamentary. I think the message has been right for decades, and that is stay in your home. Stay or go; but if you are going to stay, you need to be in your home, not your vehicle. I think the house is the right place and the safest place. At the end of the day, the communication message is a matter for the CFS. I just raise the issue: the more you encourage people to think that they can jump in the car and go to a community refuge raises another risk, particularly for people who have not seen a lot of fire because they will think they can race to school, pick up little Johnny and Mary and then go to the refuge. There would be 200 parents converging on a school or child centre, then trying to race off to a refuge. I suggest that is going to invite some major issues. In my view, the last place you would want to be is in your vehicle.

I think the message has to be one of individual responsibility. This bill is about structuring the management of fire and what the government, agencies, local councils and bushfire committees, etc., can do. But here is the brutal reality of fire in the Adelaide Hills and my electorate and adjoining electorates in the Mitcham Hills in particular: there are 9,000 homes and 22,000 voters, so there must be about 40,000 or 50,000 people at least in the Mitcham Hills, and there are 15 fire units. Fifteen fire units and 9,000 homes? You do not have to be a Rhodes scholar to work out that on those bad fire days you are very much left to your own devices and you are very much left to face the risk of your own level of preparation prior to the fire starting and being there on your doorstep.

I think the message that the government and media have to put out is: start taking responsibility for your own property, for your own actions, and stop relying on the government to do everything for you. You do not have to be a Rhodes scholar to work out that, with 9,000 homes and only 15 fire units, the CFS will not be at the top of every street and every driveway. Quite rightly, they have a more strategic approach to fighting major fires, so that is not a criticism of the CFS.

The issue about the message, to me, is the key issue. That is not in this bill to any large extent but the key issue in fighting fire, in my view, is the message that the parliament, the media and the CFS deliver to the broad community day in, day out of what they are expected to do prior to, and in the face of, a fire. That, to me, is the key issue. To a degree, everything else is fighting the emergency (as in the fire itself) but what the 40,000 or 50,000 people are going to do becomes a key issue of whether we lose one person or 1,000 people in a fire.

I raise for your consideration, minister and others, the issue that I do not think we are serious enough in relation to delivering the message in the hours of absolute emergency fire situations. I am not talking about outside of the fire; I am talking about when the fire starts and is raging and the CFS needs to get a message out to the broad community. My view is that Euan Ferguson (the head of the CFS) should have the power to instruct every media outlet in the state—every radio and TV station—to broadcast a uniform message of his description, at a time of his choosing, and at a regularity of his choosing.

For instance, on the really bad Ash Wednesday days (as happened in Victoria), why would we not want the head of the CFS to be able to instruct all TV and radio stations at the same time to say, 'Fire in these postcodes; too late to evacuate'—or whatever the message is going to be? Currently we have an arrangement, an MOU with 891 and, I think, FIVEaa. With all due respect that is nice but if you happen to be watching *Days of Our Lives* or using your computer or listening to an FM station, it is not a lot of good to us.

I am of the view that we should give the head of the CFS an opportunity, only when he thinks fit (which will be on the really bad days) to instruct every media outlet to broadcast a message as required so that it is clear. The message might be, 'Really bad fire in this postcode; all other postcodes don't have to panic.' It could be as simple as that. Leave that to the experts. What I am concerned about is how we get the message out.

Mike Pearce, from the Sturt brigade, has raised a concept with me (and I do not take the credit for this, it was all his idea) which I think is worth investigating. He argues that we should have, for instance, the FM88 radio station as a stand-alone broadcast emergency station or similar so that, on bad fire days, everyone tunes to that one station. You could have a CFS officer there regularly broadcasting direct information from the front as to exactly what people are doing. If the siren goes you tune to FM88 and the officer may say, 'The siren has just sounded. It will be 10 minutes before we have any more information. Start preparing your bushfire action plans. It is in this general area.' When the brigade gets there it radios back to him and he may then say, 'The wind is taking it northerly. It is going to affect these suburbs. In other suburbs you don't need to worry.' It minimises the panic and it informs the residents instantly about what is going on.

In all of this fire management issue, what I am concerned about—and there is the general preparedness, yes; the clearing of vegetation and all that sort of thing, yes—is how, from the minute the siren goes, and onwards during the fire, we get a consistent message out. That is one of my major concerns. I think Mike Pearce has hit on a good idea that needs some investigation.

Another issue is that under section 73A of this bill I note that the bushfire management plans are going to give the bushfire management committees (or whatever their new name is) the power to impose standards and specifications into the plans for people to take action. That, to me, means that they will be able to say, 'All the houses in a postcode have to retrofit insulation or retrofit sprinklers onto the house or retrofit double glazing,' or a whole range of other specifications. This is going to be signed off only by the state bushfire management committee and the minister, not by cabinet and not by the parliament.

The parliament and the cabinet are forfeiting to these bushfire committees the whole process of specifying building requirements and property requirements under these bushfire management plans. I am wondering why we are doing that, in that sense. I will be asking the minister to perhaps comment on that when we come to the committee stage.

On another issue, I am pleased that the government has picked up the principles that I put in a bill in 2003, about council land and crown land and having a notification process back through the minister to the various agency owners of that land. I do not know why it has taken six years for the government to pick up on that idea but it has done it, so I thank the government for taking up the idea I suggested six years ago. If we had a permanent committee of the parliament I suggest that we would have adopted the idea a lot earlier.

In relation to commonwealth land, I know we cannot regulate that land, but (and this was raised, in a broad sense, by the Hon. John Dawkins in another place) we could give Mr Ferguson's agency the power to write to the federal ministers, or an instruction that if the agency was of the opinion that a piece of commonwealth land was becoming a bushfire risk it must write to the commonwealth minister advising him of that. So we will at least have done everything we can; we cannot force the commonwealth to clean it up, but we can have the head of the CFS, or an authorised officer, write to the commonwealth minister. That could be put in the bill, with an instruction that if the agency forms that view about commonwealth land it should be instructed to write to the federal minister concerned.

They are just a few comments in relation to fire and the bill in general. I still argue that we are doing the state, the parliament and the community a disservice if we think that parliament does not need a permanent committee on fires. What we do not want to happen out of all this is for the Victorian fires to die off into the past and everyone go back to a comfortable and complacent view on fires—until the next major one. Look at what happens, in any state: major fire; review; recommendations; government tables a response; then the parliament goes to sleep until the next fire. I believe there are very good, sound policy reasons for the parliament to have a permanent committee to keep abreast of all the reforms and policies about fire worldwide, to make sure that we are prepared as best we can be and that we are all sending the right message. What concerns me is that we are not consistently sending the right message.

The member for Waite mentioned the issue of compulsory fire management plans, and I know that that is his view and not the party view. He is certainly at liberty to raise it, and I have no criticism of it, but I do not support the policy of compulsory fire management plans. I think it becomes a very costly exercise to try to supervise who has a plan and who has not. I still come back to the fact that the public message is the key issue, and I advocate that we should give Mr Ferguson more power to dictate that public message in relation to the media.

Mrs PENFOLD (Flinders) (20:08): Complacency has been a major cause of the devastation from fires that we have seen across Australia and, therefore, I am pleased that the review required in the Fire and Emergency Services Act 2005, to be undertaken two years after its commencement, has ensured that all the issues pertaining to fire have been looked at. This subsequent bill has been put in place to, hopefully, improve upon it.

However, just the fact that a review was required to be undertaken ensured that the complacency that occurred after the Tulka fire, and many others in the past, did not mean that more deaths had to occur before the act's effectiveness was assessed. There were 49 recommendations made as a result of this review, many of which did not require legislative changes. It also gave the government the opportunity to make changes that arose from the ministerial review of bushfire management in South Australia and the coronial inquest into the Wangary fires.

Another assessment two years after this act's commencement is, in my view, essential to again look at compliance, as well as at other improvements that may be needed in the prevention and mitigation of fires, and I was disgusted, therefore, when this review was not written into the bill. I ask that the government reconsider its decision, and support the Liberal opposition's amendment to section 149 to ensure that this review will be undertaken in 2012, and/or that we have a permanent committee on fires, as suggested by the member for Davenport in his motion (to which I have already spoken in support).

Fuel load management in particular is still of grave concern to me despite 16 years in this place, being regularly reassured that more burn-offs will be undertaken, as I note is being done again in today's *Advertiser* in an article entitled, 'Mega burn-off drive to reduce bushfire menace'. I note in the article that some burn-offs scheduled for 2008-09 could not be completed and would be done as part of this year's program.

I would like the minister to advise the house why these were not undertaken last year, and will he guarantee that they and the burn-offs scheduled for this year will actually be done? I suspect the lack of trained personnel was, and will be at least part of the reason why adequate burn-offs were not completed. I believe that this was, in part, the reason why the burn-off of Kathia Park on Northside Hill overlooking Port Lincoln was not completed last year, leading to the devastation we saw once again with the fish factories and several houses and sheds burning in very close proximity to the city earlier this year. We were fortunate that the wind did not take this fire into Port Lincoln or we may well have seen devastation in the league of the Victorian fires. I also noted with interest in the article:

The Bushfire Taskforce is expected to provide its report to the state cabinet this week.

I ask the minister whether this is why this bill is being pushed through the lower house tonight: perhaps it is to ensure that nothing that is critical of the government and its actions that may have happened to get into this report is able to be put on the *Hansard* record during this debate. I hope that my question on notice, No. 498 regarding the Wangary fires, will be responded to in *Hansard* before we finish sittings in the lead-up to the election, because this Labor government played politics with the financial support of the federal Liberal government, and its response will hopefully help clarify the federal government's position that was portrayed so poorly by this government at that time.

I was disturbed to read in our Library's Research Paper No. 19 (20 April 2009) by Dr Robert Richardson what the head of the CSIRO's Bushfire Research Unit, Phil Cheney, stated when responding to the recent Black Saturday bushfires in Victoria. The paper states:

Phil Cheney insists that greater emphasis must now be placed on increasing fuel management and prescribed burning interventions. Cheney says that it is 'totally frustrating' to see this advice has largely been ignored despite the fact that it has been a consistent theme since Victoria's devastating Black Friday bushfires of 1939.

Despite 70 years having passed, I read that, of the 1,200 submissions received by the royal commission into the recent Victorian bushfires, 485 dealt with fuel reduction, the Department of Sustainability and Environment (DSE) and prescribed burning, yet Peter Westmore, in an article in the *News Weekly*, 5 September 2009 asks:

Why then did the royal commission fail to make any recommendations on the issue of fuel reduction burning in preparation for the next fire season, which commences in November 2009?

I have reason to be concerned, particularly for the people who live in the 55,000 square kilometres of my electorate of Flinders on Eyre Peninsula. We have around 80 national and conservation parks in the area. In addition, there are considerable hectares of land that have been acquired by

the government under the compulsory freeholding requirements brought in by this government. On top of coastal protection, there are now new coastal conservation requirements that prevent farmers from even changing their farming practices, subdividing or even fencing their freehold land.

Thousands of hectares of land—now government owned—are reverting back to saltbush and coastal shrubbery that is highly flammable. In addition, there are thousands of hectares of SA Water land which used to be grazed by sheep and which is now thickly covered by regrowth and infested by weeds. This SA Water land is required for water catchment, as the supply for the Eyre Peninsula comes from underground basins. Not only is this practice causing a major fire hazard, but it has also significantly decreased the water going into the aquifers, causing the region to now be put on level three water restrictions, despite the Minister for Water Security stating that we would never need them.

This week is Landcare Week, marking 20 years of Landcare Australia but, from today's *Port Lincoln Times*, I quote what has happened under this Labor government to the volunteers who used to happily look after much of the government land on Eyre Peninsula:

Several years ago, there were more than 50 landcare groups on Eyre Peninsula but the landcare movement in South Australia has been in recess for the past few years and many of these groups have folded.

These groups were made up of farmers and others from across the region. With a little help from the government, they undertook projects to control rabbits, foxes and weeds, including highly flammable, prickly acacias and South African boxthorn bushes (they genuinely care for their local environment), along with manning the volunteer fire and emergency services. They know their area well, but they are now disheartened and disillusioned.

The Minister for Environment and Conservation is attempting to renew these Landcare groups with grant funding before the next election. Today, in answer to a Dorothy Dix question, the Minister for Environment and Conservation waxed lyrical about the grant funding he is now providing to help. However, most of these former volunteers are cynical and would say to the minister that it is too little, too late.

This government consults to death but does not listen. Red tape is tying people in knots on their farms, in their businesses and in their volunteer work. The government is trying to re-establish these groups but, while it continues to not listen, I doubt very much that the government will get any enthusiastic response. Typical of the top down response was the closure of all 70 plus schools across the 55,000 square kilometres of Eyre Peninsula on a fire ban day last year, which threw the schools and parents into total confusion. The region had been suffering from prolonged drought and, in many parts of the area, it is doubtful that there would have been enough growth to even burn.

Most farmers put sheep in the home paddock to ensure the house is kept safe, and most of the schools, if not all, have a fire plan. To make this decision at a moment's notice, with no due consideration school by school over such a vast area, was incredible and potentially very dangerous. Fortunately, we did not have a fire on the day, as many of the volunteer services are manned by parents, who would have been tied up ensuring that their children were safe (that is, if they could be contacted). The region has very poor mobile phone coverage in a number of the school districts, with farms, school buses and even some schools having very poor, if any, mobile phone connection.

It is about time that local knowledge and local issues from local people were given credence. City-based decisions would have had a part in causing some of the deaths, through sheer ignorance of the circumstances experienced in country areas. I have included many of these in the many previous speeches I have made in this house about fires, so I will not repeat them again, as they are readily available in *Hansard* and on my website (lizpenfold.com). My colleagues have covered many others, with numerous suggestions of merit that I hope will be taken into account by the current minister and acted upon.

I will use this time to put on the record my response to the personal attack on me on Thursday 16 July this year by the Minister for Transport's puppy dog, the member for Mawson, and his attempt to rewrite history regarding the part the former minister for emergency services played in the nine deaths in the Wangary fire.

Ms FOX: I have a small point of order, Mr Acting Speaker. I could be completely wrong on this, Mr Acting Speaker, but is it correct that one cannot refer to another member of parliament as an animal, which I believe the member for Flinders has just done?

The ACTING SPEAKER (Mr Pengilly): The member for Flinders and not the member for Finniss?

Ms FOX: Surprisingly, in this instance, no; you did not do it. Am I correct in that assumption, or is it just nonsense?

The ACTING SPEAKER: I ask the member for Flinders to withdraw that remark.

Mrs PENFOLD: Certainly, Mr Acting Speaker; I withdraw the words 'puppy dog'.

The Hon. M.F. O'Brien interjecting:

Mrs PENFOLD: Yes, I will. Thank goodness I have only 17 sitting days to go. His intimidation was ostensibly in response to my totally unrelated speech on the unworkability of the national road transport reform legislation, the Road Transport (Heavy Vehicle Driver Fatigue) Bill, when I noted the unpleasant statements made by the Minister for Transport a few minutes earlier during debate on the Road Traffic (Miscellaneous) Amendment Bill 2009.

The Minister for Transport's aggressive and intimidating tirade added nothing to the debate on national transport reform, but it illustrated the fact that he is a Labor lawyer who tries to use what he believes, I am sure, to be his superior education and intelligence to put down and belittle people and generally bluff his way through in much the same way as the Treasurer did during question time today. I can assure the minister that the truckies I talk to know much more about the industry than he does, despite his superior attitude.

The Minister for Transport slated the opposition, saying, among a lot of other things, 'Look at you! You have no point, and you have no future.' In my view, it is the minister and his sycophants, such as the member for Mawson, who have no point and no future. They have lost touch with the ordinary decent people that we all represent, the battlers who are out there trying to earn a living, despite unworkable legislation, increasing costs and red tape and an uncaring Labor government.

I now come to the member for Mawson's statements regarding the Wangary fire when he asked me once again to say thank you. I will say thank you for what the Labor government did after the Wangary fire when the minister (the member for Elder) apologises and resigns for not taking action after the Tulka fire that may have prevented the nine deaths at Wangary. When the member for Elder became the minister for emergency services he had all the Tulka reports before him, reports that we were not able to see before the 2006 election.

Despite this and despite the former minister and later the shadow minister for emergency services asking for a bipartisan select committee 'to review bushfire protection', to look at the problems, he did not take action or even speak to the motion. The minister denied that the water bombers that did not get to the Wangary fire in time to help would have made a difference to the outcome.

The Hon. J.M. Rankine interjecting:

The ACTING SPEAKER (Mr Pengilly): Order! If the minister wants to contribute she might want to go to her seat.

Mrs PENFOLD: They certainly would have made a difference if they had been there the evening before the major outbreak, as they could have been and should have been. The minister, I understand, was down in the South-East when the Wangary fire occurred, and the few planes we then had went there. Even the local planes belonging to Kevin Warren, based in Port Lincoln, were once again prevented from legally flying, as also happened during the Tulka fire.

It is this minister who failed in his responsibilities and played politics, member for Mawson, not me. It is good to note that the Labor government has now placed not one but two fire bombers in Port Lincoln during the fire season, and for that I am grateful, although I would like to see at least one based at Ceduna, over 400 kilometres away. I am also grateful to the members of the lodge who have provided water tanks across the region to ensure that water is available in times of fire.

After the fire, the member for Elder, who is a Labor lawyer, and the former media man, the member for Mawson, came over like Father Christmases bearing gifts. I called it guilt money, but when asked I was certainly not going to add to the grief of those who had lost family and friends by saying that I thought their lives could have been saved if the minister had acted, and I asked the members of my party (state and federal) to do the same, which they did.

However, when it did come to the time when I could say things more comfortably, I was accused of playing politics by the government, which as is often said, 'Well, they would say that, wouldn't they, to try to silence any criticism.'

Members interjecting:

The ACTING SPEAKER: Order! I ask that the member for Flinders be given the opportunity to complete her speech. If other members wish to speak they may do so after she has completed her speech.

Mrs PENFOLD: My staff and I were far too busy dealing with the immediate issues that poured into our office within hours and for months afterwards, and even now, about the fire. We were all traumatised to some extent and I considered counselling for all of us. However, each one attended one of the community counselling sessions and so dealt with our personal issues.

After the most recent fire in Port Lincoln this year, I could not even get the government to allow the prisoners at the Port Lincoln gaol, who did a fantastic job after Wangary, to do the fencing of the pensioners' properties, who had lost everything.

It was not I who played politics when my office helped the government by suggesting changes to make the first anniversary event of the Wangary fire more acceptable to the local community, many of whom intended to boycott it. We also led by example by advising that we would be attending, and I closed the office so that we could all go. It was an important part of the grieving process. My staff were angry when Legislative Councillor Caroline Schaefer and I were subsequently denied (by the head of protocol) a seat in the extensive fenced-off official area. When questioned whether she realised that I was the local member and Caroline an MLC, she responded, yes, but that made no difference. Her actions would not have been undertaken without authorisation from higher up.

My staff fixed the problem by donating their chairs to Caroline and me, which we placed at the back of the enclosure, from where we were able to participate in the subsequent proceedings. Photos would show the head of protocol sitting in the front row in a position usually allocated to the local member. Again, I did not make public this deliberate slight at this function in what, thanks to my office, turned out to be a very good and healing day for all those who attended. The minister's statement that being over in Port Lincoln during the fire was keeping him from his own family—

Mr PICCOLO: I rise on a point of order. What is the relevance of what the member is going on about?

Ms Chapman: This is the Wangary fires; have you no respect?

Mr PICCOLO: No; how she was treated, how is that relevant?

The ACTING SPEAKER (Mr Pengilly): There is no point of order.

Mrs PENFOLD: —did not stir any sympathy with me or anyone else, as others had lost their children, grandchildren, mothers, sons and brothers forever. I have put on the parliamentary record my views on the fires and what should have been done. I note that the minister handballed the portfolio to probably the least aggressive upper house Labor member as far away as possible and as soon as possible to avoid taking any further responsibility for his lack of action.

I understand that out of court settlements are currently being made in relation to the Wangary fires. Once again, the government and its ministers' actions will avoid scrutiny, as I understand that payouts are dependent on the signing of a secrecy agreement. I do not need to have the minister's sycophant to continue to attack me with the same tired statement that I am ungrateful and should say thank you. I repeat the call for the member for Elder to resign and apologise to the victims of the Wangary fires.

I am still concerned about the fatigue bill, as it is likely to be the cause of accidents, injuries and possibly deaths because it has not been tailored to suit South Australian truck drivers and the huge distances they have to cover without proper infrastructure and facilities. Once again, I am being ignored by this arrogant minister. Perhaps if the member for Mawson put a little work into some real issues, such as this one, and put some pressure on his minister to change this bill, he might become the decent representative he accuses me of not being. I will put my track record alongside his any day as I know I would win by a country mile.

The Labor Party's bullying, ridiculing, belittling and intimidation tactics are orchestrated and ongoing. They are particularly negative and unpleasant when they come from trained lawyers, such

as the Attorney-General, the Minister for Transport and media person, the member for Mawson. I believe that they give licence to others, particularly within the Public Service, to do the same to the people in their departments.

These members are using their considerable skills not for the good governance of our state but for deflecting attention from the real issues facing our community. The culture of bullying within our society is not something anyone can condone, and it is certainly not conducive to getting good quality members to enter parliament. I support the bill.

Mrs GERAGHTY (Torrens) (20:27): I did not intend to speak on this bill, but I support the endeavours of the current minister, because he is a very genuine individual, and I would like to comment on some of the statements made by the member for Flinders.

During the time of those fires, I say in defence of the member for Elder (the minister at the time) that he was genuinely very concerned and distressed about what had happened, and his colleagues on this side of the house can attest to that. He did everything he possibly could out of genuine concern for the people in that region and, indeed, he sent the member for Mawson over there—

Ms Fox: For six weeks.

Mrs GERAGHTY: —for six weeks, as the member for Bright reminds me, because of his genuine concern. I think it is very unfair of the member for Flinders to continue in this vein. It is very sad to see an individual so bitter about the really good things that were done for those people.

The Hon. J.M. Rankine: She's not in the chamber.

Mrs GERAGHTY: Yes—sadly, she has left the chamber, but I wanted to put on the record that the minister at the time—

The Hon. J.M. Rankine interjecting:

Mrs GERAGHTY: —and the Premier, of course—genuinely cared about what was happening. Both of them did everything they possibly could and, indeed, went over to lend their support.

The Hon. J.M. Rankine interjecting:

Mrs GERAGHTY: The minister for families reminds me that we had cabinet ministers on duty over there, so this government certainly did everything it possibly could. Again, I am very sorry that the member for Flinders is such a bitter individual.

The ACTING SPEAKER (Mr Pengilly): Member for Schubert, perhaps we could return to the bill.

Mr VENNING (Schubert) (20:29): Thank you, Mr Acting Speaker. As always, I am tail-end Charlie on this bill, bringing up the rear as the last speaker for the evening. As all my colleagues before me have said, we support this legislation. Hopefully, with our excellent amendments, it will be even better.

At the outset, I wish to publicly congratulate and commend the officers, the staff and the volunteers of the CFS and the SES and, to a limited degree, the MFS. I note that Mr Euan Ferguson is in the gallery. It is good to see him here, as always, at the front of the team out there. I congratulate him on the effort he makes. He has taken a fair bit of flak at times, but he certainly leads very well and we are all very proud of him and the job he does.

I also wish to congratulate a good friend, Mr Vince Monterola, on his national award this year. We all know Vince, who took a very prominent position in the Wangary fires. Before that, when we were in government, Mr Monterola did not ever play politics; he always played the middle ground. He was a very good and professional operator and was much respected by everyone. I also note that the other members of the team are in the house, and I will not name them tonight. Sorry about the late hour that you guys are keeping!

Representatives of the Local Government Association are also here. I commend the LGA for all it is doing at the current time and also for what it has done over many years. I was a councillor many years ago, and in some of our communities often it was only the council that kept the CFS (and the EFS before that) in the field. It was the council that funded it and kept the process operating. I also commend the LGA for its interest in this bill, and I note that it has been the source of a couple of amendments.

Mr Acting Speaker, you would also appreciate as a result of your previous role in the CFS that all country people rely on the CFS in particular and, to a lesser extent, the SES. They are today a part of the folklore in our country communities, not only in relation to fighting fires but also for the camaraderie they provide. In some communities that is often all there is for people to get together and do things as a team. It is an area where some of the auxiliaries can get together and raise money for their brigade and various aspects of the community, such as catering, and all sorts of things. It goes much wider than just fighting fires, and that has been the case for many years. I take my hat off to them, because they are a pivotal part of our country community.

In relation to our amendments, I commend the shadow minister for doing the work and also those who had an input. Our amendment for the board to include a landowning member of SAFF, I think, is a commonsense move. That has come from the member for Stuart, who is also a country member and is very cognisant of the value of having a person on the board with an on the ground feel and a commonsense approach and not leaving it to the bureaucrats—not that we have too many bureaucrats, but we have to make sure that they never gain total control.

Our second amendment is to include a subclause to clause 35, part 4A, to minimise the threat to human life on the land from the fire. This amendment came from the member for Waite, and I think it is commonsense, particularly when the lawyers are having an argument about a problem, that the bottom line has to be minimising the threat to human life on the land from fire. I hope the government will support that commonsense amendment.

The third amendment is to provide for a review after two years, as with this bill. I cannot understand why one would want to alter this, because things can change so quickly. I am happy to build a review period into all legislation. I am happy to revisit this in two years' time. I know I will be here. Many members opposite will not be here, but I will and so will the member for Kavel—won't we?

Mr Goldsworthy: Absolutely.

Mr VENNING: We oppose the clauses with respect to moving industrial disputes from the District Court to the Industrial Relations Commission. There are four other amendments. One relates to clause 16, section 48, suspension pending the hearing of a complaint and dealing with the Industrial Relations Commission. There are also amendments to clauses 17, 18 and 19. I will not go into them, because they are more minor and are all a part of that.

I again commend the shadow minister for his first legislation in this portfolio. I am very pleased it is him, because he is very diligent. He represents the Adelaide Hills. He is right in the middle of this portfolio, because he is very much interested in his own area.

I have a lifelong interest in this subject, and I have commented on the record over many years about various areas of fire prevention. I have a certain paranoia about fires, which comes from my childhood. As I have said before, at the age of five we were burnt out and lost everything. The house that we were living in and the car were saved, but everything else was gone.

So we had to rebuild, and we have photographs of it. As a five-year old I was at school and saw the fire. It has left a mark on me for the rest of my life, and I will always make sure that I am never faced with a fire that is out of control. That has been with me all my life. I have spent my whole life since planning to limit the effects of fires (because we will never stop them occurring), irrespective of the fact that there are so many ways they can start, even in nature.

It is all about managing fire events. The first action is reducing the unnecessary fuel loads—by slashing (especially along road sides and railway lines), spraying, and carrying out cool burns. When you drive around the state you see some terrible fire hazards. Secondly, we must always maintain a very effective fighting force in our CFS, MFS and SES. We must always make sure that we have these people at close call to help us.

Thirdly, you have to have good equipment. If you have acres to protect, you have to have some equipment of your own and make sure it is in good order and works. You have to plan so that when the crisis comes you are not reliant on electricity for it to work. There are lots of ways today, with battery powered equipment, to not have to rely on plugging in a pump. There is so much we can do, and it is all tied up in the fire plans we have been urged to make through the education process, and I will discuss that a little later.

In the Hills, as the member for Kavel would know, people love to live in a hilly, leafy, natural setting, but many—a lot—do not take any or adequate precautions to limit flammable material. They love to live in the 'au naturel' state. They are endangering their own lives but, more

importantly for everyone else, also the lives of firefighters. I believe that, if they are not prepared to tidy up, the CFS ought to have the right to say, 'Sorry; in a fire event we will not come to your property. Unless you provide adequate safety so we can come in, attend the fire and get out safely, we will not come in and your place will be black banned. We will not come here.'

I think they should have that right. In my 19 years in this place there has been a continual battle between the landowners and environmentalists about being able to cut or plough adequate firebreaks. Five metres is not wide enough, as the member for Stuart has said ad nauseam. It is not wide enough when there are tall trees and other flammable material. You only need to see a fire in full flight, driven by heat and wind, to know that five metres is a joke.

The Adelaide Hills will burn again, and probably during the member for Kavel's tenure in this place. It is just a matter of when. So, we must ensure that all those living in the hills take adequate measures to minimise the fire risk. If they fail to heed it, they should be advised that they will not be protected by our authorities—the CFS, SES, MFS, and others. On our own property, I know where the ignition points are. They are the main highways, the railway lines and power poles. I always ensure there are adequate fire breaks, especially near our houses, sheds and animals.

At this time of the year, two months before the fire season, I personally, in my leisure time (and I do not get much), go home and get on the slasher and I tend to the high grass. I cut the high grass, which is usually wild oats and barley grass (which is of no value) from the roadways, the highway and the back tracks, which can then become effective fire breaks, especially our east-west tracks. On bad fire days the wind is from the north so, if you cut your tracks east-west, you have an effective break that can be burned against to stop a major fire. How often do you see tinder dry high grass up to almost two metres in height on the side of a bush track used by vehicles? If anything strikes a stone or a motorbike throws a spark, you have an instant inferno.

I know we have recently introduced measures since the West Coast Wangary fires, which cost lives, and we now have media involvement—some I do not agree with. Also, we have the education campaign, and I am talking about the ABC running its broadcasting. Mr Ferguson might not want to comment. If there is a fire, they keep running the same message and, after a while, I am sure no-one listens, because it is always the same message.

I believe they should put a little more personality into these messages. I know the ABC commentator Peter Goers sometimes does not use it and puts across his own message, tucking in a local town or two, and people take more notice of that. If it is a recorded message, people do not listen; 'Here we go. We all know the fire is out but the message is continuing.' I do not know how we overcome that. We have to make sure that people take notice of these things. The idea is good but its implementation is not as effective as it could be.

The education program urging people to implement their bushfire plan is important. I hear the message and think, 'I haven't done that.' We all think we have a bushfire plan, but what would we really do in a bushfire scenario? People need to go through it because they might get a few shocks. If there is no electricity and they cannot see because of the smoke, they have to know the escape routes because their life and their family's lives are at stake.

The bushfire plans need to be jazzed up a bit in order to be more relevant and to get people to take notice. We should have competitions and publish some bushfire plans so people can look at some of the ideas. I am happy to be personally involved, because I have given it a lot of thought over the years. A lot of these plans are largely ignored because we think that it will not happen to us. Well, it does and it will.

Even on the flat plains country where I live, we have horrific fires. A fire driven by a 90 knot northern wind will burn everything. I can recall my late father in a paddock of fire harrowing pea stubble. He thought that pea stubble did not burn and that it did not go anywhere, but the wind on this particular day when he was burning pea stubble with fire harrows was very strong. On this particular day he had stopped the operation but the stuff was just smouldering away. All of a sudden the wind sprung up—it was a howling gale—and it crossed the Rocky River; he was the member for Rocky River. He did not believe this could happen—but it did. When a fire is smouldering it can happen, so people must not take risks with fire.

The Victorian bushfire inquiry has highlighted the seriousness of this issue. The question was asked whether the government should legislate to order people to leave in certain circumstances. I do not believe a government at any level can give this advice. It is up to the person to decide. I suggest they be given advice in relation to their personal safety and they be educated on their personal situation. Everyone's situation is different but in most cases I say, 'Be

prepared to stay and defend.' That is a brave thing to say, but most people have died trying to flee. I believe that people have to be assisted in making that decision. If they are not sure, they should seek advice. If they live in a wooden house on the corner of a forest they should not stay; they should go well before the fire gets there.

If they live in a stone home in flat country it is easier to make the decision. I personally have a plan. We live in a stone home and the northern windows are protected. I have a tap with a thread and hose on it inside the house. How many people would have that? It is probably more accessible than members realise because, if they have an automatic washing machine, they have a tap in the house with a thread on it. How many people would know that? All they need to do is unscrew the washing machine hose, screw on a hose and they then have a hose in the house. Often that is all they need. If a fire comes towards you and a window breaks, if you have a hose inside the house you can save yourself and the house. People should check their automatic washing machine because almost all of them have a threaded tap behind them.

Like most people, I have a manhole in the ceiling. I have fitted a fold-down ladder which we can pull down with a rope. There is another tap with a hose in the ceiling. When a house catches fire, often the fire has passed by 15 or 20 minutes earlier. The fire starts by smouldering on dead leaves in the roof before the flames erupt. If people look through the manhole after a fire has passed and keep watch with a hose they can often save their house; and that has been proven time and again.

Many of us have air conditioners in the roof. There is water up there, so people should just put a tap with a thread on it and a hose up there; it is simple, basic stuff. You will be amazed that, in an emergency, you will be pleased you have it there.

I am also planning to build a shelter cellar. We already have a cellar but it is under the house which has a wooden floor. That is not safe. I could use it but I would have to cement the floor to make it safe. You would not want to be underneath a wooden floor of a burning house. You would be incinerated and, anyway, you would be suffocated because the smoke would come through the floor. To use that I would have to cement the floor and I do not think that is an option.

I would also have to provide an outside entrance to the cellar. Therefore, it would be best to build a purpose-built shelter in a cement-lined cellar on the leeward side of the house, and it would probably have an alternate use as a wine cellar. In other words, it would not be wasted, and if you have a fire, you may as well be down there and you will ease the pain. I can assure members that I have a few bottles to put down there.

If we have chosen to stay and we get caught, my family and I must have access to that cellar. You could have access from inside as well as outside; just as long as they get there safely. Most houses burn down after the fire has passed. That has been proven in both the Victorian and Wangary fires.

Yes, I have been active in fire prevention all my working life. I have been to many fires over the years. I recall again the time I went to a fire at Georgetown. The fire was belting down the hill towards Georgetown—nothing was going to save the town. There was one wily fire controller who was the local vet. He said, 'Lad, we've got one chance here.' I had a reputation of being able to light fires because I probably fought more fires by lighting them than putting them out. This man's name was Frank Landers. I will never forget this guy. He has now passed on. He was the bush vet from Gladstone, Georgetown.

Anyway, we went down towards the town of Georgetown on a track in front of the fire. The fire was running towards the track. There was the two of us with firelighters and two small fire units. He said, 'Stand there, boy, and when I drop my hand, you light the fire and go as quickly as you can, but don't do it until I drop my hand because there's a fairly strong wind.' I stood there with my firelighter watching this guy. The fire was getting closer and closer and, of course, I am starting to panic, it was coming down, and then he put his hand down and we lit the fire. I must have run 300 or 400 yards in seconds. The fire got going. Of course, you know what happened. Instead of our fire going down hill in the direction the fire was going, no, it went back towards the fire: it went the other way. It went towards the fire and you can still see that mark today where that track saved the town of Georgetown. The main fire sucked our fire towards it and the edge was put out by the small units.

I always say that the people on the ground with the knowledge are the people to listen to, not some guru with all the brass in the city. He was a very shrewd operator and I learnt from him—and that is with no disrespect to Mr Ferguson or anyone else. I have really learnt a lot from them. I

have always believed that the best way to control fire is with fire, and cool burning in the off season is the way to do that, and we have heard it time and time again. Other chemical defoliants can be used to knock down material so that you can then burn it safely before the fire season gets here. Thin the inflammable material—I do it all the time; I will be doing it next weekend—then on those hot, rotten days you can be inside the house by the air conditioner thinking, well, I have done all I can. If a fire comes, well, I have done all I can.

I also raise very briefly the problem with the Mount Torrens fire siren. There is still no fire siren. I have raised this matter here before. The people want it back. You can be in your house and you do not know there is a fire. They used to use the forestry fire siren but now there is none. I plead with the minister to reinstate that.

I pay tribute to all the volunteers particularly in the Barossa Valley and northern Adelaide Hills. They do a magnificent job and our thanks and admiration go to them all. I also pay tribute to those who employ CFS and SES volunteers. We acknowledge and appreciate your commitment. We support the bill and hope our amendments will be supported.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (20:49): I thank the opposition for its support of the bill. I appreciate the contributions that have been made. This is an extremely important topic and, in part, an emotive topic for all members on both sides of the house. We all take great interest and look for solutions as to how we can do it better and I think this bill does that. Obviously a number of the contributions from the opposition have come from members who have electorates in bushfire areas and we appreciate not only the thoughts they have put forward but also their support of the bill.

This legislation, of course, comes as a result of three pieces of work. There are the recommendations from the Ministerial Review of Bushfire Management of South Australia. That piece of work was done by Vince Monterola, who is well known to members on both sides of the house, a man who obviously has great pedigree in this particular area and has served the state extremely well.

Also, of course, there are the recommendations from the review of the Fire and Emergency Services Act 2005 which was put in place when that act was passed. It preceded me from the point of view of being Minister for Emergency Services, but it was a review to be done two years after the act was introduced, partly, I think, because of the significance of bringing together various pieces of legislation into that Emergency Services Act. Also, of course, there are the Deputy Coroner's recommendations from the Wangary bushfire.

As a result of those three pieces of work, we find ourselves here with these amendments which are not of the same magnitude of the new act back in 2005 but, nonetheless, some very important measures which we think are extremely important and will do it better in regard to making sure that we protect our state which, of course, is a priority for all of us.

I will perhaps give a summary of some of the major elements of the bill. I will not go back over what other members have talked about. Suffice to say, some of the key elements are that the South Australian Fire and Emergency Services Board is going to be expanded and each member is going to be given voting rights. That is not currently the case.

The sector advisory committee is to replace the Statutory Advisory Board and the justice for that is that there was a strong feeling within the sector that to have two boards in place was not the way to go. There was also some difficulty experienced by the volunteer associations and the UFU in regard to fulfilling their fiduciary duties on that advisory board when they really wanted to be going to that particular forum representing the organisation that they came from and, of course, they will be able to do that on the sector advisory committee.

The current three-tiered bushfire committee structure will be condensed to a two-tiered structure. We will have in place, in the new arrangements, a state bushfire coordination committee and, underneath that, 16 bushfire management committees. That is streamlining the system. It will make it better and easier from a communication point of view and certainly will be significant in having a better structure in place with regard to bushfire committee structures.

The urban bushfire risk areas sees the introduction of designated urban bushfire risk areas and, as a number of members have commented, correctly, this is an important step in the legislation and, I guess, highlights that bushfire risk is not simply in rural areas. Obviously, it is critical in rural areas but it is also a risk in some urban bushfire areas.

One point that I thought I might perhaps answer as a result of some comments that were made I think by the shadow minister and also the member for Bragg is that there is no hidden agenda with regard to the disciplinary appeals going from the District Court to the Industrial Relations Commission. Nothing could be further from the truth when the member for Bragg suggested that it might be because there is less work for the Industrial Relations Commission. There are a number of good reasons why it is going to the Industrial Relations Commission. It was a recommendation from Murray, but that does not suffice in itself. Also, the promotional appeals processes used to be in the District Court. They were transferred to the Industrial Relations Commission following a recommendation from the Chief Justice.

Therefore, it is bringing it into line with those promotional appeals going into the IR Commission; so there is greater consistency. And you do not want to tie up the resources of the District Court, which can quite often be the case. It standardises the appeal process, which is the normal government procedure. We can discuss that further in the committee stage, but there is certainly no hidden agenda with regard to that.

I will also briefly pick up a few of the points that were made by the shadow minister. He articulated well the bill's purpose. He said it was a step in the right direction and supported the intent. He talked about the movement from the three-tier to the two-tier bushfire committee structure, which I have already spoken about, and which he correctly said would improve communication flow. He highlighted the importance of the urban bushfire risk areas and discussed his concerns about the appeals going from the District Court to the Industrial Relations Commission, which I have talked about, and the importance of councils and the local prevention officer.

The shadow minister also talked about some very important issues, which are not necessarily directly related to the bill: the findings of the Victorian Bushfires Royal Commission. We have in place the bushfire task force, which will make some recommendations in regard to the findings of the Victorian royal commission. I stand to be corrected, but I think about 18 agencies have been working hard on the bushfire task force. That will be, in addition to this bill, another important piece of work that is to come forward in the next few weeks.

There is also the role and the importance of the volunteers, and I would like to echo the gratitude expressed by the shadow minister. I am sure all members on both sides of the house would like to express their gratitude for the fantastic contribution that our volunteers make, particularly in the CFS, but also in the SES. I also put on record my thanks for the work, to which the shadow minister referred, of the Metropolitan Fire Service. We are served very well by the MFS, the CFS, the SES and their chiefs and management structures. We are indebted to CFS and SES volunteers who do so much work right around South Australia. We are gratefully thankful for their efforts, and we need to do everything we can to support those volunteers.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr HANNA: I move:

Page 5—

Line 17—Delete paragraph (d) and substitute:

- (d) any council whose area would be, or is, within the designated urban bushfire risk area.

Line 18—Delete 'the LGA' and substitute:

a council

The first two amendments in my name deal with the same issue. It is a very simple concept here. The designated urban bushfire risk areas are supported as a concept by the LGA, but it does believe that consultation in relation to these should be undertaken directly with the affected councils. The amendments specifically propose that the consultation must take place with any council whose area would be or is within the designated urban bushfire risk area.

It is a very simple concept and, like a lot of these amendments, it is making it clear that local councils are brought into the loop of communication. It is essential that that happens. I will put it like that, and I do not think it needs any further explanation.

The Hon. M.J. WRIGHT: I meant to say as part of my opening statement that I will be opposing the amendments for tonight, but I have given an assurance to the shadow minister and the members for Mitchell and Stuart. I have not spoken personally to the member for Waite, but I will get further advice on all of the amendments; I will take them seriously. If I think they improve the bill, I will take them back to caucus and we will deal with them between the houses. Generally speaking—and I am not necessarily speaking about every amendment—we are looking to consider the amendments.

Mr GOLDSWORTHY: I am of a similar mind to the minister in relation to the amendments that the member for Mitchell has moved and is proposing to move. The Liberal opposition has not had an opportunity to discuss formally and give these amendments due consideration. As I remarked earlier, I am of a similar mind to the minister in that we will not necessarily support the amendments here this evening, but we will give them serious consideration and discussion for decision between the two houses, and then, when the bill is debated through its stages in the other place, we will be in a situation to be able to support (or otherwise) the amendments moved by the member for Mitchell. We had a discussion earlier, and he is aware of our position.

Mr HANNA: Quickly in response, I thank the minister and the shadow minister for those comments and their due consideration. Nonetheless, in due course, I will move the various amendments and briefly explain them, because I believe it is very important to get them on the record and to get the position of the LGA on the record in respect of each amendment.

I will not take long in each case but, nonetheless, it is important to get it on the record. I cannot control what happens in the upper house; I cannot control what happens before it gets there in terms of the major parties' consideration; but I can do what I think is right at this stage of the proceedings, so that is what I am going to do. I will go through the amendments and I will briefly explain them as we go along.

Amendments negatived; clause passed.

Clauses 7 and 8 passed.

Clause 9.

Mr GOLDSWORTHY: On behalf of the member for Stuart, I move:

Page 6, line 1 (clause 9(1))—Delete '5' and substitute: 6

This is in regard to the additional appointment of a landowning representative of the South Australian Farmers Federation to the South Australian Emergency Services Commission Board. As the minister has indicated, he is prepared to consider this amendment in discussion with his caucus. On behalf of the member for Stuart, I also move:

Page 6, after line 13 [clause 9(3)]—After subparagraph (iia) insert:

(iib) I must be a person who owns land in the country appointed on the nomination of the South Australian Farmers Federation Incorporated; and

The Hon. M.J. WRIGHT: Similar to my first answer, we will get some advice about this one. The Farmers Federation is, of course, on the state bushfire coordination committee but, nonetheless, I have given the shadow minister and the member for Stuart an assurance that we will have a look at the amendments between the houses. It would, of course, increase the board by one, which would be a concern, and one area that this board looks at is governance. However, having said that, we will have a look at it.

Amendments negatived; clause passed.

Clause 10.

Mr GOLDSWORTHY: On behalf of the member for Stuart, I also move:

Page 6, line 16 [clause 10(1), inserted subsection (2)]—Delete '5' and substitute: 6

This amendment is also in relation to the issue of adding a representative of the Farmers Federation to the SAFECOM Board. The reasons for this were outlined in the second reading contributions of the member for Stuart and the member for Schubert, so I do not necessarily need to elaborate on the reasons for this particular amendment.

The Hon. M.J. WRIGHT: This amendment is obviously related to the earlier one so we will look at them both together; probably one depends upon the other.

Amendment negatived; clause passed.

Clauses 11 to 15 passed.

Clause 16.

Mr GOLDSWORTHY: The Liberal opposition opposes this clause, as well as clauses 17, 18, 19 and 20, for reasons relating to our earlier comments on moving those industrial issues—complaints, appeals, hearings and other issues—from the District Court to the Industrial Relations Commission. I note the minister's comments in his concluding remarks in the second reading debate. However, these issues have been raised in debate on other legislation and, consistent with our position on those previous matters, the opposition opposes these measures.

Mr HANNA: At this point I simply wish to observe that proceedings in the Industrial Relations Commission will be cheaper and quicker. It seems to me that these matters—which concern discipline, etc., of fire services officers—would fit very well within the ambit of the Industrial Relations Commission, so I find it difficult to understand why the Liberal opposition opposes these clauses.

Clause passed.

Clauses 17 to 22 passed.

Clause 23.

Mr HANNA: I move:

Page 14, after line 23—Insert:

- (2a) The area of a council must not be divided between 2 or more bushfire management areas.

The background to this amendment lies in proposed new section 72, which deals with the establishment of bushfire management areas. The state bushfire coordination committee must make recommendations about the boundaries of bushfire management areas. My amendment seeks to implement the LGA desire for council areas not to be split between different bushfire management areas. Bearing in mind, again, that councils appoint fire prevention officers, it makes a lot of sense, from a coordination point of view, to have the bushfire management area boundaries congruent with council boundaries as far as possible.

My amendment is black and white, in that it insists that the area of a council must not be divided between two or more bushfire management areas. For example, if there is a mountain range or grassland which clearly cuts across two different council areas, the question I put is: why not have two different designated bushfire management areas even though it deals with the same geographical formation? It is important for each council to take responsibility for its own area and, in terms of coordination within the council area, it is important that the boundaries pretty well match up as between the BMAs and the council boundaries. I think most members would see the sense of that. One may debate whether it is possible on every occasion, but there is a lot of sense in making the boundaries congruent.

Incidentally, an issue that I am quite passionate about in another context is making council boundaries and water resource boundaries congruent. In other words, I think that, where there are watersheds and river valleys, etc., as far as possible, council boundaries should also take account of those water formations and water resources to assist with management of those natural resources. It is a similar principle. Our council boundaries tend to have grown up over time because of miscellaneous historical reasons. I think we should be mature enough, where possible, to try to align some of these important natural resource and bushfire management boundaries with council boundaries.

The Hon. M.J. WRIGHT: I listened carefully to the member's contribution. I will get some advice on this. He has come up with an interesting concept, and I would like to get some advice on the practicalities of it. As I have said, we will get a position with all of these—these came in late, of course—between the houses.

The Hon. I.F. EVANS: I understand that the opposition's position on these amendments is that we have just received them and we are going to consider them between the houses, so my

comments do not reflect the party policy. On reading amendment No. 3 to clause 23, page 14, after line 23, I think it is impractical and it would weaken the system. Why would you stop a bushfire plan at a council boundary for the convenience of administration? If the physical asset of the fire danger through a mountain range or a park, or whatever, crosses over council boundaries, surely the bushfire management plan should simply deal with the bushfire issues in whatever geographic area the firefighting authorities think they need a proper plan to manage that particular fire regime. The fire is not suddenly going to change or be different at a council boundary.

So, my personal view is that the amendment should not be supported, because I think the prediction of the fire behaviour likely to occur, given the geographic features that exist, should dictate the area that the bushfire plan covers, just as it is for NRM and catchment boards. Catchment boards did not follow council boundaries, because the geographic definition of the catchment area meant that we wanted a management plan for the catchment area. To me, the same principle applies for the bushfire area: look where the risk is, look at the geographical asset you are dealing with and develop a plan to take in that area. If that crosses different council boundaries or parts of councils, so be it. In my view, we should not be fighting fires based on administration efficiency.

Mr HANNA: I see the strength in the remarks of the member for Davenport. I suppose the LGA is on notice that the solution to this problem might not be aligning bushfire management boundaries with council boundaries but, rather, changing council boundaries to match water catchments and bushfire management areas.

Amendment negated.

Mr HANNA: I move:

Page 14, after line 35—Insert:

- (2a) However, the State Bushfire Coordination Committee must at least ensure that any council whose area is within a bushfire management area is given an opportunity to nominate a person for membership of the relevant bushfire management committee.

This is a slightly different issue. The LGA has suggested that each council in a bushfire management area should have the option of membership on the bushfire management committee for that area. There might be some council areas that have the barest fraction of inclusion in a bushfire management area. That council may not wish to do it, but they should have the option. That is the position of the LGA, and I think it is a reasonable one.

The Hon. M.J. WRIGHT: The amendment will be considered between the houses.

Amendment negated.

Mr HANNA: I move:

Page 15, after line 39—Insert:

- (fa) to provide, or arrange for the provision of, advice to owners of land on effective bushfire prevention and management;

This amendment refers to the functions of the bushfire management committees. The LGA, no doubt reflecting a lot of concern in the community, believes that there should be a stated function of these committees to provide advice, or arrange for the provision of advice, to owners of land on effective bushfire prevention and management, so I have included this amendment. It is probably something that the committees could do anyway; it is common sense. I see no harm in including it as a function of the committees; it is certainly something that needs to be done by someone. I commend the amendment to members.

The Hon. M.J. WRIGHT: The amendment will be considered between the houses.

Amendment negated.

Mr HANNA: I move:

Page 17, line 9—After 'bushfire management' insert:

- so as to provide appropriate levels of protection to life, property and the environment from the effects of bushfires

This amendment spells out one of the key principles that really underpins the State Bushfire Management Plan. Most of the approach refers to hazard reduction, management of risks and so

on. However, somewhere in there we need to refer to the ultimate goal of the protection of life, property and the environment; hence, I have included those issues as a principle to be considered.

In moving that amendment, I recognise that there is some debate to be had about whether all of those three issues (that is, protection of life, property and the environment) are, in fact, congruent. It may be that, at times, to save property you might be putting life at risk and to save lives you might be putting property at risk. So, it is something of a balancing act; hence, the wording I have included there, that is, 'to provide appropriate levels of protection to life, property and the environment'. I think that is leaving it open enough while still reminding us all of the ultimate goal of effective bushfire management and risk reduction.

The Hon. M.J. WRIGHT: Once again, we will consider all the remaining amendments between the houses.

The Hon. I.F. EVANS: I know this is going to be considered between the houses. This is a bit of an open debate, given that no-one other than the member for Mitchell has a position—and that is not a criticism of the member for Mitchell. It strikes me that we need to be clear what we are trying to do with this clause. This clause is about the State Bushfire Management Plan. So, the question is: what should be in the plan?

Once you enter the issue of going away from managing the fire itself and go into other issues—and the member for Mitchell raises protection of life and environment—does that mean that the bushfire management plan then has to deal with not the issue of hazard reduction and the sorts of issues that go directly to the question of fire but things like, in my electorate, can the roads carry an evacuation? What happens when the railway crossings all close at the same time? So, it suddenly brings another question into the plan.

The parliament needs to be crystal clear on what it wants the plans to do. Is it a total community safety plan in response to a possible fire, or is it about reducing and preventing fire? They are two different roles. Once you bring in other measures then that questions what is going to be in the state bushfire plan and, therefore, it flows on to what is going to be in the community, or the next level down, the bushfire area management plans. So, I just raise that.

I do not see, member for Mitchell, how you could possibly draw up a plan that treats those three areas fairly, because ultimately the one area that is going to be expended during a fire is the environment. Ultimately you are going to backburn, because property and life will take a higher priority than the environment; that is going to be the natural reaction during an emergency fire. So, how can you draw up a plan that treats those three evenly?

When this is debated further in the upper house I think we need to be absolutely crystal clear on what we want this plan to cover. The more things that you put into the plan, the more it becomes a motherhood statement about every possible thought in relation to fire, and I think that would weaken it. So, for those reasons, I would need convincing that we need to expand it much more than what we have.

Mr HANNA: I stress that the wording I had proposed talks about appropriate levels of protection in respect of those three issues. I also point out that there is already a proposed subsection which is presumably not in dispute between anyone here in the parliament and which states:

The plan is to set out principles, policies and standards for bushfire management in the state from a high level or strategic perspective.

Some people might be surprised if it did not then include those broader issues of community safety to which the member for Davenport referred.

Amendment negatived.

Mr GOLDSWORTHY: I have some questions for the minister on this particular clause relating to the establishment of the bushfire coordination committee and the bushfire management committees and the establishment of the 16 bushfire management areas, and I highlighted this in my second reading contribution. Is the government in a position to make a commitment that this new structure—because this is a new structure—will be in place and operating before this bushfire season comes around? If it does not then we can see that there will be some potential problems within the agency.

If we are dealing with the establishment of a new structure and then dealing with the existing structure, it may well cause some confusion, and that is exactly what we do not want in the middle of a bushfire season.

The Hon. M.J. WRIGHT: Once the legislation is passed, we will move to get the new structure in place, but there will be transitional provisions that apply to enable the existing structures to carry out their functions and plans until the new arrangements are in place. It is difficult to know for sure when the new arrangements will be in place but, as I said, as soon as the legislation has passed both houses, we will move to put the bushfire coordination committee in place as soon as practicable and, following that, the 16 areas.

The transitional provisions will apply, so the structures that currently exist under the legislation will continue to operate. We will not be in a situation where we are half pregnant, that is, we have done away with one structure and the other structure is not complete in that it is not in place.

Mr GOLDSWORTHY: The minister said 'as soon as practicable'. Will it be three months, six months, 12 months or two years? Can he give us any indication of the anticipated time frame for when the old structure will be obsolete and the new structure in place and operating?

The Hon. M.J. WRIGHT: The advice I have received is that from the time of the assent to the bill it will be approximately 10 to 12 weeks.

Mr GOLDSWORTHY: Thank you, minister. That gives us a clearer indication of the time frame. In relation to clause 23, new section 73, the bushfire management plans and the bushfire management area plans, the member for Davenport highlighted some issues about how prescriptive these plans may be. I would like some explanation from the minister on what types of issues these plans will cover.

It looks as though it is a fairly broad and overarching proposal, but what we do not necessarily want to occur is a government official, whether it be a fire prevention officer or somebody with official capacity, going along to a residence and saying, 'We don't like the way your house is constructed. We want you to change this, this and this,' placing an onerous responsibility on the property owner and a high cost component to meet the requirements of the plan. It sets out some of the principles and priorities of the plan, but I want an assurance that the plan will not place an unreasonable responsibility or impost on property owners.

The Hon. M.J. WRIGHT: I can understand the member's interest and potential concerns. New section 73A(7)(b) on page 19 talks about 'take reasonable steps to consult with', and then it sets out who is to be consulted. New section 73A(7)(b)(vi) provides:

- (vi) any other person or body, or person or body of a class, prescribed by the regulations for the purposes of this subsection,
in relation to the proposal; and
- (c) by public notice, give notice of the place or places at which copies of the draft are available for inspection...and purchase and invite interested persons to make written representations on the proposal within a period prescribed by the regulations.

Mr GOLDSWORTHY: I understand that, and I have read that in the bill. However, that is really just going out for public notification on what the plan may or may not include. I want a commitment from the government that the plan will not necessarily be onerous and place an unreasonable impost on landowners and property owners. I read in the bill that it basically concerns public consultation.

I do not want to be churlish about this, but we question the government's track record in relation to public consultation. We have raised this aspect with respect to a number of pieces of legislation over the years. That is all well and good. As I said, that is talking about public consultation, but it is not giving me any real comfort that the plan will not place unreasonable expectations on property owners.

The Hon. M.J. WRIGHT: I think, to put it into context, we are talking about an overarching plan—we are talking about the high level here—and, underneath, we are talking about the regional plans. The assurance that the member asked for is perhaps covered a little bit further when we talk about private land.

There is, of course, in new section 105J, a review by the chief officer, so I think in this particular clause where we are talking about the state bushfire management plan we are talking

about an overarching plan at the high level and we are then talking about the regional plans that sit underneath that. The member is talking about an impost being placed upon an individual. There is also a code of practice under subsection (3) which relates to land of the kind to which the proceedings relate. However, as I said, there is the appeal that can be made to the chief executive officer.

The Hon. I.F. EVANS: Can I follow this line of questioning that the member for Kavel has raised? The possible breadth of these particular clauses has only come to the attention of the opposition late today, so we have not had a chance to discuss it in the party room, and I am not sure even the minister's own caucus would have discussed it in this context. It seems to me that under division 7A, bushfire management plans, at page 17 of the bill, proposed clause 73 talks about a state bushfire management plan and says 'the plan must', and in placitum (a) 'set out principles to be applied in achieving appropriate levels of hazard reduction for bushfire management'. Then in placitum (c) it says 'set standards'.

So the plan must 'set standards or requirements that must'—so it is a double must—'be applied or observed in the preparation or implementation of bushfire management area plans'. Then placitum (d) is very broad. It says, 'include or address other matters prescribed by the regulations', whatever they may be, so it is any matter at all that is in the regulations, of which we have no knowledge as we speak today.

If you flick over to page 19, proposed clause 73A deals with the lower level bushfire management area plans and says, 'Without limiting subsection (2), the plan must'. Then go to placitum (d) and it talks about 'establish'—so it must establish—'or adopt principles and standards to guide or measure the successful implementation of bushfire management strategies and initiatives'.

So, the question is: do these plans have the power to prescribe on a private land-holder a new standard which the land-holder must meet? For instance, can the plan say that we are going to retrofit all the houses in Blackwood with insulation by 2012—that is a must, according to the plan—or that they have to retrofit fire sprinklers or retrofit rainwater tanks?

The question at which the member for Kavel is driving and about which I am subsequently asking other questions is: through these bushfire plans is there any power at all for the plans to prescribe in a compulsory sense a requirement that landholders, according to the plan, must retrofit or take retrospective action to their property? I am talking about buildings; I am not worried about clearing land because there are already clean-up notices. In respect of buildings and houses, will the plans contain the power of a mandatory requirement? Yes or no?

The Hon. M.J. WRIGHT: The advice I have received is that the answer is no. This is about hazard removal and standards of bushfire planning. This is not the Development Act and the advice I have received is that the answer is no.

The Hon. I.F. EVANS: I would ask the minister to consider between houses an explanatory note in the legislation to make that absolutely crystal clear. The reason I raise this matter is that I think it is very much open to interpretation. What a court would do with it is anyone's guess. If that is the intention of the government, it should put an explanatory note or clause in the bill that specifically prohibits the plan dealing with built infrastructure, if you like.

I think new section 73A(3)(c), 'identify action that should be taken by persons', becomes open to interpretation about what a plan can tell a person to do. I think it is open to interpretation that that would include retrofitting houses or buildings. If that is the intention of the government, fine, but I think there should be a clause in the bill which makes crystal clear what it does or does not refer to.

The other question I have is: can you explain to me what this section means? New section 73 under the state bushfire management plan and new section 73A under the bushfire management area plans both have subsections that provide that the plan is an expression of policy and does not in itself affect rights or liabilities (whether of a substantive, procedural or other nature). I am just wondering what that means and why we have it in the legislation.

The Hon. M.J. WRIGHT: I think this re-emphasises what we have been talking about previously. This is a high level planning policy. I refer the member to page 20 of the bill. Subsection 11 provides:

A plan is an expression of policy and does not in itself affect rights or liabilities (whether of a substantive, procedural or other nature).

This is similar to the Development Act.

The Hon. I.F. EVANS: Thank you for that, minister. Subsection (10) on the same page deals with the capacity for the state bushfire coordinating committee to amend a proposed plan put to it by the level below, the bushfire management area plan committee. I notice that it gives the state bushfire coordinating committee the power to amend the plan without any further consultation with the community or the groups that have developed the plan. The bushfire management area plan is established by a local committee and they run some sort of public process and develop a plan.

Under new section 73A(10) on page 20, it is then sent up to the state bushfire coordinating committee, and that subsection gives them the power to amend that plan if they want. All the local communities who have had input into that plan do not even know it will be amended by the state bushfire coordinating committee, and they can approve the amendment. I am just wondering why you have designed it so that those communities are excluded from any possible discussion about proposed amendments by the state bushfire coordinating committee.

The Hon. M.J. WRIGHT: I understand what the honourable member is saying, but I think we have to put some trust and also some confidence in the state bushfire coordination committee and I think the member correctly referred to:

- (b) consult the relevant bushfire management committee about any amendment to a proposed plan or amendment that the State Bushfire Coordination Committee considers necessary or appropriate and then approve the plan or amendment with amendment;

There might be minor amendments of course; there will be on a number of occasions. Then it continues:

- (c) refer a plan or amendment back to the relevant bushfire management committee for further consideration.

I think you have to have a structure in place with regard to how this is going to work and I think this is a good structure.

Clause passed.

[Sitting extended beyond 22:00 on motion of Hon. M.J. Wright]

Clauses 24 to 34 passed.

Clause 35.

Mr HANNA: I move:

Page 23, after line 26—Insert:

- (4) A Chief Officer may, on application by a council, exempt the council from the requirement to appoint a fire prevention officer under this section.

The concern that has been expressed by the LGA is that, in some remote areas of South Australia, it may not be necessary to have a fire prevention officer, for example, in Coober Pedy or in Roxby Downs, if and when it has democratic local government. The people there may consider that they do not need a fire prevention officer because there is not much around to burn.

I do not mean to be flippant but there may be some areas of South Australia where the actual local council considers that there really is no need for a fire prevention officer. This is simply to allow a loophole if you like, an exemption. It cannot just be a decision of the council. It is a decision of the chief officer on application by a council so the safeguard is there. It may even never be used but it is to allow that little bit of flexibility. I commend the amendment.

The Hon. M.J. WRIGHT: We will consider it between the houses.

Amendment negatived.

Mr HANNA: I move:

Page 24—

Line 2—after 'may' insert:

, with the approval of the council,

Line 6—delete 'with the approval of the council—'

Because amendment No. 9 is consequential upon amendment No. 8, I move them both together. The concept here is relates to the power to delegate from a fire prevention officer to a member of the CFS or the MFS. The LGA has suggested that this should be with the approval of the council. That makes sense, since it is the council which appoints the fire prevention officer. I understand that sometimes decisions will need to be made in a hurry but, on the other hand, it is important for the local council to be kept informed of any delegation of the powers of the fire prevention officer.

This matter could be resolved, perhaps, in the contract between the fire prevention officer and the council: a contract of employment, presumably, or some other kind of engagement at law. However, the LGA would prefer to see the role of council ensured in this process by including it in the legislation.

Amendments negatived.

Mr HANNA: I move:

Page 24—

Line 20—Delete 'fire prevention officer, require the fire prevention officer' and substitute:

a council, require the council

Line 24—delete 'the fire' and substitute:

a fire

Amendment No. 11 is consequential upon amendment No. 10, so I move both together. The LGA considers that the council should be the responsible body in respect of reporting requirements. Proposed section 105E deals with reports. The commission, the state bushfire coordination committee, or a bushfire management committee may in writing request a report. The LGA position is that this request should go to the relevant council which has engaged the fire prevention officer rather than to the fire prevention officer themselves. The purpose is to keep councils in the loop of communication, and I think it is appropriate. It may be considered that a fire prevention officer would, as a matter of course, provide notice to the council of any such request for a report and would provide a copy of any report given in accordance with this legislation to the council which has engaged the fire prevention officer. This is to make the matter clear and ensure that the council is kept in the loop.

Amendments negatived.

Mr HAMILTON-SMITH: Before moving my amendments, I think I am comfortable with what I expect to be the answer. In regard to section 105F, which provides that an owner of private land must take responsible steps, I am assuming that the minister is comfortable that that includes an occupier or tenant. I note that the principal act contains a definition of 'owner' as follows:

- (a) in relation to land alienated from the Crown in fee simple—means the owner of an estate in fee simple in the land;
- (b) in relation to land held from the Crown by lease, licence or agreement to purchase—means the lessee, licensee or purchaser—

and then it adds the words 'and includes occupier'. I ask this question because constituents at my public meeting raised a concern that some tenants occupying hills face properties disregard the need to clear fuel and flammable substances from their property. I want to be assured that this bill will empower the minister and the government to take action against those tenants—not just the owner—so that there is no way out for a tenant, if you like, to disregard the law.

The Hon. M.J. WRIGHT: The member is correct. I also acknowledge the public meeting that he held recently to which the member for Davenport referred. I was also made aware of it and I know that it was a very constructive meeting. I think that opportunities like this serve us very well and help better educate the community.

Mr HAMILTON-SMITH: I move:

Page 24, after line 33 [clause 35, inserted section 105F(1)]—After paragraph (c) insert:

and

- (d) to minimise the threat to human life from a fire on the land.

I draw to the minister's attention that the bill, as it stands under clause 35 in dealing with section 105F regarding private land, puts an obligation on the owner of private land to do as follows:

- (1) An owner of private land must take reasonable steps—
 - (a) to prevent or inhibit the outbreak of fire on the land; and
 - (b) to prevent or inhibit the spread of fire through the land; and
 - (c) to protect property on the land from fire.

I felt that it would be appropriate to add a requirement as indicated in my amendment 'to minimise the threat to human life from a fire on the land'. I know it is implicit in what is already in the bill but I thought that specifying it would balance the bill a little better which, at a reading, seems to favour protection of property rather than life.

It was my view at first glance to go further and to suggest a further amendment that the government might like to consider using this bill as an opportunity to acquire perhaps through section 105F(6) a new paragraph (e) that would require landowners to prepare or implement a bushfire action plan. I am not moving that but I thought I should raise it within the context of what I am proposing, because the government may wish to consider it between the houses.

The idea is that at the moment, although this bill requires in a mandatory sense landowners to do certain things in regard to clearing their property, it does not require them to prepare a bushfire management plan. I have floated a number of ideas about this. One is to require landowners to have a copy of their bushfire action plan at their home; another would be to arrange for a bushfire action plan to be in their vehicle through the registration system, for example. It is not uncommon to see in a hotel on the back of the door what amounts to a fire action plan should a fire occur in the building. It instructs the occupant of the hotel room to do certain things and take certain action in the event of fire so that everyone understands what is needed.

I note that the CFS has done an excellent job in encouraging people to have a bushfire action plan—it has a lot of material out there—but this bill, as I read it, does not empower the CFS to say to landowners, 'You really must have this plan.' There is no mandatory requirement to have this plan. I know there is a view that that sort of mandatory requirement does not work and that perhaps an education-based approach is best, and I see that reflected in a number of the comments already made.

However, I thought the minister might like to consider it between the houses. I am not actually proposing that: I am proposing something that falls short of that, and that is simply the amendment standing in my name to require that, in the case of private land, then council land and then crown land, we balance it by inserting those words to minimise threat to human life from fire on the land.

The Hon. M.J. WRIGHT: I thank the member for his amendments and also for his further suggestion. As I said earlier (but have not had a chance to speak to the member privately), I will certainly seek advice on both of those proposals. I am talking about the three amendments and the other proposal. We will deal with it between the houses. The amendments that are before me seem to have merit, and we will come back to you as we work between the houses.

Mr HAMILTON-SMITH: I thank the minister for considering that, and I look forward to further debate.

Amendment negated.

Mr HAMILTON-SMITH: I move:

Page 26, after line 37 [clause 35, inserted section 105G(1)]—After paragraph (e) insert:

and

- (f) to minimise the threat to human life from a fire on the land.

Amendment negated.

Mr HAMILTON-SMITH: I move:

Page 28, after line 2 [clause 35, inserted section 105H(1)]—After paragraph (e) insert:

and

- (f) to minimise the threat to human life from a fire on the land.

Amendment negatived; clause passed.

Clauses 36 to 38 passed.

Clause 39.

Mr GOLDSWORTHY: I move my amendment in relation to repealing section 149:

Page 32, lines 8 and 9—

Leave out this clause and substitute:

39—Amendment of section 149—Review of Act

(1) Section 149(1)—delete subsection (1) and substitute:

(1) The minister must cause a review of the operation of this act to be conducted.

(1a) The review must relate to the period between the commencement of the Fire and Emergency Services (Review) Amendment Act 2009 and 30 March 2012.

(2) Section 149(3) and (4)—delete subsections (3) and (4) and substitute:

(3) The review must be commenced as soon as is reasonably practicable after 30 March 2012 and the report must be submitted to the minister by 30 September 2012.

This refers to the matter of a formal review process to be undertaken of the amended act. This bill will obviously amend the existing act, so my amendment implements a formal review process to commence in March 2012 and to conclude and report in September 2012.

As I said in my second reading contribution, as a parliament and as an emergency services agency sector, we should all be working together on a continual program of improvement. One of the ways to measure improvement is to review how existing measures and processes are tracking and performing. It is important to have a formal review process in the legislation, as has been the case in the original act that we are amending, but in the bill that formal review process will be deleted and, hence, the moving of this amendment to include a formal review process in three years' time in the year 2012.

The Hon. M.J. WRIGHT: Yes, we will consider it between the houses.

Amendment negatived; clause passed.

Remaining clauses (40 to 43) and schedule passed.

Mr GOLDSWORTHY: Madam Chair, I have a question in relation to the legislation. It concerns an issue raised by the member for Flinders in her second reading speech regarding privacy agreements on settlements of cases—compensation, if you like, from a fire event. Is it the case that privacy or confidentiality agreements are signed by the recipients of payments from the government?

The CHAIR: There is not a question before the chair that enables that to be dealt with. I allowed you to get it on the record on the ground that it can be dealt with between the houses.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

MEMBER'S REMARKS

Ms SIMMONS (Morialta) (22:17): I seek leave to make a personal explanation.

The CHAIR: Does the member claim to have been misrepresented?

Ms SIMMONS: Yes, Madam Chair.

Leave granted.

Ms SIMMONS: Earlier this evening the member for Finnis made a personal explanation saying that I had implied that he had left out the MFS in a speech. The member for Kavel very wisely told the house that the *Hansard* would correctly reflect what was actually said, and I have here the extract from *Hansard* which I will read out to the house. What I said was:

The member for Finnis has been quite personal and disparaging of the Attorney-General but—

and there is a dash there because I paused—

and I speak as a member of parliament who has been very involved with both the CFS and the MFS in my electorate—this legislation will provide new governance for everyone who has been providing this valuable service.

At no time did I make any comments about the member for Finniss's involvement with the MFS. I did, however, comment on the member for Finniss's disparaging and personal comments on the Attorney-General.

I find that Hansard does an amazing job, and I recommend that, before jumping up and down, the member for Finniss get himself an advance copy of the *Hansard*. I would also like to take this opportunity to compliment our Hansard reporters, because not only are they very accurate but they are incredibly speedy in their reactions.

The CHAIR: As much as we might all share those sentiments, they are not in order in a personal explanation. I am sure there will be many other opportunities for you to record them.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT BILL

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

No.1. Clause 7, page 4, lines 3 to 9 [clause 7, inserted section 4A]—

Delete inserted section 4A and substitute:

4A—Welfare of child paramount

The welfare of any child to be born as a consequence of the provision of assisted reproductive treatment in accordance with this Act must be treated as being of paramount importance, and accepted as a fundamental principle, in respect of the operation of this Act.

No. 2. Schedule 1, page 12, lines 21 to 37—

Delete the Schedule and substitute:

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendments to *Family Relationships Act 1975*

1—Amendment of heading to Part 2A

Heading to Part 2A—delete "medical" and substitute:

fertilisation

2—Amendment of section 10A—Interpretation

Section 10A(1), definition of *fertilisation procedure*—delete the definition and substitute:

fertilisation procedure means—

- (a) assisted insemination (within the meaning of the *Assisted Reproductive Treatment Act 1988*); or
- (b) assisted reproductive treatment (within the meaning of the *Assisted Reproductive Treatment Act 1988*).

3—Amendment of section 10B—Application of Part

Section 10B(1)—delete subsection (1) and substitute:

(1) Subject to this section, this Part applies—

- (a) in respect of a fertilisation procedure carried out before or after the commencement of the *Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009* either within or outside the State; and
- (b) in respect of a child born before or after commencement of the *Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009* either within or outside the State.

4—Amendment of section 10D—Rule relating to paternity

Section 10D—after subsection (2) insert:

- (3) Subject to this Act, if a woman undergoes, in accordance with this or any other Act, a fertilisation procedure in consequence of which she becomes pregnant using the semen of a man—
- (a) who has died; and
 - (b) who, immediately before his death, was living with the woman on a genuine domestic basis as her husband; and
 - (c) who had consented to the use of the semen for the purposes of the fertilisation procedure,
the man—
 - (d) will be conclusively presumed to have caused the pregnancy; and
 - (e) will be taken to be the father of any child born as a result of the pregnancy.

5—Insertion of section 10EA

After section 10E insert:

10EA—Court order relating to paternity

- (1) This section applies to a child if—
- (a) the child is domiciled in this State; and
 - (b) the child was conceived as a result of a fertilisation procedure carried out in this State; and
 - (c) 1 or more of the following applies:
 - (i) the paternity of the child is not able to be determined by the operation of section 10D;
 - (ii) the operation of section 10E(2) does not reflect the wishes of both the provider of the sperm used for the purposes of the fertility procedure (the *sperm provider*) and the mother of the child;
 - (iii) the fertility procedure was carried out in any other circumstances brought within the ambit of this paragraph by the regulations.
- (2) The Court may, in relation to a child to which this section applies and on the application of the sperm provider in respect of the child, make an order under this section.
- (3) However, the Court must not make an order under this section unless satisfied that both the mother and the sperm provider freely, and with a full understanding of what is involved, agree to the making of the order.
- (4) The Court must, in deciding whether to make an order under this section, regard the welfare of the child as the paramount consideration.
- (5) In deciding whether to make an order under this section, the Court may take into account anything it considers relevant.
- (6) If the Court makes an order under this section, the effect of the order will be as follows:
- (a) for the purposes of the law of the State—
 - (i) will be conclusively presumed to have caused the pregnancy; and
 - (ii) will be taken to be the father of any child born as a result of the pregnancy.
 - (b) the relationships of all other persons to the child will be determined according to the operation and effect of paragraph (a).
- (7) If the Court makes an order under this section, the Court may make any other ancillary order the Court thinks fit.
- (8) In this section—

Court means the *Youth Court of South Australia* constituted of a Judge.

Part 2—Transitional provisions

1—Existing licensees

- (1) A person who, immediately before the commencement of this clause, held a licence under Part 3 of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) will be taken to be registered under Part 2 of that Act (as enacted by this Act).
- (2) Any licence condition to which the licence was subject under section 13(3)(a) and (e) of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) will be taken to continue to apply as a condition of registration under Part 2 of that Act (as enacted by this Act).

2—Record keeping

A person who held a licence under Part 3 of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) must keep any record required to have been made or kept as a condition to which the licence was subject under section 13(3)(d) of that Act (as in force immediately before the commencement of this clause) as if the record were a record required to be made or kept under that Act after the commencement of Part 2 of this Act.

No.3. Long title, page 1—After '1988' insert:

and to make related amendments to the *Family Relationships Act 1975*

At 22:20 the house adjourned until Wednesday 9 September 2009 at 11:00.