

HOUSE OF ASSEMBLY**Tuesday 22 September 2009**

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

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

The Hon. P.F. CONLON: I move:

That the Legislative Council's amendment be agreed to.

It is a very minor technical amendment because the bill originally referred to the Harbors and Navigation Regulations 1994 which were still in operation. However, since the passage of the bill, the 1994 regulations have expired and have been replaced by the Harbors and Navigation Regulations 2009, so there is a need to change that reference.

Dr McFETRIDGE: The opposition supports this amendment. It is a very important technical change, because South Australia has 31 harbours under this act from American River in the As through to Whyalla in the Ws, and everything in between is extremely important—including Point Turton, of which I have fond memories.

It is important that we get the regulations right and make sure that we have the facilities provided for the thousands of South Australians who enjoy recreational boating and also commercial boating. I remind the committee that the Facilities Fund being set up under this new act and to which these regulations will apply replaces the Recreational Boating Facilities Fund. I remember in my second reading speech referring to the fact that the then minister for transport (Diana Laidlaw) was keen to set up one fund which covered both recreational and commercial boats.

There is always some concern that one sector or the other will miss out, but I think the regulations to be brought in, particularly with this amendment to the 2009 regulations, will ensure a fair distribution of both the facilities and the use of this fund. The importance of this act and these regulations is that the fund can be invested on behalf of South Australian boaties, and those who use the ports and harbours of South Australia, to maximise the use of this fund and the return on the fund so that these facilities can be improved.

The regulations under the 1994 act cover a wide range of responsibilities, and we need to make sure that this minor change enabling the regulations to be updated is right because it is important that we support all our boaties. That is all I have to say on this. I hope that the operation of the act and the regulations being implemented will do what they are intended to do for South Australians. The boating industry in South Australia is huge—and I know that the minister for transport is a keen boatie and fisherman—so we look forward to seeing this measure in force in the near future.

Mr GRIFFITHS: I want to make a brief contribution in support of the professional and recreational fishers who visit the Goyder electorate and refer to the needs involving the facilities in those regions. As a previous local government CEO who was involved in applications for the accessing of the fund, I can only talk in glowing terms about the provision of these dollars and the difference they have made to infrastructure in the Yorke Peninsula and Adelaide Plains area. Thousands of people visit my electorate on a regular basis because of the opportunity for rec fishing, and part of my argument for the need to upgrade the facilities has been that the best form of insurance a boat owner can have is a good recreational and professional fishing facility in place for the launch and retrieval of boats.

It is fair to say that not all boat owners have been comfortable with the levy that has been in place, but the absolute majority of people are because they recognise that the funds are put to an appropriate cause.

The Hon. P.F. Conlon interjecting:

Mr GRIFFITHS: No; never. It is important that we support this. I know that it has caused some debate. The amendments are appropriate, and it is good that the debate has occurred in the Legislative Council and has come back to this chamber for amendments to be moved. No doubt, many projects in future years will apply for the funds because hundreds of thousands of dollars still

need to be invested. However, through the availability of this fund, all communities that have a recreational and professional fisher need will benefit. I support the bill.

Mr VENNING: We support this legislation. The minister said a minute ago that we need to support issues like these. This legislation proposes to increase the maximum penalty and expiation fees applying to the registration of prescribed vessels, and this will affect a lot of us. My family owns a couple of recreational boats. Recreational and commercial—

The Hon. P.F. Conlon: And a few cars to tow them.

Mr VENNING: I have a few cars to tow them with—you are right, minister. The minister sees very well, as the minister for transport. Thank goodness for the historical vehicle registrations. Recreational and commercial fishing funds are to be replaced by the single Facilities Fund in order to pay for the establishing, maintaining and improving of the harbours and other facilities.

Having a previous interest in the boat ramps of the River Murray, I want to make sure that this money is quarantined for purposes such as this. We do not want to see these moneys go into the general revenue. I am sure that none of these boat owners has any problem paying an increased registration fee for these vessels. Remember that a lot of the people launching boats are on average 60 or older and, when the facilities are less than perfect, it can be quite daunting for them to launch their boat. We have some magnificent boat ramps around, but there are a lot that are not, particularly following the recent weather and the storms that we had yesterday where a few have copped a fair pounding from the sea. I just want to make sure that these ramps are upgraded.

At West Beach, a lot of sand carting has been going on. I do not know whether that comes under this category—funded from this area—but I note that the Charles Sturt council is upgrading all the walkways. It has taken an inordinate amount of time to upgrade some of these walkways, particularly the main one by the West Beach Surf Life Saving Club, which has been under repair since the big storm two years ago. I presume that this Facilities Fund would cover some of these areas. If not, I suggest that councils ought to be able to apply to the Facilities Fund to get some money to assess upgrades, because lately we seem to have had some heavy storms and these facilities are certainly taking a pounding.

The opposition supports this amendment. Currently, the regulations dictate that the payment of levies imposed on the registration of certain recreational vessels and the corresponding levy on commercial fishing vessels is made into either the recreational or commercial fund as prescribed by this regulation, and the funds are expended on the relative facilities. The fund has an annual income of about \$2 million, so it is a reasonable amount of money. Without any further ado, the Liberal Party supports the shadow minister. We support this amendment and we support the bill.

The CHAIR: I draw members' attention to the subject matter. We are not talking about the act; we are talking about the amendment to the bill.

Mr PEDERICK: I would like to mention my support for the amendment and the bill. I note that under this legislation the Facilities Fund and the Recreational Boating Facilities Fund go together. I hope that the moneys are expended wisely to the benefit of the whole boating fraternity, whether they be commercial or recreational, especially in light of the approximately 400,000 recreational fishers.

I note that not all of them use vessels; a lot of them fish from shore-based facilities. It is hard to discern whether commercial operators or recreational fishers are using facilities, so I commend the bringing of the two funds together into the Facilities Fund. I hope that people will enjoy recreational fishing—and also the commercial operators—in the time to come. We will keep a watching brief on how the facilities are kept up around this state so that everyone gets the most benefit.

Mr PENGILLY: I also support the amendment. Just by way of a very brief contribution, I point out to the minister the necessity for spending some money fairly urgently at the Emu Bay boat ramp. The situation at Emu Bay was exacerbated on Sunday. I attended the opening of the new coastguard vessel for Kangaroo Island—the *Pedro Warman*—which was previously a police vessel and has now been given to the Kangaroo Island Coast Guard to secure the waters around Kangaroo Island.

I know that the minister is an avid user of the Emu Bay facility, and that he goes out there to catch freckle-faced tail smackers; however, I urge him fairly urgently to look at upgrading the Emu Bay boat ramp in the best interests of the emergency services, the recreational and

professional fishermen and charter boat operators who operate out there. I support the amendment.

Mr WILLIAMS: I was not going to speak on this matter but, as so many of my colleagues have had so much to say, I feel obliged to put my opinion on the record because it is somewhat different to that of my colleagues. Significant commercial fleets operate out of the coastal ports in my electorate, principally, Kingston, Cape Jaffa, Robe, Beachport and Southend, and then a number further down along the coast at Nene Valley, Blackfellows Caves, Carpenter Rocks and Port MacDonnell.

Over the years, I have received many representations from people from the various ports and fishing associations concerning the poor condition of the commercial jetties and the commercial infrastructure in those ports. On the other hand, considerable money has been spent on the recreational sector over recent years—probably over the past 15 years; and I am not sure exactly when the recreational boating fund was established. Certainly in my electorate, and I know at Southend, the recreational boaties want a breakwater/ramp put in; they believe that the existing one is inadequate and dangerous. A lot of the other places—certainly at Kingston, Robe, Beachport and, I believe, at Port MacDonnell—have very substantial recreational facilities, and I understand that the recreational fund is accumulating money.

I have some concerns about the impact of amalgamating the two funds. I know there is a shortage of money for the commercial sector, and there seems to be an abundance of money in the recreational fund. I question the motive behind putting the two funds together. I want to put that on the record, along with the fact that the commercial sector—I think in my electorate at least—could enjoy much better facilities than it does. It is an important industry along the coast of the South-East of this state, and it probably does need more attention from government and more money spent. I think that I am happy with the amendment.

The Hon. P.F. CONLON: I am not surprised that no government member wants to speak to this strictly technical amendment; I am just a little surprised that every member on the other side wanted to.

Motion carried.

STATUTES AMENDMENT (ELECTRICITY AND GAS—INFORMATION MANAGEMENT AND RETAILER OF LAST RESORT) BILL

Adjourned debate on second reading.

(Continued from 9 September 2009. Page 3768.)

Mr WILLIAMS (MacKillop) (11:19): I take this opportunity to inform the house that I am the lead speaker on this matter on behalf of the opposition. In saying that, I doubt I will take more than 20 minutes to address the matter. Again, amendments to the electricity and gas legislation are of a technical nature.

I thought the member for Enfield might have been in the house because this sort of legislation is a favourite hobbyhorse of his and he always has a go, because basically it has been approved by another body. In this case, the Ministerial Council on Energy has come to a series of agreements on this matter and, as a consequence, we now have this legislation, which provides us with little or no opportunity to amend. We can discuss it and think about it but, at the end of the day, we are pretty well obliged to pass it, for better or worse.

In this case, I think it is for the better, and I will come to that in a moment. This bill will fix a couple of minor anomalies, and I can indicate that the opposition supports it. Notwithstanding that, again I take the opportunity to point out, as does the member for Enfield, that it undermines the sovereign right of this parliament and this state. Some of us do not have a problem with that but some of us do.

I turn to the bill itself. It amends—in an identical fashion, from my reading—section 11 of the Electricity Act 1996 and section 11 of the Gas Act 1997. Members may recall that earlier this year, I think it was, we passed legislation to establish the Australian Energy Market Operator. We brought together the market operators for the gas and electricity industries under one body, for obvious reasons. Notwithstanding that electricity and gas are intrinsically different, there are a lot of similarities in the way the markets operate, and we will come to another piece of legislation shortly which will highlight the differences. However, the similarities are highlighted in this particular piece of legislation.

In the earlier legislation, one of the things we did (and it has happened as we have been getting up to speed, I guess, with the national energy markets over a series of years now), because we have a market operator and market regulators, was to require market participants to provide information. Of course, these market participants operate in a commercial world, and this legislation protects the information provided to the regulators, the operators and any other people to whom participants are obliged to give information. So it protects the confidentiality of that information and protects those operators in the commercial world.

It has come to the notice of those administering the relevant legislation that this has created some difficulties. The particular difficulty that is addressed by this amendment in the first part of this bill is that, in protecting that information, we have made it very difficult for various government agencies to fulfil their obligations under various bits of legislation; to wit, the electricity regulator regulates the operation of licensed electricians but the electricians are licensed by OCBA.

So, if we have a situation where an electrician has fallen foul of the regulations and some action needs to be taken, it might be that the regulator has the relevant information which has been provided under this act but OCBA does not have the information, despite being the organisation that will take action against the licensed electrician. The same thing happens in the other part of the bill with regard to plumbers and gasfitters under the Gas Act. I will not repeat all this but just point out that it happens under both acts.

There are instances where, for the ease of management of various obligations of different agencies (in this case, the electricity regulator and OCBA managing the licensing of tradespeople), it makes sense that the information be shared. That way, OCBA (the Office of Consumer and Business Affairs) does not have to go back and start from scratch in an investigation to make a case against a particular licensed operator. It can simply receive the information that has been provided to the regulator under the Electricity Act or the Gas Act. It makes perfectly good sense to allow that information to be passed on.

New section 11(1a) contains paragraphs (a) to (f). To save the house from going into committee, I ask whether the minister in his summing up can address a question which I am going to put to him now which I would otherwise put in committee. With respect to paragraph (f), which states 'information can be passed on as authorised by the minister', can the minister outline some circumstances under which there would need to be a ministerial authorisation? Again, I am somewhat concerned about the confidentiality of this information, and I do not know that we need to cast the net any wider than is absolutely necessary. I am sure industry would not want us to cast the net any wider.

I will make the point, which I have made previously in speaking to amendments to the Electricity Act and/or the Gas Act, that I have some concerns about the rapidity with which this legislation is being taken through parliament by the government. I go back to my earlier comments about undermining the sovereignty of parliament. I think the government aids and abets that process by tabling such legislation and then insisting on its being debated so soon after tabling it. It is very technical legislation. I had a briefing on this bill and the other one (about which I will talk more extensively when we get to it shortly) only yesterday—

The Hon. P.F. Conlon: Yes, but you were offered it weeks ago.

Mr WILLIAMS: No.

The Hon. P.F. Conlon: Yes, you were.

Mr WILLIAMS: No, I was not. You only introduced it a week ago.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the minister!

The Hon. P.F. Conlon interjecting:

The SPEAKER: The minister has been called to order.

Mr WILLIAMS: To the best of my knowledge, the briefing was arranged for yesterday. I will come back to it when we are dealing with the other bill, because there are some further comments I will make with respect to that. However, the reality, and the point I want to make, is that the opposition in this instance has not had an opportunity subsequent to the briefing to go to industry and seek its comments. I have to rely on the government, and I find that it is a dangerous

practice to rely on this government when it says, 'We have been out consulting,' because this government has a pretty poor record when it comes to consulting.

Everyone across this state knows that the way members of this government consult is to get everyone together and say that they want to consult on a particular matter, then they walk into the room and tell you what they have decided. Sometimes they do it a little better than that; they give you two or three options, let you discuss them and then go away and do what they were going to do anyway. So, it creates probably even more frustration.

I just make the point that the minister's agency has probably been working on this legislation for at least six if not 12 months, and the government insists that the opposition gets its head around it in a matter of a little over a week—I think it has been a week and a half since it was tabled. I will continue to make the point that, if the minister and his agency could be more organised, I think the parliament could give better scrutiny—

The Hon. P.F. Conlon: Where were you last week? Were you in the South-East? Is that why you didn't come to the briefing?

Mr WILLIAMS: I represent the South-East and I actually do have—

The Hon. P.F. Conlon: So, it wasn't convenient for you—

The SPEAKER: Order!

Mr WILLIAMS: Mr Speaker, I take offence at the comment that the minister thinks that it is outrageous that members of parliament work in their electorate. I think it is outrageous that the minister thinks that of a member of parliament who attends their electorate office, who sits at their desk and who attends to correspondence from constituents. Members of the opposition do that from time to time, minister. I tell the minister that his government does not provide members of the opposition with many resources. Every member of parliament is supplied with two electorate staff, and members of the opposition who have shadow responsibilities and who are trying to get their head around this legislation in a short period use a large percentage of the time of their electorate staff to help them with that work. Consequently—

Mrs GERAGHTY: Mr Speaker, I rise on a point of order. There is nothing of relevance in the member's comments and nothing is different from when we were in opposition. The then government gave us no resources at all. In fact, when I was opposition whip—

The SPEAKER: Order! The member for Torrens will take her seat.

Mrs GERAGHTY: We had less—

The SPEAKER: The member for Torrens will come to order. I think it would be best if the member for MacKillop turned his attention to the subject of the bill.

Mr WILLIAMS: Thank you for your advice, Mr Speaker. I was provoked. I am simply pointing out that the house—

Mrs Geraghty interjecting:

Mr WILLIAMS: The member for Torrens can enter the debate. I would love the member for Torrens to give us her opinion of this piece of legislation, because I will guarantee that she has never read it and probably has no understanding of it.

Mrs GERAGHTY: Mr Speaker, I rise on a point of order. I ask the member to withdraw his comment.

The SPEAKER: I did not hear the comment.

Members interjecting:

The SPEAKER: Order! I was busy attending with the Clerk. I do not know whether the member for MacKillop said anything unparliamentary. If he did, I ask him to withdraw it.

Mr WILLIAMS: No, I did not.

The SPEAKER: Perhaps the member for MacKillop could deal with the bill before the house.

Mr WILLIAMS: In helping the house, I am pointing out that I would love to hear the member for Torrens' contribution to the debate. I would love to hear her understanding of this bill. I suspect it is limited.

The Hon. P.F. CONLON: Mr Speaker, I rise on a point of order. For the second time, completely irrelevantly I might add, he has reflected on the member for Torrens. He reflected on her understanding of this bill which is not relative to the debate but which is a clear reflection on her and the discharge of her parliamentary duties.

The SPEAKER: Order! That is not a reflection. However, the member for MacKillop needs to turn his attention to the bill and ignore interjections.

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: I look forward to that, Patrick. The other relevant section in the bill is that which extends the role of the retailer of last resort. In the principal act, the retailer of last resort in South Australia is ETSA Utilities. In relation to the amendment of section 23(3), we would extend the period that ETSA Utilities would be appointed as retailer of last resort from the end of financial year 2010 to 2015, that is, out by five years. The retailer of last resort mechanism is in the act to enable the continuation of business as usual, particularly for customers in a case where a retailer goes out of business for any number of reasons.

I do not believe that, since this section has been in the South Australian Electricity Act (which I understand is since 1999), it has ever needed to be used. However, I have been informed that, in New South Wales, in July 2007, a company known as Energy One did go out of business and, under those circumstances, the retailer of last resort section in the act did come into action.

The customers of that particular business were able to continue to receive the service and, more importantly, as I was informed in the briefing yesterday, the whole market kept operating; that is, there was the flow of electricity from a producer through a wholesaler to a retailer and to a customer and the flow of payment for that service in the other direction. That is basically what the retailer of last resort provides when one party (a retailer) goes out of business. As I have indicated, the opposition supports this bill.

Mr VENNING (Schubert) (11:35): As the shadow minister has just said, we support this bill without amendment. I have always been interested in this part of my electoral duties but, before I continue, I want to say how much I support the member for MacKillop. I hear comments from across the chamber that he is tardy. Well, I live within two hours of Parliament House and I am in awe of the member for MacKillop who, living four hours away from Adelaide—

The Hon. P.F. Conlon interjecting:

Mr VENNING: It takes him a considerable time to drive here and I do not like to hear government ministers, who live 10 minutes from here, having a cheap shot at him. I will not accept that. The member for MacKillop works as hard as anyone in this place and it is dead time sitting in a motor car. Considering that the member drives about 80,000 kilometres per year in his car, I think the government ought to be providing him with a driver because it is an occupational health and safety problem that he drives so far.

This bill is all about the office of the Technical Regulator which was established when we introduced the Electricity Act in 1996 and the Gas Act in 1997. We do not quite know when we move legislation how it will work until it is road tested. Some 10 or 11 years later we might find a few hiccups, so here we are tidying up this legislation—and we do not have a problem with that.

This bill is fairly technical. Members do not quite understand what this legislation does. The basic functions of the Technical Regulator under the Electricity Act 1996—and this area is close to my heart—include the monitoring and regulation of safety and technical standards with respect to electrical installations.

I have always been concerned about the poles and wires that deliver electricity to farms across the state. This was a great Liberal initiative under former premier Sir Thomas Playford, when poles were put all over the state. It must have cost the government an absolute fortune, and there is no way in which we would ever recover the costs from the user. It was a service to the community, which was not done on a user pays system. It was a very heavily subsidised system.

The problem is that most of them were erected in the late 1950s and they are getting tired. I note that some are already being replaced, but you often see poles that are bent almost out of shape, concrete around the poles fretting and a lot of rust in the steel work. Maintenance costs are

high. I hope there is a fund somewhere, because a large amount of expenditure will be required in the next 20 to 25 years to replace up to 50 per cent of this network.

The other problem is that as a result of modern living we are using more power. A lot of people living on the SWER (single wire earth return) systems have one wire running across the fields. Of course, farmers are using more power, particularly with big welders and air conditioners on their houses, so they are almost pushing these lines to their maximum capacity. So I think that in the years ahead there will be a push to increase the capacity of these lines. Of course that will mean extra wire, at least another wire or two, at huge extra cost—and I do not know whether or not the poles have to be higher off the ground to do that as well.

These are the issues that come to us as country members, and we have to be forever cognisant that, while these assets have been fantastic, they do wear out—and they are wearing out. The regulator should be telling the industry, 'There are 10 years' life left; what are we doing about that?' It should not be left just to the operators and the supplier of last resort (which is ETSA), to pick that up

The other area that comes under this Technical Regulator is that of the administration of the provisions of the act relating to clearance of vegetation from powerlines. I know that this is all a result of Ash Wednesday, but I believe there has been a huge overreaction with the clearance of these powerlines. I will not say, 'Don't do it' because, sure as eggs, there would be a fire and the speech would be pulled out of *Hansard*, and then it would be, 'He said not to do it.' However, we went from one extreme to the other.

We had powerlines going through pine trees and large gum trees, and all sorts of things, but now we see trees just cut off almost at ground level under powerlines. In some areas I think that is pretty extreme. Rather than saying 'We're not taking any risks,' and then 'zoom' (they are very dramatic with their pruning of these trees), I believe we could be a little more sympathetic where we have historic trees. I know that ETSA, or whoever employs the contractors, has a strong order to get rid of—

The Hon. P.F. CONLON: I have a point of order. The bill has absolutely nothing to do with tree pruning, nothing whatever. The member is way off the subject.

The SPEAKER: Yes; I was just beginning to wonder about that myself. The member for Schubert needs to speak to the bill.

Mr VENNING: My reading of it says here, 'The administration of the provisions of the act relating to clearance of vegetation from powerlines.' Now, unless my briefing paper is wrong—

The SPEAKER: I think your briefing paper is wrong.

Mr VENNING: Well, I will check that. However, the other concern I have is in relation to the operations of the Office of the Technical Regulator—

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker. It is true that the Office of the Technical Regulator has a role in the administration of tree pruning, but this bill is not about that power. This bill is about a retailer of last resort and the ability to pass on confidential information. It has absolutely nothing to do with the role of the Technical Regulator in tree pruning.

The SPEAKER: I uphold the point of order. The member for Schubert.

Mr VENNING: Mr Speaker, I take issue with that. Technically it is not what the bill does, but we are talking about the Technical Regulator, and I think you are being a little pedantic, quite honestly. If I were to talk about an entirely different subject, but this is an area that comes under the Technical Regulator's ambit of operations—

The SPEAKER: Order!

Mr VENNING: I will drop it.

The SPEAKER: Have you finished your speech?

Mr VENNING: I do not agree, Mr Speaker, but—

The SPEAKER: The member for Schubert has to speak to the bill.

Mr VENNING: I heard your ruling. In relation to where the bill amends section 11 of the Electricity Act and the Gas Act to remove the barriers from the provision of information by the Technical Regulator to other parts, I wonder why that was not so in the first place. However,

section 11 requires that the Technical Regulator preserve the confidentiality of information which could affect the competitive position of an electricity or gas entity and which is commercially sensitive.

This is an extremely sensitive area. Someone has to decide what information is handed on, to whom, and for what reason. Of course, there is now a very strong commercial value on some of this information, so I would be a bit concerned and would hope that there is a very efficient watchdog to scrutinise all this. When you talk about the regulator, it is not one person; it is the Office of the Technical Regulator, so there are several people.

This place leaks, and no doubt the Office of the Technical Regulator would leak as well, so some of the information could be farmed out for commercial gain from competitors. As I said when I first got on my feet, it is an area a lot of us do not fully understand, and, in particular, the technicalities and vagaries of the commercial electricity market, so I do raise that concern. I presume that the powers that be, who certainly have better knowledge than I, particularly the lawyers, have understood that and made sure that the flow of information is always the property of the person who sourced it for their commercial advantage or whatever.

Finally, ETSA is the provider of last resort—thank goodness. With all the operators out there now, if something goes bung we do not want to be in the dark, and ETSA will be there to come in and pick up the pieces. All I can say is: over many years, thank goodness for ETSA and thank goodness for the person who created it in the first place. It has been a great provider for the state and to the government coffers. I take my hat off to ETSA because it has been a great semi-government authority over many years. It has changed its role is many times, but it is still there giving great service. We support the bill without amendment.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (11:46): I thank members for their contribution. The lead speaker for the opposition made strongly his argument that bills based on national reform from the MCE undermine the sovereignty of this parliament and, in support, he invoked the member for Enfield, who is in the chamber today.

He may note that the member for Enfield did not actually get up to make those comments on this occasion. Indeed, I think the opposition spokesman's comments would carry more weight if this were a bill based on national reform; as it is not, he may now understand why the member for Enfield, having understood it better, did not join him in those comments.

The bill has nothing to do with national reform: it has been domestically originated. In fact, the provisions continue our arrangements until such time as we reach a national position on a retailer of last resort. I make that point because the opposition spokesperson very sarcastically referred to members on this side as not understanding the bill. He may well wish to consider the plank in his own eye—and he can go off to the Bible if he wants to understand that.

He also complained that this government quite outrageously abided by the longstanding approach of this chamber that a bill must lie on the table for a week. He said that it was unfair because he was briefed only yesterday, 21 September. Of course, our records indicate that he was offered a briefing for the first time on 11 September.

Mr Williams interjecting:

The Hon. P.F. CONLON: I said weeks ago, and you contested that. I place on the record that I want people who read this *Hansard* to go back and look at the comments he made because they might be a fair indicator of the way he treats this house in the looseness of the information provided to it.

It is not my fault if the opposition spokesperson is too bone idle to take an offer of a briefing for 10 days. He says that the South-East is a long way away, but he could have flown around the world six times in that time. By his coming into this place and complaining when this government has adhered strictly to the standing conventions of this parliament, I think we understand again the approach of this member who, having had his briefing yesterday, still fails to understand it and criticises sarcastically a member on this side. I want anyone reading the *Hansard* to understand that about the member for MacKillop.

He will go on in the next bill and say the same thing—that he did not get enough briefing time. Of course, we adhered strictly to the longstanding conventions of this parliament and offered him a briefing at the earliest opportunity we could. The fact that the modern world is a little too fast paced for the opposition spokesperson is hardly our fault.

The question was asked: what would I authorise? The provision is there to allow me to authorise the provision of that information to, for example, an interstate regulator where it might be pertinent and relevant. I can assure people that the approach that I would take as minister—and I would hope that all would take—is that that information should be provided only where entirely appropriate.

The rest of the provisions are as have been described. We do need to maintain our provisions for a retailer of last resort until such time as we can arrive at a national position. I think that our circumstances, and circumstances everywhere, are not adequate for a worst-case scenario, but it is very important that we do agree on a better approach and this extensive approach we have. Until such time, the sharing of information would seem to me to be a completely reasonable thing. I think that is about all that was raised. I cannot answer about tree pruning, because the bill does not do anything about it.

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

NATIONAL GAS (SOUTH AUSTRALIA) (SHORT TERM TRADING MARKET) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 September 2009. Page 3767.)

Mr WILLIAMS (MacKillop) (11:52): I intimated in my discussion of the previous matter that the circumstances of this bill are different and, again, I will make a comment about the government's actions in bringing matters to the house. Notwithstanding that the minister pointed out that my office was offered a briefing on 11 September, that is not exactly weeks ago: it is about a week and a half ago.

My office contacted the minister's office last week to find out whether any of these bills, which had been tabled on the Thursday of the previous sitting week, would be debated this week. My office was informed that the government wanted to bring on the bill that we just debated, and I arranged to have a briefing yesterday on that and took the opportunity to get an understanding of the bill even before that briefing and prepare a paper that I could take to my party room and discuss with my colleagues to come to a position. My office was informed at the time that this bill would not be discussed this week.

The Hon. P.F. Conlon: Now, let's be very careful.

Mr WILLIAMS: I will be very exact on this. My office rang the minister's office last week and was informed that this matter would not be on the *Notice Paper* this week. As a consequence, because I happen to be a busy man, I took the opportunity to do other things in my electorate. As I said earlier, sometimes I even talk to my constituents; sometimes I answer correspondence; I make inquiries on their behalf. I do a lot of that sort of work. I also have some other portfolios for which I am responsible, and I do some homework on other matters as well.

For the minister to suggest that I am bone-idle I think is not only offensive but also totally erroneous. I know the way this minister operates. I know his bullyboy tactics, so I am not going to get too frightened by them, but I just take the opportunity to point out to the house that, again, it is my belief that the house does not give the attention that it should.

My office informs me that we actually have an email to the effect of what I have just said, that this matter would not be debated this week. So, if the minister wants to dispute it then I am quite happy to debate that with him. The minister might think that it is not necessary for the parliament to thoroughly scrutinise these matters; that is obviously the attitude that he brings to this place, but the reality—

The Hon. P.F. CONLON: I rise on a point of order. Can the opposition spokesperson return to somewhere in the general neighbourhood of the bill and not what he believes my attitude might be to things?

The SPEAKER: The member for MacKillop must speak to the bill.

Mr WILLIAMS: Indeed, Mr Speaker. The point that I have made is that I would like the house to spend an even greater time scrutinising this legislation. The opposition will be supporting the short term trading market amendment bill to the National Gas (South Australia) Act, notwithstanding that I do not believe that we have given it the scrutiny that we potentially could have with a little more time.

The briefing I received yesterday from the minister's agency filled in the gaps in my mind on this and gave me a little bit of background information as to where it is coming from. As I pointed out earlier, and unlike the minister's comments on the previous matter, this is certainly a child of the Ministerial Council on Energy. This is a matter that has been brought to the house at the behest of an agreement made at that ministerial council. I do not necessarily have a problem with that, if the house scrutinises it thoroughly and has an opportunity to have its say.

I pointed out earlier that I would make some comments about the similarities between the electricity national market and the gas national market, but, of course, because of the intrinsic nature of the two forms of energy, there are some differences. Electricity, by and large, is consumed as it is produced: there is a generator turning one end of the wire, producing electrons and feeding into the wire, and the consumer takes it out at the other end. There is no real storage-type capacity within the wire.

Gas, somewhat differently, is produced at one end of the pipe, pumped into the pipe and then taken out at the other end of the pipe by the consumer, but there is considerable flexibility in that pipe. In the case of South Australia, the pipe, historically, has come from Moomba, which is a long way away. I am informed that there is something like two or three days of our consumption in that pipe at any one time, just as a matter of course. If the producers at the other end of that pipe stopped putting gas in we could continue to draw gas without any deleterious effects for, probably, a couple of days. So, it builds in considerable flexibility.

I understand that the Victorian gas market, because of the proximity of the production wells to the main load or main consumers, does not enjoy that flexibility, and that it has had a short term trading market, or something akin to that, operating for some time, which sends more immediate market signals between the demand side and the supply side.

That is what it is about. In South Australia and, I understand, also in New South Wales and potentially in Queensland, the trading between the gas producers (the suppliers) and the gas retailers is done by long-term contract, and that works for the majority of the time.

I do not think we have had any problems in South Australia. I understand that in New South Wales, at some point in time, there was a problem there in that the system failed—without any actual breakdowns the gas supply failed. It is believed that is the nature of a long-term contract, that is, not sending the immediate market signals between the demand side and the supply-side. It is believed that by establishing a short-term trading market those more immediate signals would come into play, and that in itself would not only make the supply of gas into the network more robust but also provide flexibility to consumers.

It is my understanding that a not dissimilar system has operated in Victoria. So, I do not know whether we are flying completely blind in establishing a short-term market; there is experience to guide us. It is my understanding that a trading hub will be established here in Adelaide and in Sydney and, possibly in the not too distant future, in Queensland. I also understand that in some markets and, probably in the Sydney market, there will be potential to establish more than one short-term trading hub. I do not think that that necessarily will come to pass in Adelaide in the immediate future.

As I have said, the opposition supports this bill. It will increase the flexibility into the gas market, and it will underpin gas security throughout the national pipe network, and that augurs well for particularly business but also household consumers. If the gas supply fails, it impacts on every consumer, whether they be a large and significant consumer—such as, for instance, the Torrens Island power station—or a household on a cold winter's night: they all lose out.

This is designed, I think, wisely. It was highlighted when we established the Australian Energy Market Operator (the national regulator) earlier in the year that we were looking forward to receiving this legislation. It is my understanding that more legislation will be tabled as we move forward and as the national energy market matures in the future.

Mr RAU (Enfield) (12:03): I just want to say that I am rejoicing in the glow of this ecumenical moment. I congratulate the minister on the bill, and I congratulate the opposition on agreeing with the minister. I cannot wait for us to move further with this business. It is exciting. This is what parliament is all about. This is why we are all here, and I for one am glad I am here today.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (12:04): I can hardly not speak; I am now inspired by the member for

Enfield. That speech will go down with the Gettysburg address, I think, as one of the great moments in political oratory.

This is a national reform, and a very useful national reform. The parliament has understood that this is about making gas trading more efficient, and therefore assisting users at times when matters get tight in terms of security and liquidity. I point out that it is sensible to have a national approach to these matters. If you consider South Australia, with the SEA Gas pipeline, the Moomba to Adelaide pipeline, and the Ballera extension that now runs from Ballera (in Queensland) to Moomba, there are obviously a number of states and jurisdictions involved in the supply of gas.

Of course, those large-scale arrangements are more a matter of long-term contracting. While there is sometimes criticism of national reform—and I do not think all national reform is good—I think that, plainly, on its merits this is a positive step. Whilst my friend says it involves more scrutiny—and he is entitled to that view—I would point out that this is something not only which is enabling but also which enables us to adopt the work being done by the Gas Market Leaders Group—work which has been heavily and publicly consulted on.

The rules will, of course, be designed around that very technical understanding that the operators themselves have in the marketplace. However, while some reforms could be criticised, this is undoubtedly a positive step in the management of the buying and selling of gas in Australia. I thank the chamber for its support. I particularly thank the member for Enfield for his most heartfelt and impassioned support for this necessary—

Ms Chapman: He didn't reflect very well on the parliament.

The Hon. P.F. CONLON: I thought he reflected very well on the parliament, saying nice things about us. Being the sort of person I am, I am prepared to take him at face value. I thank the parliament for its support.

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

The Hon. P.F. CONLON: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

CONSTITUTION (REFORM OF LEGISLATIVE COUNCIL AND SETTLEMENT OF DEADLOCKS ON LEGISLATION) AMENDMENT BILL

In committee.

(Continued from 9 September 2009. Page 3924.)

Clauses 2 and passed.

Clause 4.

Ms CHAPMAN: Clause 4 proposes to repeal section 10 of the constitution. As outlined in the second reading contributions by myself and other speakers, a significant question has been raised as to why it is necessary to repeal section 10 of the Constitution Act, particularly as it raises the further question of the real motive of the government. Section 10 (which I am sure the minister will be familiar with) provides:

Except as provided in the sections of this Act relating to money Bills, the Legislative Council shall have equal power with the House of Assembly in respect of all Bills.

Section 10A contains a number of exceptions to that rule that both houses will have equal power. In this regard the Law Society of South Australia's Constitutional Committee has raised a number of questions. It has observed that the Commonwealth Constitution contains an explicit provision which recognises the general equality of the powers of both houses of the commonwealth parliament, as provided in the last paragraph of section 53.

This is notwithstanding the existence of the deadlock provision, which is contained in section 57 of the Commonwealth Constitution which refers to legislation being passed without the consent of the Senate when it is passed at a joint sitting. During the course of the debate on this matter the Attorney has interjected from time to time to suggest that what he is proposing in respect of deadlocks will be similar to what is provided in the Commonwealth Constitution. We do not agree with that. Nevertheless, if that is his position, it makes it even more puzzling as to why the government feels it necessary to repeal section 10.

The Law Society's committee even raises the question as to what the government's real intentions may be in removing section 10, which is capable of having a further exception if that is what the government wishes and can be provided in section 10A. Secondly, the commonwealth position sits in harmony with a similar clause and a deadlock provision. Thirdly, to date, we have not had any explanation from the government as to why section 10 needs to be repealed. My first question to the minister is: have you received any advice, crown law or otherwise, indicating the necessity to repeal section 10?

The Hon. M.J. ATKINSON: The South Australian upper house is the most powerful upper house of any upper house in the commonwealth. It has a deadlock provision that, where the upper house rejects a bill of the House of Assembly, in order to try to break the deadlock, the House of Assembly has to go to a general election by itself. Not one of them in the upper house—

Ms CHAPMAN: On a point of order, Madam Chair: my question was very specific. Has the Attorney received any advice, including crown law advice, as to whether it is necessary to repeal section 10?

The CHAIR: Member for Bragg, you had considerable liberty in illustrating why you were asking that question. I will allow the Attorney similar liberty in responding.

The Hon. M.J. ATKINSON: Thank you, Madam Chair. That is to say that, where there is a deadlock, with a bill of the House of Assembly rejected by the upper house, the House of Assembly must go to an election to seek a mandate for the bill but the other place does not need to go to the people. If the House of Assembly comes back after the election and moves the bill again, then and only then can it get the equivalent of a double dissolution election. This is a situation which the parliamentary Liberal Party seeks to perpetuate.

The parliamentary Liberal Party is a party that wanted to deny the vote in the upper house until 1975 to most South Australian women. It is a party that wanted to deny the vote for a period to ex-servicemen, university graduates and a whole range of adult South Australians. The Liberal Party wished to deny the vote for the Legislative Council. On top of this undemocratic, 18th century deadlock provision, it wanted to have pre-Reform Act franchise, and it was only through the struggle of the parliamentary Labor Party led by Donald Allan Dunstan that the Liberal Party was forced into giving all adult Australian citizens in South Australia the right to vote for the other chamber of parliament.

Given that it had to be coerced—that is, the parliamentary Liberal Party—into letting most South Australians vote for the upper house, it is not surprising that we have this struggle to reform the undemocratic provisions. The two houses are not equal. The upper house has a colossal advantage over the lower house—the people's house—where the 47 members are each required to gain a majority, after preferences, before being elected to this chamber.

The government believes that the provision to which the member refers is not an accurate assessment of the constitutional arrangements of South Australia and does not have a place after a proper package of reform bills is passed. As to the question of legal advice, I am astonished by the ignorance of the member for Bragg, or perhaps bad faith, in that not even in this chamber are citizens required to disclose their legal advice and, if they do so, they can be compelled to table the entire legal advice.

Ms Chapman: Talk about a secret government! No wonder we need an ICAC.

The Hon. M.J. ATKINSON: Well, regarding corruption, we all know the member for Bragg's role in Catch Tim.

Ms CHAPMAN: Why is it then, minister, that the commonwealth parliament, which you aspire to replicate here in this bill in respect of deadlock provisions, can coexist with an equality clause that you say cannot operate here and has to be repealed?

The Hon. M.J. ATKINSON: The question is rhetorical.

Mr HANNA: In relation to the government's deadlock provision proposal, I would say that it simply has not made its case. The background to all of this is the fact that there are very few bills which are ever rejected outright, or lost, by the government of the day, whether Liberal or Labor—certainly within the 12 years that I have been in parliament.

With respect to amendments, I understand as a rough sort of estimate that about a third of the bills are the subject of some amendment, but a lot of those are government amendments, because it has a second look at the matter once it goes to the Legislative Council. So, it certainly

cannot be called a house of obstruction. It does seem to perform its function as a house of review. The government motivation is to enable the House of Assembly to trump the Legislative Council, thus extending the power of this house. The government simply has not made out its case for the need for change.

The Hon. M.J. ATKINSON: The Rann government aims to allow the people of South Australia, in a double dissolution election, to decide which side in a deadlock is right. We allow the people of South Australia to trump the government in the House of Assembly or to trump the Legislative Council. It is not a question of the government trumping anyone: it is a question of putting the dispute—the deadlock—to the people of South Australia in an election.

The position adopted by the member for Bragg—whose understanding of the constitution can be written on a very small piece of paper—and the member for Mitchell—

Ms Chapman: Under pressure they get nasty.

The Hon. M.J. ATKINSON: Speaking of nastiness, the interjections I have had to endure in the last five minutes, only a fraction of which are recorded on the record, are amazing. All the time I have been on my feet the member for Bragg has been interjecting about personal matters, and I ask her to stop.

The position of the member for Bragg and the member for Mitchell is that, when the upper house refuses to pass a government bill or refuses to pass a government bill other than with amendments unacceptable to the government formed in the assembly, the assembly should go to an election by itself and that the upper house need not do so. It is only after a general election returns the government and the bill is persisted with—then and only then, say the members for Mitchell and Bragg, should a double dissolution election be held. All we want is substantially the same provision as applies in the federal parliament.

Ms Chapman: But they've got a section 10.

The Hon. M.J. ATKINSON: With respect, section 10 is not to the point. The point is—

Ms CHAPMAN: I rise on a point of order, Madam Chair. Section 10 is exactly what we are debating at the moment in committee, that is, the repeal of it. I ask that the Attorney's attention be drawn to what we are debating here.

The CHAIR: There is no point of order. The Attorney.

The Hon. M.J. ATKINSON: I am weary of points of order from the member for Bragg which consist of, 'I am right and the Attorney is wrong.' The government believes in real equality between the houses—not formal equality, real equality—with this qualification: the parliamentary Labor Party believes that the Premier and most of the ministers should be from the House of Assembly. If the member for Bragg and the parliamentary Liberal Party really believed their rhetoric they would have made the Hon. Rob Lucas the leader of the parliamentary Liberal Party years ago, but they accept that there is a kind of primacy among equals of the House of Assembly that the government should be formed in the House of Assembly. I am thankful for that small mercy.

Ms CHAPMAN: I have a further question. Having not identified any legal advice being obtained on the actual repeal, has the Attorney given any consideration (in terms of presenting the proposal that we repeal section 10) as to whether there be an exception provision, that is, the retaining of section 10 but adding to the list of exceptions the deadlock provision; and, if not, why not?

The Hon. M.J. ATKINSON: We could, of course, cross-reference section 10 to section 41 and say, 'Well, the houses are equal except for this and that.' The advice was that it was better and simpler to take it out because the constitution speaks for itself; it does not need the commentary of section 10.

Mr HANNA: I want to clarify that section 10 itself does not explicitly deal with the deadlock provisions. As I understand it, that is the thrust of the member for Bragg's question about why we would need to remove section 10 in order to change the deadlock provisions. Equality with respect to bills would seem to be the same power to accept, amend or reject any particular bill, with the exception of money bills. So it is hard to see how it is a necessary concomitant of replacing the deadlock provisions.

Clause passed.

Clause 5.

Ms CHAPMAN: This is the proposal that the Legislative Council be reduced in number to 16 members. Currently, it is 22 as per section 11 of the Constitution Act. My question to the Attorney-General is: what was the basis upon which it was established that 16 is the desirable number that equates to the financial saving claimed during the second reading debate? Also, will the Attorney outline the actual savings?

The Hon. M.J. ATKINSON: The government believes that, for a state of about 1.5 million people, 69 members of parliament is excessive. It has long been the view of the parliamentary Labor Party that the number can be reduced without any real loss of representation for the South Australian people. If we reduce the term to four years, the result is that the entire other place is elected at each election. If we have 22 members in that house, as we currently do, then the quota to be elected to the other place is halved.

Mr Hanna: So?

The Hon. M.J. ATKINSON: So, we end up with what I would describe as ballot paper and preference malfeasance such as we see in New South Wales with microquotas. If one can think up a snappy name to register on the eve of an election and with a few behind-the-scenes preference deals, someone who is almost entirely unknown and has done no campaigning whatsoever—not to put too fine a point on it, a cad and a bounder—can be elected to the other place on microquota. So, we think halving the quota is not a good idea, but we do believe in electing all the legislative councillors at the same time, so we propose that 16 is the number that would reduce the quota and make it easier for Independents and minor parties to be elected for a four year term but would not reduce it so far as to lead to the abuses that have been recorded in New South Wales.

It is just a matter of judgment: it is just a matter of what is a reasonable quota and what is a reasonable number of members of the other place. We think that 22 members of the upper house are not really required in a state as small as South Australia. There have been fewer members in the past, and we think a modest reduction in the number of members of parliament—and a corresponding increase, I suppose, in the workload of the existing members—is an appropriate gesture to productivity that we should make to the people of South Australia.

If the people of South Australia are given the opportunity to vote on this (which members opposite wish to deny them), I do not know what they will say. However, they have told us repeatedly, I think, that they would like slightly fewer members of parliament and, certainly, they have told us through the Constitutional Convention that they think members of parliament should have four year terms not eight year terms. One may recall, certainly under the old superannuation scheme, that one could be elected for one term as a legislative councillor and qualify for parliamentary superannuation. That is certainly not something I wish to countenance. I think there is a case for this modest reform, and that is why the number was chosen. If the member for Bragg was to make a criticism of it, it might be that it is an even number when it should be an odd number; 15 or 17.

Mr HANNA: The Attorney-General mentioned the Constitutional Convention, and that is very apt. It really was a great innovation of former speaker Peter Lewis to promote a collection of citizens gathered together as a constitutional convention, I think, back in 2003. One of the issues they discussed was the appropriate number of members of parliament. As I recall, the deliberations went like this. When people were initially asked, 'Do we have too many members of parliament or should we have fewer?' the majority answered that we should have fewer members of parliament, because they have a poor reputation, because there are members of parliament who are scallywags, those who are lazy and those who deceive and thus we are all tarred by that brush to some extent.

The interesting thing is that, after a period of education about what members of parliament do and the service they can provide, the numbers turned around and the majority of people, who were better informed, then said that we should not be cutting the number of members of parliament. So, there is a very strong argument for not reducing the number of members of parliament, based on what members of the public want once they are informed about what we do.

Secondly, the issue highlights a problem with this whole referendum proposal: the fact that there are basically four different elements inextricably joined. I would seek to hack away the unsavoury bits and leave the four year term proposal; that is what I am trying to do. It certainly should not be put to the public in its current form. It would be just like John Howard's republic referendum, when the answer was almost guaranteed to be no, because there are unsavoury bits

that would make it unattractive to one group or another and thus the good in this bill would be thrown out with it.

It would be pointless wasting our effort and our money putting this to the people as a series of four questions as a package. If they were put as separate questions as to the President's vote, as to the number of members of parliament, as to the four year terms and as to the deadlock provisions, I think the government would have a much stronger case that every aspect of this should be put to the people.

The Hon. M.J. ATKINSON: I thank the member for Mitchell for raising that point, because I have thought long and hard about what he said last time about splitting the bills, and I tried to look at whether it could be done. It can be done, but it would be a God-awful mess, and let me tell you why.

There are three potential problems with the proposal of asking the electorate to vote on four separate bills, each only amending the constitution in a particular way. One is that the putting of multiple bills to the electorate by referendum is unprecedented, and I challenge the member for Mitchell to find an example of it in the state's history. The second is that some of the reform proposals can only succeed in conjunction with the others. The member for Mitchell would be the first to mock me if we got an inconsistent result and say that it was my fault. The third related problem is that none of the four bills could be guaranteed to set out accurately the consequential amendments arising from the primary reform because those consequential amendments would depend on what was voted on.

The constitution stipulates that referendum questions must be in terms of approval or otherwise of a particular bill. Because of the wording of section 10A(3) of the Constitution Act, there must be a bill in place to which the referendum question relates. Putting more than one bill to the vote as a referendum has, I am advised, no Australian precedent, and I challenge the members for Mitchell and Bragg to come up with one.

Mr Hanna: You wouldn't want to be innovative, would you?

The CHAIR: Order!

The Hon. M.J. ATKINSON: The member for Mitchell interjects, 'You wouldn't want to be innovative, would you?' The member for Mitchell would be ecstatic if I did what he asked and an inconsistent answer came back. He would be on radio chiding me about it forever. He would delight in the immolation of the proposal by this means. He makes this proposal only for devilment.

Although there are several examples of multiple proposals being put simultaneously to voters, in each of those cases the proposals have been quite distinct or related and not inconsistent and contained in the same bill. The closest law we have on the topic arises from Boland and Hughes (1988) in which an individual challenged the Hawke government's proposed referendum to extend the right to trial by jury, to extend freedom of religion and to ensure fair terms for compulsory acquisition of property.

The bundle of separate reforms was contained in a single bill. The plaintiff complained that the referendum did not relate to a proposed law, the equivalent of section 10A in the Commonwealth Constitution. Note that the government did not attempt multiple bills but inserted separate unrelated proposals in one bill. The plaintiff's application was rejected by then Chief Justice Mason of the High Court, who said:

In conformity with the doctrine of parliamentary supremacy, there is no relevant limitation or restraint on parliament's capacity to formulate an amendment or amendments to the constitution in the form of one bill if the houses so decide.

Mr Hanna: So you could do it either way.

The CHAIR: Order! This is a very important matter. Can members refrain from interjecting and the Attorney refrain from responding to interjections?

The Hon. M.J. ATKINSON: The chief justice's statement gives some support for the view that multiple proposals may be put to the electorate in a single bill. The fact that multiple bills have never been put before might invite a legal challenge. The Solicitor-General is of the opinion that the risk of a successful legal challenge is low. Any legal challenge could only be made in a court after the bills had passed both houses; that is, after parliament had approved the bills being put to the electorate by referendum. More importantly, some of these reforms are only workable or desirable

in particular combinations. At least one of the combinations of possible responses is unworkable—unworkable, irrespective of in which order the questions are asked.

The reform of the deadlock provision can stand alone, but it is also a necessary prerequisite for reducing members' terms. Section 41 of the constitution currently provides that a deadlock is resolved by the dissolution of the Legislative Council. The subsequent election of members is undertaken in a manner that presumes staggered elections in accordance with the current scheme for election of legislative councillors.

Mr Hanna: My amendment fixes that.

The CHAIR: Order!

The Hon. M.J. ATKINSON: The member for Mitchell is the general manager of the universe.

The CHAIR: Order!

The Hon. M.J. ATKINSON: The Crown Solicitor has advised that a four year term—

Ms Chapman: His advice is not secret now.

The CHAIR: Order!

The Hon. M.J. ATKINSON: The Crown Solicitor has advised that a four year term for legislative councillors would be inconsistent with the provisions for resolving a deadlock. The Solicitor-General agrees. Accordingly, the deadlock provision must be passed for the term to be reduced in length. There may be other outcomes that are unworkable or undesirable, such as a change to the President's vote without a reduction in the number of members.

Mr Hanna: Unless you have an odd number.

The Hon. M.J. ATKINSON: Indeed. But it does not matter what changes I make to this bill, all members opposite will not support it—and it will not be supported in the other place.

Ms Chapman: Stop being insulting.

The Hon. M.J. ATKINSON: I am not being insulting. I am just stating a political fact of life.

The CHAIR: Order!

The Hon. M.J. ATKINSON: The problem of dependence of at least one of the reforms on another reform creates an insurmountable barrier to the proposal of putting four separate questions to the electorate by four separate bills. No bill could be guaranteed to be accurate and each would need its own referendum machinery bill.

Further, each of the four bills would be drafted as if it were the only bill to be approved by the electorate. However, if two bills were approved there might be consequential amendments associated with the combination of bills that are dealt with in neither bill. The government would be faced with the prospect of attempting to amend the bill that had been put to the electorate. Each bill for reform needs to be supported by its own referendum machinery bill. If four questions are to be put to referendum, eight bills are required.

Ms CHAPMAN: The Attorney-General has just referred to the legal opinion of the Crown Solicitor, supported, he claims, by the Solicitor-General. I ask him to table the legal opinion that has been obtained.

The CHAIR: Not required.

Ms CHAPMAN: Having established a reduction in the number of members of the Legislative Council to 16 as an arbitrary number (which the government determined in its wisdom was workable and would provide some saving)—having not told us what the savings are, although we have asked—and having had it confirmed (again, by the member for Mitchell), as was traversed in the debates, that the public (if there is any assessment of that being the convention) does not want a reduction, my question is: has the government in its decision to reduce the number of members from 22 to 16 taken into account all the constitutional obligations at the national level?

The Senate comprises 50 per cent of the number of members of the House of Representatives. In New South Wales, 42 compared with 93 represents 45 per cent as a proportion; in Tasmania, 15 compared with 24 is 60 per cent; in Victoria, the upper house at 40 compared with the lower house at 88 is 45 per cent; and in Western Australia, 36 compared with

59 is 61 per cent. Our current proportion is 47 per cent—which at least sits within the parameters of those figures—and to plunge this number to 16 members would be totally inconsistent with other jurisdictions. Was that taken into account when the government decided that 16 was the magical figure?

The Hon. M.J. ATKINSON: Yes.

Clause passed.

Clause 6.

Mr HANNA: Contrary to what the Attorney-General was imputing to those on this side of the committee—meaning those on the opposition benches and the crossbenches—there is some support for some of this proposal. We come now to clauses 6, 7 and 8 which seek to implement a four year term for the upper house. I support that proposal. I think the government would actually be on a winner if it presented just that question to the electorate. Certainly, the community to whom I have spoken in the electorate of Mitchell would testify to that.

The Hon. M.J. Atkinson: I can imagine how extensive that would have been.

The CHAIR: Order!

Mr HANNA: Very, actually. I will be supporting clauses 6, 7 and 8. The Attorney-General has already explained that section 41 will need some amendment in order to have this question as the sole question put to the people.

Ms CHAPMAN: As the government well knows, the opposition has raised some concerns about this proposal, in particular that we have elections every four years for members of the Legislative Council—whether there are 16 or 22 of them. One of the aspects the opposition has raised is that of the weakening of the independence of the Legislative Council as a direct result of such a move. However, as the government seems particularly concerned about the cost of having a number of legislative councillors, my specific question is: did the government do any work or make any inquiries regarding what would be the extra cost of having an election of all members of the Legislative Council every four years rather than every eight years?

Obviously, each of the candidates would come up for re-election every four years, and I ask whether the government has made any inquiries or done any assessment, either itself or through the Electoral Commissioner, regarding what the extra costs would be to hold elections of many more candidates, as well as in terms of the election day itself.

The Hon. M.J. ATKINSON: The suggestion made by the member for Bragg appears to be that it would be more costly for the taxpayer to elect 16 members than 11 members. I disagree with her premise.

Ms CHAPMAN: Is the Attorney telling the committee that no assessment was done on whether or not there would be an extra cost to hold the elections every four years for all members?

The Hon. M.J. ATKINSON: I think it takes only a modicum of common sense to realise that the member for Bragg's premise is flawed.

Ms CHAPMAN: My final question is: did the government undertake any research as to what it claims it would save as a result of holding a four yearly election for all members?

The Hon. M.J. ATKINSON: We already have Legislative Council elections every four years.

Clause passed.

Clauses 7 to 10 passed.

Clause 11.

Mr HANNA: I move:

Page 4, lines 10 to 41 and page 5, lines 1 to 24—Delete clause 11 and substitute:

11—Amendment of section 41—Settlement of deadlocks

(1) Section 41(2)(b)—delete paragraph (b)

(2) Section 41(3)—delete "Whenever there are more seats vacated by members returned for the same district than there are seats to be filled and such

members' seats were of unequal tenure the seats of those members the unexpired portions of whose terms are the shorter shall be first filled.'

In the course of debate I have already made it clear that I think the approach should be to put the question to the people of South Australia that there should be four year terms of the upper house, and that there should be no other substantive question put to them. In order for this to be achieved with the government's current bill it would be necessary to amend section 41.

In current section 41 of the constitution there is a reference to Legislative Council members which makes it clear that members would be elected in staggered terms—in other words, it refers to the current eight year term system for the upper house. My amendment is a simple one to delete the relevant paragraphs, and that would mean that the government's provisions pertaining to the four year terms can stand, and be comprehensive and coherent, without jarring with the current provisions of the constitution.

The Hon. M.J. ATKINSON: It is clear that it is in the interests of the member for Mitchell, and his political history, his association with minor parties and his current status as an Independent, that he wants to lower the quota for election for the Legislative Council to micro levels. That would suit his political purpose, and I understand that. It is self-interested, as anything the major parties do in electoral and constitutional matters. I want my view recorded that the amendment is self-serving and self-interested.

The member for Mitchell is a sinner, like the rest of us. He is not the product of the Immaculate Conception. He is not bringing a detached and objective view to this. He has a political interest. I think he was a candidate at one time for Greens' preselection for the upper house. This amendment serves his interests by electing all 22 members of the Legislative Council every four years in one election so that the quota is 4 per cent after preferences.

That serves his interest, and I understand that, but let us not pretend that this is motivated by the common good or the public weal: it is the member for Mitchell's political self-interest, just as much as the provisions advocated by the parliamentary Labor Party and the parliamentary Liberal Party do not run counter to their electoral interests.

I do not think it is in the interests of the state for the quota to be so low for election to the other place. I would lower the quota and make it easier for Independents and micro parties, but I would not lower it to the same extent that the member for Mitchell proposes.

Mr HANNA: First, I observe that the Attorney-General frequently imputes motives of self-interest to everyone who dissents from his point of view, and I wonder whether that says more about him than about the rest of us. Secondly, I have no interest in running for an upper house position. Thirdly, the question is a matter of degree: even if one takes the Attorney-General's comments at face value, what should the quota be?

The real issue is: to what extent do we wish diversity in the upper house? The Attorney-General is concerned that people with whom we have nothing in common would be elected to the upper house because they might get 2 or 3 per cent of the vote and then, with preferences, reach a quota of just over 4 per cent and therefore be elected. We might have people from the Shooters Party, people from religious parties or people from who want to save the Murray, I do not know.

When I was thinking about the issue of a four year term and keeping the same number of upper house members at 22, I did think about this potential problem, if it is a problem at all. There is an answer to it, that is, one which is put in place in a number of democracies whereby there is a minimum threshold which must be achieved in terms of percentage before one can follow through to the final count and therefore be elected to an upper house chamber or a unicameral chamber.

So, I thought that maybe there should be a 2 per cent threshold and that you would have to get at least 2 per cent of the primary vote in order to stay in the count and receive micro party preferences in order to get a quota, if it is as low as just over 4 per cent.

Then I thought: it is democracy and if the people of South Australia want to elect people who are on the fringes of our political discourse, why not? If they are really that dubious, they will not last long. The people will sort them out eventually, so why not let all those flowers bloom? It will all be taken care of in the fullness of time.

The Hon. M.J. Atkinson interjecting:

The CHAIR: Order!

Progress reported; committee to sit again.

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

STATUTES AMENDMENT (PROPERTY OFFENCES) BILL

His Excellency the Governor assented to the bill.

CARNIE, HON. J.A.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:02): I move:

That the House of Assembly expresses its deep regret at the death of the late John Carnie, a former member of both the House of Assembly and the Legislative Council, and places on record its appreciation of his meritorious service to our state and to the parliament; and, as a mark of respect to his memory, that the sitting of the house be suspended until the ringing of the bells.

Recently I, like all members, was saddened to hear of the passing of John Carnie who died earlier this month on 10 September, aged 82. John was a quiet achiever who worked selflessly and devotedly for the betterment of South Australia and particularly for rural communities and constituents on the state's West Coast.

He served as the Liberal member for Flinders from 1970 to 1973 and then as a legislative councillor from 1975 until 1982 and, whilst I did not serve in the parliament at the same time as John Carnie, obviously I was working in this building between 1977 and the time of his period in the Legislative Council and know that he was well respected by members on both sides of the parliament for his courage and tenacity and for his commitment particularly to rural voters.

John Carnie is perhaps best known to broader followers of South Australia's political scene for his role as a leading parliamentary member of the Liberal Movement, and he also played a role, as I understand it, in the formation of that movement which had a major impact on the political landscape back in the 1970s and beyond.

John Carnie was born in Barmera, in the heart of the Riverland, on 30 March 1927, the same year that Australia's original Parliament House was opened in Canberra by the Duke of York. He was schooled at Barmera Primary, and then later came to Kings College in Adelaide, before going to the University of Adelaide, where he graduated with a Diploma of Pharmacy.

He worked as a pharmacist in a number of locations in South Australia, and went to England, where he studied at the University of London in 1951 and 1952, and earned a Diploma of Biochemical Analysis. It is interesting to think of the number of pharmacists in the parliament, particularly on the Liberal side: a former deputy premier, a former Speaker, the former minister for transport, Michael Wilson, and a number of others.

In 1955, John took up a position as a pharmacist in Port Lincoln and he soon became actively involved in the community, as well as in the political life of the Eyre Peninsula. He served for several years as a committee member with the Port Lincoln Chamber of Commerce, including a year as its president. He also served two years as president of the Port Lincoln branch of the Liberal and Country League, before being elected as the member for Flinders in May 1970. In doing so, he took over the seat from Sir Glen Pearson, who had served as the member for Flinders for 19 years before retiring at the 1970 election, which saw the defeat of the Hall government and the election of the Dunstan government.

In John Carnie's maiden speech in this place, delivered on 21 July 1970, he paid a glowing tribute to his predecessor, whom he described as 'what a politician should be...a man of the highest principles and utmost integrity'. He also used his maiden speech to outline the issues that mattered most to him and most to his constituents in the regional centres and communities of our state's West Coast.

Among them were his concerns about school facilities on the Eyre Peninsula, and also about the curriculum being delivered in those schools. He talked about the state of country roads, which became a cause for him, and also the need for improved police services in country areas, particularly on the Eyre Peninsula, about the surety of electricity and water supplies, and the ongoing viability of the fishing industry, particularly in the Port Lincoln area.

He also expressed his belief that government assistance should be given to enable more entertainment to be taken to country towns, both light and cultural entertainment. Members would remember the big drive by the Dunstan government to bring country theatre to regional centres around the state, which I think is one of the great achievements that perhaps is not spoken about much, but when you go to country centres like Whyalla, and other locations, and see these fabulous theatres that cities in Britain of ten times the size would not have.

John Carnie made no secret of his strong opposition to the Dunstan government's 'one vote, one value' policy that was aimed at ending South Australia's rural gerrymander. In his maiden speech, John argued that such a move would significantly dilute the political influence of rural South Australia, and he said this:

This one-sixth of the (state's) population provides one-third of the total net value of production, and over one-half of the overseas exports.

He then went on to ask:

Is this group, which has played, and is still playing, such a significant part in the economy of South Australia, to continue to lose its voice in the government of this state?

However, despite his opposition to one vote, one value, John Carnie also used his maiden speech to express his support for former Liberal premier Steele Hall, who had actually been one of the prime movers, along with Don Dunstan, in reforming the state's electoral system.

John Carnie then went on to join Mr Hall's Liberal Movement, and stood as a Liberal Movement candidate at the 1973 election, where his seat of Flinders was won by the National Party's Peter Blacker. Of course, Peter Blacker is someone who continues to play a major role in this state, particularly with the State Strategic Plan. I understand that Peter Blacker is in the gallery today; welcome Peter. As I say, Peter Blacker plays a very prominent role in regional affairs today and also in the State Strategic Plan and the consultations that have helped make this plan something that I am sure will be a model for other states. Of course, that was obviously a very difficult time in terms of the divisions with the Liberal Movement, and it is not one that I intend to address here today.

John Carnie returned to state parliament as a member of the Legislative Council, following the July 1975 election; so was out. He lost his seat in the House of Assembly in 1973, and was then elected to the Legislative Council in 1975. Despite his commitment to regional communities and issues he became a target of a scare campaign conducted by a group calling itself the 'rural action group', when the Legislative Council was debating a bill to transfer country rail services.

In August 1975, *The Advertiser* reported that John Carnie and another Liberal Movement legislative councillor, Martin Cameron, had received threatening phone calls warning them not to be present at the bill's second reading. Undeterred, both men supported the bill, which confirmed that John Carnie was a politician of great character as well as a man of great courage.

John Carnie was a decent man, someone who exemplifies that spirit of rural members of parliament, who was always courteous to all members on all sides of this house. He was liked by members on both sides of the house. On behalf of all members on this side of the house and, I am sure, all members of this house and of this parliament, I extend my condolences to John's wife, Bernice, his children, Grant and Jane, and all his family and friends.

Honourable members: Hear, hear!

Mrs REDMOND (Heysen—Leader of the Opposition) (14:12): I rise to second the motion. John Alfred Carnie was the member for the electorate of Flinders (as the Premier has indicated) on Eyre Peninsula from 1970 to 1973, and then a member of the Legislative Council from 1975 to 1982. Indeed, he is one of the very few people to have a photo in both the House of Assembly and the Legislative Council lounges.

Born in 1927, John was 82 years of age when he passed away peacefully in his sleep at Stirling Hospital on Thursday 10 September 2009. John was the dearly loved husband of Bernice, loving father of Grant and Jane, stepfather of Anne and Keaton, Jane and Bevan, Joanna, David and Richard, loving grandfather of Sarah, Andrea, Angela, Susannah and Emma, and stepgrandfather of Alice, Thomas, Oscar and Henry.

Born and educated as a young boy in Barmera, South Australia, he moved to Adelaide to board and attend what was then called Kings College going on to study at Adelaide University.

Between 1951 and 1953, he travelled to England to study at London University, obtaining a Diploma of Pharmacy.

As a young pharmacist in Port Lincoln, John was very involved in his community. As an active member of the local chamber of commerce, he also enjoyed being involved in sailing and golf; but, most of all, he was passionate about ensuring the voice of country South Australians was heard in the city. He often spoke in parliament of the need for the government to support farmers. John understood more than most that South Australia's prosperity was almost solely reliant on a productive and lucrative farming sector. He would often remind members of parliament that the small population of country South Australians, compared to the majority in the city, actually provided one-third of the total net value of production and over half of overseas exports for the state.

Enthusiastic about ensuring opportunities for South Australians to be enterprising and successful in business, he championed many changes to shopping and operating hours. In 1976, a private member's bill of John's in the Legislative Council designed to change trading hours was defeated, but the principles of flexible shop trading hours were adopted as Liberal Party policy.

The political nature of the proposed changes forced the then Labor government to set up a royal commission into trading hours. Not satisfied to sit back, John then set out to change the restrictive bans placed on bakers in Adelaide. They were not allowed to bake from 6pm on Friday until midnight on Sunday, yet bakers in country towns had no such restrictions. Most other states at the time did not have the restricted regime for trading that South Australia had. The Labor government feared the trade union backlash from changes to trading and banking hours, but John worked tirelessly and tenaciously in supporting all medium and small businesses in South Australia. His passion and commitment to South Australia and the service he provided is greatly appreciated.

I met John only in relatively recent years—in fact, not long before I became a member of this place—and it was through his wife, Bernice, rather than because of his political background that we first met. She spoke at a Rotary meeting in Stirling and John escorted her to that meeting. I found him personally to be a very humble person, not inclined to blow his own trumpet nor to impose his view of the world (and politics especially) on a newcomer like me. Because of that, he was someone whose thoughts I respected. We would run into each other around the streets of Stirling where he lived for the past several years. He struck me as someone who was content with the life he had lived. He made his contributions through his career, his political life and his family life, and he seemed to keep a healthy balance among those various things.

I know that during his fairly short illness and his last stay in Stirling Hospital, he remained cheerful, content and quiet. The staff and chief of the hospital have asked that their condolences be added to mine, and I pass on my sincere condolences to his family. I commend the motion to the house.

Honourable members: Hear, hear!

The Hon. G.M. GUNN (Stuart) (14:16): I would like to add my condolences to those expressed by the Premier and the Leader of the Opposition. I was elected to parliament on the same day as John Carnie in 1970. He had a larger majority than I in the first election; however, things changed after that. John and I had a lot to do with each other because we both had large portions of Eyre Peninsula and, therefore, we were involved in lots of mutually interested exercises to try to assist those people.

My understanding is that the current member for Flinders did not meet John Carnie, because when he was a member she was in Papua New Guinea. I think that John did his best to support those people that he represented, and he was fortunate to have a second opportunity to be involved in politics. I add my best wishes to his family. I know that John tried very hard for the short time he was in the House of Assembly. I will not go into the reasons why he was defeated, but that is an interesting story.

The SPEAKER (14:18): On behalf of the house, I also add my consolations to the family of the Hon. John Carnie and I will ensure that a record of today's proceedings is forwarded to his family. I ask all members in support of the motion to rise in their places.

Motion carried by members standing in their places in silence.

[Sitting suspended from 14:19 to 14:30]

VOLUNTARY EUTHANASIA

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 2,248 residents of South Australia requesting the house to urge the government to enact voluntary euthanasia legislation.

WATTLE RANGE COUNCIL WASTE COLLECTION

Ms PORTOLESI (Hartley): Presented a petition signed by 800 residents of Millicent and surrounding districts requesting the house to urge the government to recommend the restoration of a weekly waste pick-up cycle within the Wattle Range Council area.

ARKARoola WILDERNESS SANCTUARY

The Hon. I.F. EVANS (Davenport): Presented a petition signed by 237 residents of Australia requesting the house to urge the government to prevent exploration and mining in the Arkaroola Wilderness Sanctuary.

ANSWERS TO QUESTIONS

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

INDULKANA ABORIGINAL COMMUNITY

205 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the contract HAS015184—CHP07707 for the five upgrades at the Indulkana Aboriginal community:

- (a) has this project been completed and if so;
- (b) was it completed on time;
- (c) was it completed within budget;
- (d) who was the successful contractor; and
- (e) who 'signed off' on the completed project?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability): With respect to the contract HAS015184-CHP07707 for the five upgrades at the Indulkana Aboriginal Community;

- (a) the project has been completed;
- (b) the project was subject to revised timelines because of asbestos and vandalism issues and was completed within the revised timeframes;
- (c) the project was completed on budget;
- (d) the contractor was Pimba Building Contractors Pty Ltd; and
- (e) the completed project was signed off by the Department for Families and Communities.

GOVERNMENT GRANTS

215 Dr McFETRIDGE (Morphett) (21 October 2008). For all departments and agencies reporting to the minister, what are the details of each grant administered in 2006-07 and 2007-08 including, the name of the recipient, the amount and the purpose of the grant and whether the grant was subject to a agreement as required by Treasurer's Instruction Number 15?

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): Please refer to response to 2008 Estimates OMNIBUS Committee question regarding expenditure on grants 2006-07 and 2007-08.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Disciplinary Appeals Tribunal—Report 2008-09

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

Leases of Properties Held by the Commissioner of Highways—Report 2008-09

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

Rules of Court—

Supreme Court—Civil Rules 2006—Amendment No.9

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

Regulations under the following Act—

Public and Environmental Health—General—Control of Refuse

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

Regulations under the following Acts—

Controlled Substances—

Poisons—Declaration

General—Prescribed Quantities

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

Regulations under the following Act—

Native Vegetation—Dead Plants

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

Local Council By-Laws—

Alexandrina Council

No. 1—Permits and Penalties

No. 2—Local Government Land

No. 3—Roads

No. 4—Moveable Signs

No. 5—Dogs

No. 6—Nuisances Caused by Building Sites

City of Whyalla

No. 8—Boat Harbours and Facilities

No. 9—Foreshore

By the Minister for Industrial Relations (Hon. P. Caica)—

First Aid in the Workplace—Code of Practice dated August 2009

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Death of 'Kunmanara' Gibson—Report on actions taken following the Coronial inquiry—
dated June 2009

COOPER CREEK

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) (14:31): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: The Lake Eyre Basin is a truly unique natural asset. Encompassing an area that is about one-sixth the area of Australia, it extends across the south-east of the Northern Territory, south-west of Queensland and the north-east of South Australia. It contains wetlands and ecosystems of international importance, including the Ramsar-listed Coongie Lakes, and is a temporary home for migratory birds across the world, including (from my memory) from Siberia.

The unpolluted water of the Cooper Creek is one of the world's largest unregulated rivers. As many members would know (such as the member for Stuart), the environment of the basin is characterised by dramatic 'boom and bust' cycles.

The Hon. I.F. EVANS: I rise on a point of order, Mr Speaker. There is a notice of motion from the member for Stuart for Thursday 24 September relating to the Cooper Creek and the Queensland government's treatment thereof, and I seek a ruling as to whether this goes to debate.

The SPEAKER: I will listen to what the Premier says. The Premier cannot use a ministerial statement to pre-empt debate on Notice of Motion No. 1 to be moved by the member for Stuart. Listening to the Premier, I do not think that he has until now. I will listen and, if I think he is pre-empting debate, I will pull up the Premier.

The Hon. M.D. RANN: Certainly, there is no intention of that, as I know the member for Stuart would know. Indeed, this is important because it involves actions taken this day by the Minister for Environment and Conservation, in terms of communications to federal colleagues.

In a harsh and dry landscape, the region is transformed when the rivers that feed the basin flood huge tracts of land and ecosystems burst into life. We have seen this spectacular environmental event unfold over recent months as tens of thousands of birds, fish and plants took advantage of the floods to live and breed around Lake Eyre.

South Australia supports the protection of the region's sensitive ecology through its participation in the Lake Eyre Basin Ministerial Forum, which also draws its membership from the Queensland, Northern Territory and Australian governments as well as the South Australian government.

On 26 August this year, the Minister for Environment and Conservation announced that the state government would be developing a Far North Initiative as part of the state NRM program and that this would address Lake Eyre Basin management issues. However, the explosion of life that we have witnessed recently in the basin is largely reliant upon floodwaters that originate in rivers outside our state, including the Cooper Creek system that is managed by the Queensland government. I do not need to remind any member of this house what the Australian constitution says about rivers.

With the Cooper Creek Water Resource Plan under review and the potential for dormant or sleeper licences that would permit large-scale irrigation to be reactivated, the state government has monitored the Queensland government's actions closely to ensure that downstream users and the environment are not deprived of water. These floodwaters are vital, as they sustain a relative handful of isolated waterholes during dry periods which, in turn, provide a refuge for life to regenerate rapidly when floods come again.

Our concerns were first raised in October last year, when the South Australian government made a submission to the Queensland government warning that these dormant licences represented a significant risk to the achievement of environmental objectives. Since then, nine eminent scientists have written to the Queensland government detailing their concerns with the plan review process, and both the minister and I have urged the Queensland government not to permit the further extraction of water from the Cooper Creek until there has been an independent scientific review of Queensland's plans. Unfortunately, the response so far from the Queensland government gives us no comfort. Queensland's revised Cooper Creek Water Resource Plan will set out future water allocations from the Cooper Creek.

The South Australian government is calling for an emergency meeting of the commonwealth and state governments to stop Queensland from pressing ahead with any proposal to reactivate dormant water licences in the Cooper Creek. The licences were originally allocated for cotton industry development in the Cooper Creek, which could take billions of litres of water from the system. While the Queensland government intends to release its plan as early as next month for public comment, we are saying that by that time it may be too late to stop large-scale water extraction from going ahead.

South Australia and Queensland have worked together with other members of the Lake Eyre Basin Ministerial Forum on a rivers assessment of the rivers in the Lake Eyre Basin. This assessment was released last year and showed that key threats to the Cooper Creek were inappropriate resource use, invasive pests and land use intensification. South Australians know only too well the damage that over-extraction by upstream states has done to the iconic River Murray decade after decade after decade.

Mr GRIFFITHS: Mr Speaker, I rise on a point of order. I respect the intent of the Premier, but the notice of motion provided by the member for Stuart is quite specific.

The Hon. P.F. Conlon interjecting:

Mr GRIFFITHS: I just want to seek clarification from the Speaker.

Members interjecting:

The SPEAKER: The house will come to order! The Premier should not be constrained from making a statement to the house in an entirely appropriate way about actions that the government is taking, or be prevented from doing so essentially on a technicality.

An honourable member interjecting:

The SPEAKER: Order! That would seem to me to be a ridiculous and overly rigorous interpretation of the standing orders. I think the standing order with regard to pre-empting debate would apply if in a direct way the Premier was seeking to engage in debate on the member for Stuart's motion. I do not think the rule of pre-emption should prevent the Premier from saying anything about that subject simply because there is a notice of motion. That would not really make any sense. I think the common-sense approach is that the Premier is giving a ministerial statement on a subject which is current and which no doubt is of interest to the house, and to prevent him from doing so because of a technicality would be silly.

As long as the Premier does not directly attempt to debate Notice of Motion No. 1 on 24 September, he is free to give his ministerial statement, albeit that the subject of the ministerial statement and the motion overlap.

The Hon. M.D. RANN: If we stood by and allowed irrigators to begin using the Cooper Creek in the same way that we have seen the River Murray being exploited by upstream states not only would it be like déjà vu but most Australians would believe that once again we were seeing the fact that the health of a river can be judged by the end of the river. I think that people would be outraged at this degradation.

The state government has an obligation to act now without hesitation and take whatever steps are available to it to protect the Cooper, which is regarded, including by the Queensland Premier, as one of our remaining pristine rivers.

A number of those here, including the former environment minister and the member for Stuart and some journalists who attended a news conference today, if my memory serves me correctly, would recall standing on the shores of the Coongie Lakes at dawn on the morning of 10 June 2005, when we declared the Coongie Lakes a national park. This mosaic of lakes is one of Australia's most spectacular natural attractions—fed by the Cooper Creek. I know that the member behind me is in furious agreement. The member for Giles is a great supporter of the Coongie Lakes.

The freshwater lakes support a range of wildlife, including hundreds of waterbirds, fish, frog and plant species. The lakes are Ramsar listed, meaning that they are regarded internationally as important to migratory waterbirds. The national park covers an area of 26,600 hectares and today excludes all mining and cattle grazing, while a 87,740 hectare buffer surrounding the park has been closed to mining and petroleum access. People will remember the agreement reached by the former minister for environment and I with Santos Ltd and its former CEO, John Ellice-Flint, to achieve this.

The declaration of the Coongie Lakes National Park was a symbol of what can be achieved when government, industry, local communities and green groups come together for our environment. I am very pleased to get bipartisan support from the other side, including from the former minister for the environment and former leader of the opposition, who is sitting on the front bench.

All we are doing today is saying that we must again come together, as we did then, to save the Cooper Creek and preserve this last wild river from the potential ravages of inappropriate industry and activity. I look forward to all members of this house supporting us in a fight to save the Cooper Creek and the Coongie Lakes, remembering what impact the diversion of billions of litres could have on Innamincka and its town supply and, indeed, on an organic beef industry that is worth \$100 million to this state.

SWINE FLU VACCINATIONS

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:44): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today I can announce that the first batch of vaccine packs to guard against the H1N1 influenza virus have been delivered from the Commonwealth Serum Laboratory (CSL) to SA Health, triggering the start of a national immunisation campaign to fight swine flu. Those packs will be delivered to GPs and hospitals, starting tomorrow. This campaign, which will begin across Australia from 30 September, will protect the most vulnerable in our community. H1N1, or swine flu, has caused severe illness in specific groups since it emerged in Australia in May this year.

Australia's public health officials advise that people with chronic illness, immune suppression, respiratory or cardiac conditions, pregnant women, indigenous people and young children appear to be the most at risk to be affected by this flu and, indeed, people with a body mass index of 35 and above have also been vulnerable. These groups, along with parents of babies aged less than six months, will be the first to be offered the vaccine.

Our front-line health workers who face the risk of this disease on a daily basis and who could transmit it to their patients will also be provided with immunisation through this campaign. Remote Aboriginal communities across the state will be the first locations to be sent supplies of the vaccine when distribution starts tomorrow.

For the vast majority of people, swine flu has been no more serious than a normal flu, and our current data from across metropolitan public hospitals suggests that swine flu cases are on the decline, but today we have had sobering news, which emphasises just how important it is for the vaccination campaign to get underway immediately. Sadly, SA Health's latest weekly report, released today, includes five more deaths of people with swine flu that have been reported. The Coroner has made SA Health aware of three of those people who died at home suffering from other chronic illnesses. A fourth person died at Flinders Medical Centre; that person was also suffering from another life threatening illness. A fifth person died at Lyell McEwin, and that person was also suffering from underlying medical conditions.

In total, 25 South Australia have died with swine flu, the vast majority already suffering from chronic or life threatening illness. I extend my deepest sympathy to those families that have lost loved ones affected by swine flu. It must be a tragic added burden for families already coping with their loved one suffering from an existing serious illness. A total of 8,836 South Australians have tested positive for swine flu, with the vast majority of these people recovering well.

A number of these people have had to be nursed through their illnesses in our hospitals, adding pressure to our already busy health system. Since the first cases in South Australia, 520 hospital patients with swine flu have been treated. Some of these people have been nursed in the specialist intensive care units across our metropolitan hospitals. Currently, 21 patients who have contracted swine flu are in hospital, including 10 patients who are in intensive care units.

I thank our very skilful doctors, nurses and other staff who have worked so very hard to care for these people and help them recover. The commitment of hospital staff has been inspiring. Of course, our general practitioners are also on the health front line and work very hard as well in combating this flu and protecting our community, as have our public health officials.

Today we have excellent news about the rollout of the Panvax H1N1 vaccine to protect South Australians with its delivery to SA Health. South Australia has played a very important role in the development of this vaccine. Australian pharmaceutical company CSL tested the vaccine in our state as part of its international medical trials. Up to 240 South Australians were recruited for the testing, conducted through the Royal Adelaide Hospital, with the results determining the federal approval for the rollout.

Last week the Therapeutic Goods Administration, the commonwealth's medicines regulator, approved the vaccine for use in adults and in children 10 years and older. The results from the South Australian trial were also used as part of CSL's approval process from the US Food and Drug Administration. It is expected to be available for children after the age of 10 after results of trials in children are available next month and the TGA has considered the results of those trials.

The vaccine will be arriving at GP clinics across the state in time for a 30 September commencement. People in the vulnerable groups and health care workers can contact their GP for advice on when they can access a vaccination. As well, the state government is setting up public H1N1 immunisation clinics across the state, in cooperation with local government.

Today I can also announce the first finalised public clinic locations. These are in the public halls in Windsor Gardens, Enfield, Kilburn, Mansfield Park, Ottoway, Port Adelaide and Le Fevre; adjacent to the current community immunisation clinics in Prospect, Payneham, Burnside, St Peters, Adelaide, Rostrevor, Walkerville, Munno Para, Elizabeth and Tea Tree Gully; and in Country Health community health services at Coober Pedy, Ceduna, Elliston, Mount Gambier, Port Pirie, Burra, Cleve, Roxby Downs, Millicent, Penola, Naracoorte, Kingscote and Yorketown.

Clinics will start, as I said, from 30 September. There will be further clinic locations announced in coming days. Meanwhile, South Australians can get more information on the vaccine from the national Swine Flu Hotline on 180 2007 or from www.flu.sa.gov.au.

Our state has an allocation of 1.4 million doses through this campaign. There are sufficient doses in Australia for every Australian who wants one to receive a dose, with an expected 440,000 South Australians in the vulnerable groups expected to access the vaccine over coming months. As I say, the total number of vaccines will allow for the vaccination over time of every adult who wants to be vaccinated.

While the TGA has not yet approved the vaccine for use in children nine years of age and younger, when it does South Australia will be ready for the immunisation of children as well. The public vaccination clinics will be funded by the state government with about \$1.6 million being allocated to this very important campaign that will protect our most vulnerable South Australians.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:53): I bring up the report of the committee on an Inquiry into the Aquaculture Variation Regulations 2008 and Aquaculture Variation Regulations 2009.

Report received.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:54): I bring up the 340th report of the committee, entitled Fitout of 77 Grenfell Street, Adelaide.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 341st report of the committee, entitled Sand Transfer Infrastructure Project—Adelaide's Living Beaches.

Report received and ordered to be published.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from Reynella East High School, who are guests of the member for Fisher—at least they were here—and members of LM Training Specialist Services, who are guests of the member for Newland.

QUESTION TIME

WATER SECURITY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:55): My question is to the Minister for Water Security. Given that approximately eight gigalitres of stormwater ran out to sea yesterday, why is the government buying permanent water licences for critical human needs and increasing Adelaide's reliance on the River Murray?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:56): I think that everyone I know would agree that purchasing permanent water entitlements out of consumption for South Australia is a good thing to do. To support the fact that these irrigators had made the decision that they wanted to sell their water, had gone into the tender federally and had been rejected in that tender because the tender had been oversubscribed, I think it is a very good thing that the South Australian government has stepped in to acquire that water.

In the initial instance, that water will be used to back up critical human needs supplies. Those permanent entitlements are currently allocated with 16 per cent of water allocation on those

entitlements, and that 16 per cent will be used to back up our critical human needs reserve, if we need it to, for next year, which is a very good and sensible thing for this government to be doing, given those people out in the marketplace wanting to sell their water.

I think that is a very important difference between this government and what the opposition is proposing, because the opposition is saying on the one hand that we should buy water, on the other hand that we should not buy water; that on one hand we should have desalination and then on this hand that we should have stormwater. Approximately eight gigalitres of water ran out into the sea yesterday as a consequence of some fantastic storm events. I think most South Australians are very happy about the fact that we are having rain.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: In fact, the only people I know who are unhappy about the rain—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

The Hon. K.A. MAYWALD: —that we are having is the opposition. The opposition continues to want to make water a divisive issue, rather than getting behind the state government and the community in dealing with some very difficult issues. I think the issue of stormwater needs to be put into context. Once again, I will quote from the CSIRO report relating to management of aquifer recharge, because there seems to be somewhat of a misunderstanding.

Mr Williams: Go to page 28.

The Hon. K.A. MAYWALD: The member for MacKillop continually refers to page 28. I will go to page 28 for the member for MacKillop because page 28 has a little graph on it that talks about potential diversified sources of water for Australian cities, and it talks about the opportunity for 30 to 80 gigalitres of stormwater aquifer storage and recovery. Guess what? The Water for Good strategy says about 60 gigalitres; I think that is just about in the middle there.

The South Australian government is actively pursuing stormwater projects. We currently have submissions for a number of different projects before the federal government, and I would remind the house of what those projects are.

An honourable member interjecting:

The Hon. K.A. MAYWALD: Six years on, they say. Do you know what they did eight years ago? They halved the funding for stormwater. The last legacy of the Liberal Party in government was to halve stormwater. That is what it did. Let your actions talk louder than your babble.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: Because, quite frankly, you halved—

Mr Goldsworthy interjecting:

The SPEAKER: Order, the member for Kavel!

The Hon. K.A. MAYWALD: —the money that was being invested in stormwater. I think that is the reality that we are facing here. But, if you look at what we are actually doing, let's not listen to the talk; let's look at the action. We currently have a number of projects that we have put to the federal government for approval. The first one is Waterproofing the West, \$58.6 million—

Mr Williams interjecting:

The Hon. K.A. MAYWALD: Ah! The member for MacKillop says 'relying on the federal government'. Do you know what their stormwater strategy says? All the money will come from the federal government—that is in their own stormwater strategy.

Members interjecting:

The Hon. K.A. MAYWALD: It is exactly what it says. It says that the money will come from the federal government, and I challenge everyone to read the Liberal Party's strategy. Let's

look at the really good projects that this state government, together with local government, is working on—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: Waterproofing the West, \$58.6 million—

Mr Venning interjecting:

The SPEAKER: Order, the member for Schubert!

The Hon. K.A. MAYWALD: —to harvest 2,500 million litres, through wetlands aquifer storage at Cheltenham, Riverside Golf Club and Old Port Road; Adelaide Airport stormwater scheme, \$9.7 million, harvesting up to 1,000 megalitres of stormwater to reduce the draw on mains and groundwater supplies, in partnership with the Adelaide Airport; Unity Park biofiltration, \$14 million, expanding an existing scheme at Pooraka to harvest an extra 1,300 megalitres to supply local industries, schools and sporting facilities; Water for the Future, \$19.2 million, building on the success of Waterproofing the North, to harvest an additional 640 megalitres of irrigation for sports reserves and gardens; Waterproofing the South Stage 2, \$30 million; Adelaide Botanic Garden ASR scheme, \$5.8 million; and Barker Inlet Stormwater Re-use Scheme, \$7.8 million.

These projects are currently before the federal government, seeking approval for the federal government to support the funding of these projects. These are really good projects, and they build on the fantastic work that the Salisbury council has been doing in the north, in partnership with a number of different government agencies: SA Water and also the state government and the LMC.

I think that the issue of stormwater is one that is very clear. In terms of the state government—this Rann Labor government—as minister in that government I support stormwater projects that will enhance our supply into the South Australian water security strategy. These projects are very valuable. They will reduce the draw on the River Murray, just as the Salisbury scheme has for parks and gardens and industry use. The Salisbury scheme currently delivers about seven gicalitres of water—seven gicalitres of water—and it has taken over 10 years to deliver that.

An honourable member interjecting:

The Hon. K.A. MAYWALD: Twenty gicalitres, and the state government is supporting and investing in that project also. I think the important thing is to understand that they are not doing that all by themselves. The Salisbury council is doing it in partnership with the federal government—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —with the state government, with SA Water, with LMC. There is a range of partners in these projects, and that is a great thing. It is also the Playford council and the Tea Tree Gully council. So, Waterproofing the North—a fantastic project. We are on board; you should be too.

PEDAL PRIX

Ms BEDFORD (Florey) (15:03): Can the Premier advise the house on the results of the Pedal Prix event held in Murray Bridge on the weekend?

Members interjecting:

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:03): I think we should put the kids first, don't you? I think that it is really important. This is a terrific event, and I want to congratulate all those people who have been behind the Pedal Prix over a number of years.

On the weekend I had the pleasure of waving the starter's flag—and I was helped by the local member—for the third and final stage of the Australian Human Powered Vehicle Super Series in Murray Bridge. As I mentioned, the member for Hammond participated in waving the starter's flag. The honourable member, of course, is one of the great enthusiasts of this event.

This event is the largest of its type in the world. It is run by Australian International Pedal Prix Inc. This is the third year of a 10 year agreement to hold the HPV Super Series final in Murray Bridge. The event is held on a closed 2.15 kilometre street circuit. The HPV Super Series consists of three events each year. The first two, in May and July this year, were held in Victoria Park.

The Pedal Prix was established in 1985 to provide experience in engineering, design and construction to South Australian high school students. The Australian International Pedal Prix is a not-for-profit body that organises, promotes and conducts the series. The board is comprised of representatives from the education sector, private enterprise and teams. It has now grown to include all ages and features learning experiences and skills development in enterprise, engineering, technology, competition, teamwork, safety, health, nutrition, fitness and environmental wellbeing. It is great to see the kids not only developing teamwork skills working with each other but also working with their parents, siblings and grandparents—a great community enterprise.

It requires the collaborative efforts of the teams and the community and it employs a number of areas of school curriculum such as technical studies, IT, art and design, health and nutrition, and physical education. For an event not widely recognised perhaps as much as it should be, the number of registered participants and teams was truly amazing. There were 3,084 registered participants, who represented 108 schools, two universities and TAFE SA. A total of 230 teams entered the final event; 28,000 spectators were expected to attend the event over the weekend.

The excitement of the students and parents, and the preparation of their machines, show that this event is not only eagerly anticipated but also highly regarded. The event challenges participants and their teams over many months to design and build their vehicle focusing on safety, efficiency and reliability. As with other events of this type, it would not be possible to conduct without the support and commitment of teachers and parents who have done a fantastic job.

The event has won a number of SA Great regional awards; it has been admitted to the SA Great Regional Hall of Fame. An independent assessment showed that the 24 hour event contributes more than \$3 million a year to the Murray Bridge and Murraylands economy. The government is very pleased to be a sponsor, and I am sure that will grow. Obviously, with the coming Global Green Challenge next month, again, it helps to showcase alternative technology vehicles.

In terms of the City to Bay, how fantastic was that! It attracted more than 29,000 (I think nearly 30,000) participants at the weekend. I congratulate the Leader of the Opposition on her splendid work in the race and it was good to know that her team were right behind her in that race.

STORMWATER INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (15:07): I thank the Premier for his good wishes. My question is again to the Minister for Water Security. After almost eight years of government, five of which have been in drought, how many gigalitres of stormwater have been captured by government projects for re-use?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:08): As the member would be aware, the projects that have delivered water from stormwater are the Salisbury council projects, which are partnerships between the state government—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —which are partnerships led by the Salisbury council, which is fantastic, as councils are supposed to. Councils are the managers of stormwater, and I think this escapes the notice—

Mr Pengilly: How much have you done?

The SPEAKER: Order, the member for Finniss!

The Hon. K.A. MAYWALD: —of the opposition, that the councils are actually the lead in the stormwater projects. We have a fantastic record in this state of trying to deal with that. What the opposition did was cut money to stormwater; they halved investment in stormwater. When this government came into government—when the Labor Party came into government—they

established the Stormwater Management Authority to better integrate the approach to stormwater management programs.

Ms Chapman: How much? How much Karlene?

The Hon. K.A. MAYWALD: There are seven to eight gigalitres currently being harvested in Salisbury and there is also a number of projects such as the Riverside one. The minister for environment might be able to help me with that one.

The Hon. J.W. Weatherill: Riverside Golf Club.

The Hon. K.A. MAYWALD: The Riverside Golf Club—that is a project that has been completed. Waterproofing the South is on its way. The Glenelg golf course, the Adelaide golf course, the Grange golf course—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —are now benefiting from stormwater projects. The Lochiel Park project is also a project that is investing heavily in stormwater.

Members interjecting:

The Hon. K.A. MAYWALD: Most definitely.

Mr Pengilly interjecting:

The Hon. K.A. MAYWALD: Golf clubs are definitely worthy recipients—

The SPEAKER: Order! The minister will take her seat for a moment. Member for Finniss, it is not acceptable in this chamber to try to shout someone down. I will not accept it. The member for Finniss has been called several times. He is warned. I will not tolerate any further disruption from him. The Minister for Water Security.

The Hon. K.A. MAYWALD: Of course, the Riverside one, as I mentioned, is not yet completed, but the Grange is certainly underway. All these are worthy projects. We also have the projects I spoke about before which I will not go through again but which are worthy projects for stormwater harvest and re-use. They are not the sole answer to the state's water issues, however; that is why the South Australian government has a comprehensive plan that includes desalination, catchment management and getting a better deal in the longer term for the River Murray.

It includes stormwater harvesting. Our extensive Water for Good strategy covers off on all these as a diversified strategy to secure the water future for South Australians. It is a very good strategy, and I encourage members opposite to get on board to ensure that South Australians can be secure in their water future. We are doing that and the opposition should be doing it as well.

REGIONAL EMPLOYMENT

Ms BREUER (Giles) (15:10): Will the Minister for Employment, Training and Further Education advise the house what support is available to link regional South Australians with skills and jobs in their local area?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (15:10): I am pleased to advise that thousands of South Australians will again have the opportunity to participate in a range of learning, training and employment programs that have strong links to industry and areas of jobs growth thanks to funding from the South Australian government. I am sure that all members are aware of the South Australia Works in the Regions program, a unique initiative that links people to learning, skills and jobs by partnering with industry and programs that respond to local needs.

The South Australian government will contribute \$7.7 million this year to help over 6,500 people participate in a range of training, learning or work programs. This funding to regions will be boosted up to \$14.9 million with the inclusion of additional funds and in-kind support of \$7.2 million from the Australian government, industry and community organisations. This regional program—now in its sixth year—is highly successful because of the strong partnerships formed between the state government, the regional development boards and the 17 employment and skills formation networks that have been established across the state.

These local employment and skills formation networks understand the unique needs of their own region and know what skills are needed by local businesses and industry. It is expected that 3,455 participants will find employment as a result of their involvement with the program, with the remaining participants being placed on pathways to employment. In addition, over 2,000 people will participate in development activities to kick start their careers.

Projects include literacy and numeracy support, careers advice, accredited training, skills recognition and links to job opportunities; and they will target those facing employment barriers, such as young people, Aboriginal people, the mature aged and people with a disability.

I will cite just one of the 17 programs on offer, and that is the one for the Riverland region. Unemployed and underemployed workers in the Riverland from the horticulture, agriculture, food processing and packing sectors and those affected by the drought will receive targeted individual training and help in gaining employment in the Employment Renewal project.

This project will receive \$475,000, and it has the potential to provide invaluable support to the recently retrenched National Foods employees in Berri. The benefits to participants of SA Works in the Regions projects cannot be measured in immediate employment outcomes. Participants also enhance their job skills and self-confidence, improve their levels of literacy and numeracy and often move on to pursue further education or different career paths—a great initiative for the region by the Rann Labor government.

STORMWATER INITIATIVES

Mr WILLIAMS (MacKillop) (15:14): My question is to the Minister for Water Security. Why should South Australians again be showering with buckets to save water when the government yesterday allowed eight gigalitres of water to run out to sea?

The Hon. P.F. CONLON: Sir, I simply point out that he has not been here long, I know, but he needs to ask his questions through the chair.

Members interjecting:

The SPEAKER: Order! The question does need to be asked through the chair, for future reference, member for MacKillop.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:15): Once again, the state government has a very comprehensive strategy for water security for the state. It is a strategy which extends to 2050 and includes many diverse sources of water, one of which is stormwater. This government is very supportive of and in fact is committed to stormwater re-use in this state. Stormwater re-use is a very important part of the future water security of this state.

As I identified before, we currently have a number of projects up with the commonwealth for it to consider for investment in many stormwater projects to enhance what has been already been done in this state. Once again, we must do this in partnerships. The councils, together with the state government and the federal government, will continue to invest in stormwater and will continue to build on the terrific work of the Salisbury council, the Playford council, the Tea Tree Gully council and also the many other councils that are carrying out work in this area.

The stormwater authority is a great partnership. The only people who do not seem to be on the same page in this—and I must admit that Colin Pitman even suggested that the state government is on the same page in relation to investing in stormwater. Colin Pitman is part of the stormwater authority, and he was part of the steering committee that did the work that underpinned the state government's decision to include stormwater in our Water for Good strategy. In fact, Colin Pitman was on the steering committee of the consultancy that was let to say exactly how much water could be harvested and what was feasible.

I will tell you what we have done. We are constructing a desalination plant at a cost of over \$1.8 billion, which will secure an independent-of-rainfall source of water for this state.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: That is what this state government is doing. This state government—

The SPEAKER: Order!

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker. I just wonder whether it is appropriate for a useless, empty vessel to be sitting on the opposition front bench. It is over there next to the blue bucket: it is just there next to the blue bucket.

The SPEAKER: I will let that one go.

The Hon. K.A. MAYWALD: I think it is quite laughable when you think about the kind of strategies that the opposition has. Members of the opposition say that they will invest in stormwater—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: Let me quote for you what Professor Peter Dillon said on ABC Radio last week, when he was questioned about the possibility of stormwater for potable use. What opposition members will do is put it straight into our drinking water now. That is what they have said they are going to do.

An honourable member interjecting:

The Hon. K.A. MAYWALD: I do not know. That is what they keep telling people out there; that we should be using stormwater for potable uses right now. That is what I have heard them say over and over again. Professor Dillon, who is one of the authors of the much quoted CSIRO report that the opposition and, in particular, the member for MacKillop, uses—

The Hon. J.D. Lomax-Smith: Misquoted.

The Hon. K.A. MAYWALD: Well, misquoted. Professor Peter Dillon said on ABC Radio last week, 'We're not there yet. We've got some research—'

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: He was talking about the recharge project and the bottled water he was taking to Canberra. He said:

We're not there yet...We've got some more research to do to demonstrate this can be used as a safe drinking water supply on an ongoing basis. I think we've got about three years' research in front of us to be able to do that.

Three years. What members of the opposition would do is either put it into our drinking supplies now before that research is concluded and put at risk public health or they would put off doing anything until that research was completed. Obviously, the opposition is not serious about water. It has never been serious about water. It is not serious about the investment it would put into water. This government is serious about it. We have a strategy, we have a plan and we are investing in that plan.

ICAN PROGRAM

Mrs GERAGHTY (Torrens) (15:20): My question is to the Minister for Education. What initiatives are being taken to expand the successful ICAN program to further support young people at risk of dropping out of school?

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) (15:20): I thank the member for Torrens for her question and acknowledge her advocacy for young people and her recognition of the need to keep them engaged in schooling, education and training while making sure that there is flexibility within their education. I believe that she was probably the first person to point out the need for flexibility in relation to the twilight schooling system that was available in her local high school as a way of engaging those disaffected youth who would previously have dropped out of schooling.

The Innovative Community Action Networks were one of the products of the Social Inclusion Board, and for that we should not only commend the Premier for designing the Social

Inclusion Initiative but also recognise the previous minister, the member for Taylor, who showed leadership in developing these programs some five years ago.

As the member for Torrens said, these programs have been extraordinarily successful. They are an approach whereby young people are connected with community leaders, local government, business, entrepreneurs, health sector employees and specialist non-government and government agencies in order to find ways to tailor individually programs that will re-engage them. We know that, if young people drop out of work, out of schooling and out of training, they are at risk of not only disengagement from school but also juvenile justice entanglement, mental health disease, low housing outcomes and poor income and employment.

To date, the ICAN strategy has been extraordinarily successful. In 2008, nearly 1,400 young people were engaged in an ICAN program in South Australia and 80 per cent are re-engaged this year. This is a phenomenal outcome when you consider that those young people would otherwise have been disengaged and unemployed and likely to have a whole range of mishaps and unfortunate experiences in the future.

The responsibility the ICANs share is in recognising that not just schools but also the community are responsible for young peoples' outcomes, and I acknowledge those community leaders in the northern, southern and north-western metropolitan areas, as well as those in the Spencer Gulf towns of Port Pirie, Port Augusta and Whyalla, where programs have been innovative and the subject of serious research and assessment that has really highlighted the fact that they were highly successful.

Having been run for some five years, we knew how well these programs worked, and we were able to promote them to the federal government. I am delighted that \$30 million will be used to expand them across the state so that, as of this year, we will begin to develop programs in the outer southern metropolitan suburbs, from the Fleurieu down to Kangaroo Island, as well as in the Riverland, the Murraylands and Yorke Peninsula. Next year and into 2011, communities on Eyre Peninsula and in the Lower South-East are expected to be involved, with communities in the Barossa, the Mid North, the Upper South-East, the Adelaide Hills and the eastern metropolitan areas all coming on board.

Our goal is that, by 2013, 8,000 young people will be involved in these programs each year. If we can maintain our 80 per cent success rate, this will have a substantial impact on not only the lives of those young people, in making sure that they reach their potential, but also our capacity to provide skills into the future and employability options for those young people.

I think this is a great project, a great example of community involvement and a tribute to the Social Inclusion Board, the previous minister and Monsignor Cappelletti. To have 8,000 young people involved in these programs by 2013 will be a fabulous outcome, and I commend to the house and congratulate all those people who have been involved in setting this up and working so hard for South Australia to make this work.

STORMWATER INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (15:24): My question is again to the Minister for Water Security. Why has the government spent \$2.4 million on advertising and promoting its Water for Good report, instead of investing this money in stormwater capture and re-use?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:24): I thank the Leader of the Opposition for her question, because it will point out exactly how much we are investing and are prepared to invest in stormwater projects. The projects that we put up to the commonwealth government for investment are \$145 million worth of stormwater investment projects: \$145 million is the total cost of the projects, of which the South Australian government I believe is investing about \$45 million. So, the state government will be putting in \$45 million towards these projects, I am advised, and that is in direct contrast to the opposition, which halved the amount of money it put into stormwater. I must say that the amount of money it was putting into stormwater at the time was \$4 million, and it halved that to \$2 million. That \$45 million is on top of the \$4 million that we have committed to the stormwater authority to do the planning and work necessary to assist local government to enable these projects to get off the ground.

What we have is a situation where the opposition is all talk. We are actually getting in there and doing it; the state government is actually getting in there and doing this. One of things that is

really important in relation to water security is education of our community, and the state government does not shy away from the fact that we have a very strong and aggressive campaign to help educate our community in relation to water, because demand management is also a very important part of our Water for Good strategy. We want to have the most waterwise community in the nation, if not the world, and we will do that through the work we are doing in partnership with the local government and with a whole range of industry associations to ensure that we can better educate our community. We do not shy away from that. You cut stormwater funding; we are investing in it.

STORMWATER INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (15:26): My question is again to the Minister for Water Security. How long has the minister had the report of the Brownhill Creek Stormwater Management Authority, and what is the government's position on its recommendations?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:26): That report, I believe, from memory—and I stand to be corrected on this—was presented to and endorsed by the stormwater authority. I believe there are some issues between some councils as to who wants to participate in the project. We are trying to mediate a position forward with that, and we are in support of the project going ahead.

WATER SECURITY

Mr WILLIAMS (MacKillop) (15:27): My question is again to the Minister for Water Security. Why did the government consult the public about two options for the winter storage dam at Aldinga when it had already made a decision on one of the options? A public meeting at Willunga clearly endorsed the completion of the winter storage dam option, yet the government failed to complete this project, which would have enabled 740 megalitres of recycled wastewater to be stored, to be substituted by Willunga Basin irrigators for the drinkable water which they are currently using.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:28): I think the member is referring to a project where SA Water is working with the Willunga Basin Water Company. We have committed to building some storage capacity as part of the Waterproofing the South project that we are making available to the Willunga Basin Water Company, until the projects that are involved in the Waterproofing the South come online. We will be working with the Willunga Basin Water Company over the coming years to make sure it can meet the needs of its customers.

In this project the dam was commenced before winter. It rained, and we have not been able to finish it on time, because it has rained. It usually does in winter.

An honourable member interjecting:

The Hon. K.A. MAYWALD: The 'member for buckets' has made a very good observation here, but the problem is that we are actually in a drought. We have been in a drought for a long time, and is it not wonderful to see the rain? The only people I know who are opposed to the rain are the members of the opposition. Not only are they opposed to the rain; they also are opposed to getting any projects up and running. The McLaren Vale community and irrigators are very important to this state.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: This state government is committed to working through the issues that we have had in the past in relation to resolving some of the storage issues, resolving some of the water supply issues and to increasing access to the treated stormwater in the south. We are committed to doing that.

What has happened with this particular dam is that there are two options. We could provide storage at half the capacity with the construction that is currently completed or we could go on and complete the construction and the full capacity would be available later on. We are working with the Willunga Basin Water Company, which is the partner with SA Water in delivering that water to customers. We have asked them to tell us which option they want.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: I really do think that it is important that the company that is going to be delivering that water be consulted on whether they—

Ms Chapman interjecting:

The SPEAKER: If the member for Bragg has a question, there is an orderly way to do it.

The Hon. K.A. MAYWALD: We actually have a commitment to supplying more treated effluent water to the McLaren Vale irrigation community. We have committed \$1 million to support the \$3 million that the federal government has committed for extra connections. We have committed to extra storage and making that available to the irrigation community. We have committed to trials which have now become reality in the longer term for managed aquifer recharge and re-use.

Those projects are currently happening. They are underway and they are going to be able to provide water to that irrigation community for the next irrigation season. There is no spin in that. They are actually projects that are currently happening. They are happening. They are facts: an MAR scheme and extra storage. Yes, we would have liked to have the complete storage completed. We did come up against some construction issues. Yes, there have been some issues in the past in relation to an interaction between SA Water and the McLaren Vale irrigators.

There have been some issues in relation to what the expected timelines for delivery of water storage has been and what has actually been delivered. Yes, those are issues that we are continuing to work through with that community, but our commitment is to that community and actually increasing treated water re-use. I think that is a good objective and that is the one that this government will continue to work towards.

PUBLIC SECTOR EMPLOYMENT

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (15:32): My question is for the minister responsible for public sector management. How many of the 1,200 public sector jobs to be cut under the government's 2009 targeted voluntary separation package scheme have been achieved to date? In December 2008, the government announced that 1,200 public sector jobs would be cut. The Department of Treasury and Finance website states, 'Separations must occur between 1 July 2009 and 30 September 2009.'

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:32): On behalf of the Treasurer, who is of course responsible for that and who is not with us today, I will take that question away and get the best possible information I can for the learned Deputy Leader of the Opposition.

HEALTH SERVICES

Mrs GERAGHTY (Torrens) (15:33): My question is for the Minister for Health. How many additional nurses and doctors have been recruited to improve health services for South Australians?

The Hon. J.D. HILL (Kaurana—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:33): As members would know and as they have heard me say in the past, as our population ages, it puts enormous pressure on our health system. That pressure is felt now and it will become more intense over the years to come.

In fact, that pressure will be there until about 2040 so we have about 30-odd years where we are going to have an ageing population to which we have to provide services. We need to do two things primarily. Firstly, we have to reduce demand and, secondly, we have to increase supply. In terms of reducing demand, we have to put a much greater emphasis on primary health care, prevention, chronic disease management and out of hospital services, and we are investing enormous amounts of money in that area.

Secondly, we have to increase the amount of supply, because even if we reduce demand we will still have more people turning up to our hospitals requiring services. We need to do that in two ways. Firstly, we need to make sure that the resources that we put in to the health service are used as efficiently and as wisely as possible. We need to get as much bang as possible out of every buck that we put in, and we are doing a lot to improve the efficiency of the system, and, secondly, of course, we need to put in extra supply: extra doctors, nurses and allied health workers.

I can inform the house that since 2002 we have employed a net additional 1,074 doctors, a net additional 3,692 nurses and midwives and a net additional 931 allied health workers. That works out at an increase of approximately 50 per cent in the number of additional doctors, an increase of approximately 50 per cent in the number of additional allied health workers and an increase of about 30 per cent of additional nurses and midwives.

Now, that is people, individuals, but if we put it into the full time equivalent, those figures work out at 766 additional full time equivalent doctors, 2,738 additional full time equivalent nurses and 740 additional full time equivalent allied health workers. So, however you measure it, whether it is full time or in terms of the individuals, in percentage terms, in absolute terms, it is an enormously large contribution that this government has made over the last 7½ years to the expenditure in health.

When this government came to office the expenditure on health was just over \$2 billion a year. We are now putting \$4.1 billion a year into the public health system: the recurrent cost of the provision of the public health system.

In relation to doctors, we now have 3,255 doctors in our public health system, as at 30 June of this year, which is an increase of 172 over the previous year. We also have, as of that date, 2,855 allied health workers, an increase of 153 on last year, including, amongst others, physiotherapists, pharmacists, sonographers, speech pathologists and psychologists.

Importantly, we have 14,668 nurses and midwives, which is an additional 809 over the last 12 months. I am pleased to tell members from the southern suburbs that 171 of those have been employed at the Flinders Medical Centre. The members for Florey and Newland, and the member for Torrens, who asked the question, will be pleased to know that we have employed an extra 31 nurses at the Modbury Hospital. We have now employed 41 extra nurses at the Modbury Hospital since it was brought back into government hands.

Because nurses and midwives play such an important role in helping to shape our health system, the government has undertaken a number of significant professional programs for attracting and retaining nurses and midwives. We are aiming to create a wider variety of nursing and midwifery positions: more child health nurses, more nurses and midwives visiting new mothers at home and more nurse practitioners to create a career structure for nurses.

Developing the role of nurse practitioners is important because it ensures that we make the most efficient use of our existing workforce. We already have 28 nurse practitioners working in the South Australian health system across a number of areas, including: emergency, neonatology, palliative care, mental health, orthopaedics and aged care. Since September 2007, 10 nurse practitioners have also gained the authority to prescribe medicines.

The role of nurse practitioner is becoming more important here, and around Australia. The federal health minister, Nicola Roxon, has recently given her support to further advance this nursing-led model of care. In addition to employing a record number of staff, this government is undertaking an ambitious program of hospital renewal that will increase the capacity of our hospitals by modernising facilities.

Since we have been in government we have increased the number of beds in our metropolitan hospitals by 200 plus, and with the development works in train we are also on line to put another 250 or so beds into our system.

PUBLIC SECTOR WORKFORCE DATA

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (15:40): My question is for the minister for public sector management. Why hasn't the government released the up-to-date public sector workforce data, when this was promised by the end of July? On 25 June 2009, the Commissioner for Public Employment, in answering a question in behalf of the minister, told Estimates Committee A that the government had not published public sector workforce data since June 2007, but promised that a full report would be provided by July 2009.

Members interjecting:

The SPEAKER: Order!

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) (15:40): I do not know the answer to that question. I will try to find out why it has not been published yet.

The SPEAKER: The member for Ashford.

Members interjecting:

The SPEAKER: Order!

RETURN TO WORK FUND

The Hon. S.W. KEY (Ashford) (15:40): My question is for the Minister for Industrial Relations. How is the government assisting improvements to return-to-work outcomes for injured workers?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (15:41): I thank the member for Ashford for her question and acknowledge her lifelong commitment to advancing the interests and wellbeing of workers. The state government is continuing to place a most significant focus on improving return-to-work outcomes for injured workers following workplace injury.

The \$15 million Return to Work Fund is an initiative that provides a mechanism for funding innovative projects designed to improve return-to-work outcomes for injured workers in our state. I am advised that the next round of funding is due to be launched in October and will include projects aimed at providing support to the families of injured workers and to look at ways that WorkCover can more closely work with local organisations to better support injured workers during the recovery process. Ahead of the annual WorkCover conference held last week, I had the privilege of—

The Hon. I.F. Evans interjecting:

The Hon. P. CAICA: You didn't get one?

The Hon. I.F. Evans: No.

The Hon. P. CAICA: Well, I absolutely apologise for that, Iain, because you know that I am much better than that. I will check why that did not happen, and I will get on to it and make sure that it never happens again. I thank the member for the interjection, because I will fix that. Ahead of the annual WorkCover conference last week, I had the privilege of presenting the awards at the Recovery and Return to Work Awards. I presume the same thing applies there for the member for Davenport, that he never got an invite to the award night either.

The Recovery and Return to Work Awards is another important initiative that promotes return-to-work messages which acknowledge the efforts of injured workers, employers, health and rehabilitation providers and case managers who have achieved outstanding results in injury management and return to work. These awards, now in their third year, remain unique in Australia as the only dedicated awards program that acknowledges significant achievements in this field. In total, there were 23 finalist from seven categories in the awards, all of whom had inspirational stories to tell. I was especially pleased to present the Worker Achievement Award, won jointly this year by Matthew Ervin and Grace Neate.

I was informed that Mr Ervin's injury occurred when he was heading for a break and stopped to help a fellow worker in the pans area of the refinery in which he worked. The cover of the pipe access hole he stepped on was not fully closed and his foot was immersed in a 540° molten metal bath.

Mr Ervin was forced to endure significant pain and extensive treatment over the following two years; but, with the support of his employer, Mr Ervin returned to work six months after the injury and is gradually increasing his hours of work and is hoping to return to his full pre-injury shifts in the near future. Commendably, Mr Ervin has also used his experience as the basis for a training package which delivers recovery and return-to-work safety messages.

The other winner of the Worker Achievement Award, Ms Neate, I am told was just 17 years old when she slipped over at her after-school job at a florist. While washing a heavy vase she twisted and lost balance. The vase shattered, and Ms Neate fell and severed tendons, nerves and an artery in her wrist.

Now, almost 2½ years after the injury, Ms Neate continues to attend checkups. In Ms Neate's case, it is important to note that her injury occurred at the most challenging time, as she was on the brink of year 12 studies. It took an enormous amount of courage on her part to manage study commitments along with the stresses caused by the injury. To Ms Neate's great credit, she performed exceptionally well in completing year 12. She is now studying psychology at university and is working in another part-time job where she has recently taken on duties as a team leader.

These were just a couple of the inspirational stories emanating from the 2009 awards and they serve as a constant reminder that recovery from workplace injury and return to meaningful and satisfying work is a responsibility shared between all participants—and I emphasise 'all participants'—in the WorkCover scheme. On behalf of all members, I extend congratulations to all the Recovery and Return to Work Award winners for 2009.

WORKCOVER CORPORATION

Ms CHAPMAN (Bragg) (15:45): Given the government's care of workers, I ask this question of the Attorney-General: will all prosecutions involving serious criminal offences arising from WorkCover claims now be prosecuted by the Office of the Director of Public Prosecutions? WorkCover alleges that it has spent more than \$700,000 on prosecution costs in the case of *Thompson v Duffin*. The case has been thrown out by the Full Court of the Supreme Court on the grounds that the prosecution, which was directed by WorkCover and not by the DPP, acted improperly. The justices of the Supreme Court identified in their judgment that the case bore all the hallmarks of a win-at-all-costs approach and that WorkCover has no prosecuting guidelines such as those which are almost universally applicable to state prosecuting authorities and which are designed—

The Hon. P.F. CONLON: On a point of order, Mr Speaker.

Ms CHAPMAN: It's in the judgment.

The SPEAKER: Order!

The Hon. P.F. CONLON: If I did want all that information, I would read the judgment. I thank the member for Bragg for that, but it is not necessary to explain the question.

The SPEAKER: I think the member for Bragg has gone beyond the explanation required to make the question intelligible. The Attorney-General.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:47): In fact, this question was asked by the member for Bragg when the house last sat.

Ms Chapman: I asked a different question.

The Hon. M.J. ATKINSON: Well, a different question but a similar question. I have started reading the judgment in the *Thompson* case. I share her concerns. I really do share her concerns. The prosecution was done by the private law firm Johnson Winter & Slattery. The judgment is a condemnation of their methods. I think that WorkCover would be well advised to look towards the Crown to do future prosecutions. I think that policy change suggests itself in the judgment.

I, too, share her concerns. When I first came to office as Attorney-General, the Crown thought that there was a move to privatise their work, to farm it out to private legal firms; in fact, many members of the Crown Solicitor's Office seemed pessimistic about their future. I never entertained for a moment privatising the work of the Crown Solicitor's Office. My view is that the Crown Solicitor's Office does an outstanding job and that any well-run government would rely on in-house government lawyers who take a whole-of-government perspective. So—

Ms Chapman: You're recommending the DPP.

The Hon. M.J. ATKINSON: Sorry? Who is recommending the DPP?

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: For myself, I would have thought it is a job that would go to the Crown rather than the DPP, but I am open-minded about it. WorkCover is an independent statutory corporation, but I am sure it would have learnt its lesson from Johnson Winter & Slattery's carriage of this matter.

CHILDREN IN STATE CARE

Ms CHAPMAN (Bragg) (15:49): Has the Attorney-General received the report from the task force investigating the establishment of a redress scheme for victims of sexual abuse in state care; and, if so, when did he receive that report?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:52): From day one of the report of the Mullighan inquiry, I have said that two courses are open to those who claim to be victims of sexual abuse in state care. One of them is to do what any citizen could do, that is, to brief lawyers, bring an action for damages and prove that case on the balance of probabilities; and the Crown, in acting as defendant, will act as a model litigant and do what it can to be fair to the plaintiff.

The second course, which I announced on day one, was for people who alleged they were victims to apply to the Victims of Crime Fund, which is a fund that gets its revenue from a levy on fines and expiation notices and some from consolidated revenue. Individuals who claim to be victims would get every consideration from me should they not succeed in establishing that they were victims beyond reasonable doubt. I would look at an ex gratia payment of up to \$50,000 and do so on a burden of proof much less than the normal burden of proof required either in criminal courts or for that matter in civil courts.

A scheme exists already for all victims of crime which those who claim to be victims through the Mullighan report can access, and it was there from day one. There are a couple of lawyers in town who do not want their clients to apply for an ex gratia payment under the victims of crime law because there is not much of an earner in it for the lawyers concerned. They are not very keen on that, and those lawyers try to cover up in the public sphere the existence of ex gratia payments under the Victims of Crime Fund because it is not in their financial interest to disclose that to their clients.

The task force surveyed schemes in other states, reported to me about the schemes in other states and did not, so as far as I can recall, make any recommendations. The solution for people who say they were victims of sexual abuse in state care is the Victims of Crime Fund or an ex gratia payment under the provisions of that law.

CHILDREN IN STATE CARE

Ms CHAPMAN (Bragg) (15:52): As a supplementary question, having had it, will the Attorney now table the task force report?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:53): When my cabinet colleagues have seen it, I will consider releasing it; but, believe me, there are no revelations in the report.

PGF PLASTICS FIRE

Mr RAU (Enfield) (15:53): Will the Minister for Emergency Services please update the house on the fire that occurred at the PGF Plastics factory at Kilburn?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:53): I thank the honourable member for this question. Of course, the fire was in his electorate and we were in constant contact during what took place. At approximately 6pm on 14 September the South Australian Metropolitan Fire Service (MFS) responded to a structure fire at PGF Plastics in Kilburn. The fire started in a pallet of plastic recyclables, which sparked a major blaze and a smoke plume that was visible across much of metropolitan Adelaide.

At the height of the fire, 90 firefighters and 23 appliances were fully committed, with particular effort being put into the protection of a large on-site LPG tank, adjacent factories and homes. It took about three hours of difficult firefighting and asset protection to bring the blaze under control, and MFS crews remained on the scene until early the following afternoon. At the onset, the MFS, in liaison with South Australia Police, established a 500 metre exclusion zone around the fire and advised all residents within a two kilometre radius to remain indoors with windows and doors closed.

Toxic smoke fumes from the burning plastic posed a potential danger to residents. Fortunately, however, the wind factor was low and smoke billowed directly upwards, taking the toxins with it. Had the wind conditions been different a larger evacuation may have been required.

Given the size of this incident and the potential threat this blaze posed, the Country Fire Service was called in to provide additional assistance. The Country Fire Service had five appliances at the scene and further CFS resources were deployed throughout a number of suburban MFS stations to protect the community throughout the night. Once again, this highlights the close working relationship that our two fire agencies have with each other and their ability to provide a well coordinated and integrated response in times of emergency.

Other agencies involved included the South Australian Ambulance Service, which monitored fire crew health and was on hand to provide advice and assistance to residents; the South Australia Police, who set up a cordon around the affected area and managed vehicle and pedestrian traffic; and the Environment Protection Authority, which provided expert advice and assistance with the environmental impact of the incident. The men and women of our emergency services train extensively to respond to incidents such as this and we must never take what they do for granted. Through their gallant efforts and teamwork, the damage this fire caused was minimal and the community was kept safe. On behalf of the government, I commend all of those who were involved.

GRIEVANCE DEBATE

PEDAL PRIX

Mr PISONI (Unley) (15:56): Earlier we heard a question from the member for Florey asking the Premier about the Pedal Prix. I am very pleased to tell the house that I also attended the Pedal Prix, although my reasons were probably slightly more personal than those of the other members of parliament who were there. It was a great event and I would like to take this opportunity to congratulate the schools in and around my electorate that participated in the Pedal Prix.

I would especially like to thank the teachers who were involved in the Pedal Prix. Steve Hannagan coached Concordia College, Victoria Spencer coached the Walford team and Heather Birbeck coached Highgate Primary School. The four teachers from Unley High School (the school that my daughter participated through), who were all from the technical studies area, were Rob Lane, who has been involved from the very beginning in the Pedal Prix, Darryl Oliver, Toby Watts and Richard Whaites.

I think the interesting thing about the Pedal Prix is how it has developed over the years. Rob Lane told me how it is a great experience right from building the machines through to the event on the day. They spend a full 24 hours there, starting at midday on the Saturday and moving right through until midday on the Sunday. They quoted the number of participants and spectators for that period as being, I think, 20,000.

The interesting thing about the whole process is that it is one of three events. The six hour challenge in May in Victoria Park was followed in July by the nine hour challenge, also in Victoria Park, and the 24 hour challenge at the Sturt Reserve at Murray Bridge. I know that the member for Hammond was very proud to host us. If ever I have seen a proud member of parliament, it was on Saturday when he waved the flag at the beginning. That was after his leisurely tour on a golf cart of the whole two kilometre course.

The winning team was Bendigo Youth Racing from Bendigo. There were over 466 laps, and in that same time they could have travelled to Bendigo and back to Adelaide by pushbike; that was the equivalent of the time they spent on the track.

Some of the results for the schools in Unley also were very encouraging. The Highgate Hot Rod came fourth in its category 1 division, with 1,313 laps, which meant that they were 63rd overall.

Mr Griffiths: Was it 313 and not 1,313?

Mr PISONI: Sorry; 313 laps.

Ms Bedford interjecting:

Mr PISONI: They would have won with 1,300 I am sure, member for Florey! The all-girls Walford WR3 came 12th in its category, with 275 laps, and the Walford WR4 came 48th in its category, with 277 laps. The Concordia Shockwave came 58th in its category, with 216 laps. There were 65 entries in the Junior High School category, and Walford came 14th, with 314 laps, and the second Walford team came 27th, with 284 laps.

The Concordia Concorde came 33rd, with 280 laps, and the Concordia Power Surge came in 37th, with 273 laps. Unley High School's very first all-girls team, Unley Junior Girls, came 48th in its category, with 257 laps. We had 59 entries in the senior category, category 3, with Unley Seniors coming 4th, with 377 laps, and the Concordia Matrix coming 27th, with 350 laps.

Time expired.

MAWSON ELECTORATE

Mr BIGNELL (Mawson) (16:01): As you know, Mr Speaker, one of the great benefits of being a local member of parliament is getting around to the schools in our electorates. Last week, it was my very great pleasure to go to Tatchilla Lutheran College and hand over a cheque for \$3 million on behalf of the Deputy Prime Minister and the member for Kingston, Amanda Rishworth. I have to say that \$3 million is a lot of money, and the school is very appreciative of it and will be putting it towards a multipurpose hall.

Mr Pengilly interjecting:

Mr BIGNELL: I know that we hear the Liberals complaining all the time about this great investment the Rudd government is putting into schools, with the help of the state government and our education department, but their message is really not going down so well in school communities. The parents, the teachers and the students I speak to are at a loss to understand why anyone criticises such a great investment in our education system.

I said to the kids last week that I love to walk into a school and hear the buzz of students at play, that I love to walk in and hear the buzz of students learning but that the noise I love the most when I walk into schools is the buzz of power tools as we rebuild the infrastructure for our schools for today and into the future.

I think it is wonderful that we in Australia are investing in the schools that have really lacked any sort of considerable infrastructure spend by federal and state governments for more than 30 years. We will get through this global financial crisis, and the great legacy will be better facilities in our schools.

Last Wednesday night, I had the great fortune to go along to the Hopgood Theatre at Noarlunga to see this year's Hackham East Primary School's musical. Each year, Bob Thiele, the great principal at Hackham East Primary School, writes and directs a musical, and the kids do a fantastic job. This year it was *Noah's Ark*, and it was as good as any I have seen over the past four years.

To see the excitement on the faces of students was one thing, but to be in the foyer afterwards, when the students came from backstage to greet their parents, and to see their parents, their grandparents and their siblings with such great smiling faces was just amazing.

The kids at Hackham East do not necessarily come with a silver spoon in their mouth, but they are a great bunch of kids. The boys choir came here last year when they performed the haka and sang to the education minister and to the Premier. This year, we gave them the opportunity (which they leapt at) to perform for the Governor-General at the Convention Centre. I think it is one of the fantastic things we can do as local members to give students in our areas these great opportunities.

Another great part of our local communities are the sporting organisations, and on Saturday I had the pleasure of being at the McLaren Vale oval for the grand finals of the Great Southern Football League. What a fantastic day of footy! Four games, and seven points was the greatest margin, so it was fantastic.

Mr Pengilly interjecting:

Mr BIGNELL: I did not see the member for Finniss down there. I was there, and Willunga won the Colts and in the B grade McLaren Vale won the grand final by seven points, the biggest margin of the day. They beat Strathalbyn, and the Strath boys went out again in the A grade. They started fairly poorly; Willunga got away to a great start in its bid to win its sixth consecutive Premiership, but to Strath's credit they really came back in the second half, and it was goal for goal right up until the final siren. In fact, most of us who ran out onto the ground thought that Willunga had won by one point, but indeed it had won by two points. There was a little bit of confusion with a late score at the end of the day.

The week before that, I was at the same venue but over at the netball courts for the Great Southern Netball Association grand finals, and it was good to see Mary-Lou Corcoran, the Mayor of Victor Harbor and the Labor candidate for the seat of Finniss at the next election, out there cheering on her teams from the electorate of Finniss. She is a great candidate; very hard working, and I think she is a very big chance to be in this place after the March 2010 election. I was there cheering on the netball teams from my electorate.

An honourable member interjecting:

Mr BIGNELL: Mary-Lou is my cousin. She is a very good candidate and will make a great member of parliament after March next year. Congratulations to the McLaren Vale netball teams, who made it there to five grand finals and were victorious in four of them. I know the girls were ready to gloat in the B1s, because they already had their premierships T shirts made up and they were wearing them within a minute of the game finishing. Congratulations to them. Also, news hot off the press: Vale Ale from the McLaren Vale brewing company has just won an international award at the London Beer Show, so congratulations to everyone there.

WATER RESTRICTIONS

Mr PENGILLY (Finniss) (16:07): As of 21 September (the equinox, as it turned out, yesterday), the current volume of holdings in Adelaide's reservoirs was 163.3 gigalitres, 82 per cent of a total of 198 gigalitres. Why do I put forward that point? The point I make is in relation to particularly the Myponga dam, which is sitting at 9.1 metres high and has 20.7 gigalitres in it, or 77 per cent of its capacity. Last year and over the summer, water was drawn from Myponga to Happy Valley, which is currently sitting at 89 per cent of capacity, and Mount Bold at 93 per cent capacity.

The point that I wish to get to is the fact that the Myponga dam services the Fleurieu Peninsula: the towns of Yankalilla and Normanville down through the Inman Valley through to Victor Harbor, Port Elliot, Goolwa and Middleton. It is high time the government seriously looked at reducing restrictions on the residents down that way who use this facility. They pay the River Murray levy, as do most South Australians, including some who have no connection whatsoever with the River Murray itself, namely, the residents of Kangaroo Island, although they still pay the levy.

It is purely the mismanagement by the state government of the water resources over the past seven or eight years that has left us in the position we have been in. It has taken no action, and only today we saw the Minister for Water Security totally stumbling on how much stormwater had been collected and a number of other questions. The fact is that the Fleurieu and South Coast do not deserve to be on the harsh restrictions they are on. It is through no fault of their own that water is drawn off from Myponga through to Happy Valley and that they are left in a position where they are put under unfair water restrictions. The great holiday destination that is the South Coast suffers because of this, with the parks and private gardens and everything else that goes with them put under an incredible amount of pressure, which they should not have to be.

There is more than adequate water in the Myponga dam. We have had a magnificent winter on the Fleurieu; indeed, it has been a magnificent winter in many parts of the state and the high rainfall areas: the southern Eyre Peninsula, the Yorke Peninsula and the Lower South-East, Kangaroo Island, the Fleurieu Peninsula and those other areas.

We are actually back to an average season, and the catchments have reacted accordingly. Even in the last 24 hours we have had significant rainfall with more forecast for the Adelaide Hills which will put more and more water into Adelaide's reservoirs and to some extent stop the wholesale pumping from the River Murray.

There is absolutely no necessity for us to have these severe restrictions down there. It comes to my attention quite regularly from constituents down there that they do not think they should be penalised to the degree that they are. I ask the government to consider that and I particularly ask SA Water to advise the government to have these restrictions loosened somewhat so that people can look after their pride and joy, their gardens, and so that our towns can service their parks and gardens with a more than adequate success rate and not have to see them wither and die during what could be again a long, hot, dry summer and autumn.

It is simply an abrogation of responsibility by the Rann Labor government to have us in the position that we are in. It should never have happened. It is said time and again by government ministers that they cannot make it rain. That is not the point. Of course they cannot make it rain and

neither can this side of the house but they could have taken some action. They have taken no action to assist the people of South Australia in the years they have been in government.

The desalination plant was the Liberal Party's initiative a number of years ago, as members will recall. The government has done nothing on stormwater. Only yesterday, the amount of water that was running down the Patawalonga drain and everywhere else out into Gulf St Vincent was alarming. The government has done absolutely nothing. It stands condemned for its inaction on water. It is an outrageous disgrace. For heaven's sake, assist the people of the South Coast and reduce these restrictions.

Time expired.

FLINDERS UNIVERSITY WATERMARK PROJECT

The Hon. S.W. KEY (Ashford) (16:12): My grievance today is also about water, and I must say it is much more positive than the previous contribution. I had the opportunity yesterday to visit my old university and although I know as a politician that it is probably not appropriate to have a favourite university, Flinders does have some influence on me, having been a graduate from that campus.

Yesterday, I had the opportunity to speak to the registrar, Barbara Fergusson. One of the areas that we discussed was a proposal that Sir Eric Neal—the wonderful Chancellor of Flinders University who, I understand, is going to retire soon which is going to be very sad for South Australia and certainly for Flinders University—has been talking about for quite some time called Watermark. This is looking at Flinders University extending its hub of expertise with regard to the environment.

If supported, the Watermark proposal I am sure will become an iconic 7,200 square metre six-star Green Star building that will look at environmental education and research at Flinders. This is something that it already does in a very excellent fashion but it will bring together earth, social and health scientists in a new School of Environment and provide a new world-class national centre for groundwater research and training.

This will be established with funding of \$30 million from the National Water Commission and the Australian Research Council. If it comes to fruition, it will extend Flinders University's position as a leading national environmental teaching and research institution. I should just note the Deputy Speaker's contribution to Flinders University. I think it would be one that is very much on the top of her list despite her different education, but Flinders University, for a number of us, has been very important in supporting great projects.

The two nationally unique identities, Flinders Centre for Airborne Research and the Flinders Centre for Science Education in the 21st Century along with Flinders Institute for Housing, Urban and Regional Research and the water environmental sustainability area, which of course looks at strategic research investment, will be located within Watermark.

In itself, I think that to have one brand name for all those august schools and institutions would be a big help in looking at these areas. The other plus side would be the collocation of this expertise in one building, which would create further internal and external collaboration opportunities between the disciplines, such as: public policy, law, engineering, education, biological science and business, and across research industry and government sectors.

The reason I say this is a positive contribution with regard to water is that the key research areas are: groundwater and hydrology, human health and the environment, terrestrial biodiversity, landscapes, marine science and aquaculture, environmental policy, and then looking at the social impact of all of that.

Through the development of problem-based criteria, this distinctive critical mass of multidisciplinary expertise will produce graduates with perspectives and skills required for the resolution of significant environmental challenges and the needs of the emerging green collar economy. The School of Environment currently teaches 350 domestic undergraduate and postgraduate coursework students, with 60 research students.

Watermark will enable the number of coursework students to double by 2014 and the number of research students to treble, including 60 in the NCGRT. In doing so, they will be able to extend their contribution to the green collar workforce in Australia and in the state, particularly in the southern region. There will also be four main undergraduate and five postgraduate courses, as well as masters and PhD courses. I am sure members will agree that this is a great opportunity for

South Australia, and that the placement of such a project in the 63 hectares of vegetation will be a plus.

Time expired.

BAROSSA VALLEY, PUBLIC TRANSPORT

Mr VENNING (Schubert) (16:17): As the shadow minister for ageing, I acknowledge that yesterday was National Alzheimer's Day. I pay tribute to all those involved in caring for sufferers, the doctors who administer care and the medical scientists, who, hopefully, will soon discover a cure for this terrible disease which affects so many Australians. I commend the work that they do: it is care with love.

I have spoken ad nauseam in this place about the need for a passenger rail service to be reinstated to the Barossa, but today I want to focus on how the lack of public transport on offer in the region, coupled with the lack of government services available, makes the region doubly disadvantaged.

The Barossa region does not have Service SA, a Medicare outlet or a Centrelink office. Before I go on, I know that Medicare and Centrelink are the responsibility of the federal government. However, the transport available to people to commute to Gawler to access those services is the responsibility of the state government. The transport services offered in the Barossa are the highest priced in the state, and that is something that the Rann government could do something about, but continually chooses not to.

Over the past few months, I have been contacted by several constituents who have experienced difficulties due to the lack of services available and the lack of affordable, regular public transport to Gawler, where those services are located. One constituent needed to utilise the services of an employment agency, and found that there were none in the Barossa. Having a family, only one car and a partner in employment made it extremely difficult for the constituent to arrange a time to be able to travel to Gawler for that purpose.

I have been lobbying for a long time to have the passenger rail service reinstated between Gawler and the Barossa. Given that the Rann government has categorically ruled that out, it must at least subsidise the current bus services available to make them more affordable to everyone and increase the frequency of services offered.

Currently, to catch the bus from Angaston to Gawler costs \$12.10 for a full fare and \$6.05 for a concession fare. The Dial-a-Ride service is \$10 for a full fare and \$5 for concession, compared to \$2.50 a ride in Mount Barker, as no state government transport is provided to the Barossa service to subsidise the cost. The state Rann Labor government completely ignores the Barossa.

The situation will only get worse if 140,000 more residents are introduced to the Gawler, Concordia and Barossa areas, as proposed in the Rann government's draft plan for Greater Adelaide. With more people and the same amount of services on offer, obviously this influx of people is going to add to existing problems.

It is high time the Rann Labor government acknowledged the problems that the Barossa community experiences as a result of a lack of an affordable, regular transport system, and did something about it. Surely, just run a single rail car between Angaston and Gawler, if the Angaston line is up to it. It is not too much to ask. At least they should trial it. We have heard the argument that the service would not pay, would not make a profit. Well, what public transport service in South Australia does make a profit? They are all heavily subsidised.

So, the government decision is that it will not subsidise this country service as it does all the metro services. It is discrimination, which is not fair, the same as ignoring the provision of a new hospital. Again, two different standards here. At the very least the government should extend its metro ticket system into the Barossa and provide a bus to coincide with the Gawler to Adelaide train timetable, so that people who catch the bus to Gawler get on the train; and they should do all of that on a metro ticket. That is fair, that is reasonable.

I also cannot understand why the wine train is not able to run. The Minister for Tourism is with us. I pay tribute to Mr John Geber, who has purchased the wine train, the Bluebirds that we all know and love. He has purchased them and has shedded them, and he is paying huge costs. He wants to run on the line, but we are unable to get him on the line. He owns it; he bought it outright now. He has a wonderful destination in the Chateau Tanunda up there—most of you have been

there—and still we have this impasse where, rather than help the man get his train on the rail, we put every impost in his way so that he cannot.

The government should be dinkum about it. It frustrates me so much. Here we have the Barossa, one of the proudest and most pleasing areas of our state, which is delivering for the state, and they just cannot seem to deliver anything for them. I say again: I hope that the minister hears this plea. I have been on the subject for a long time, and we just do not seem to get anywhere. Surely, for a person who buys the train, why can't he operate it?

STRUDWICK, MS J.

Ms BEDFORD (Florey) (16:22): Teachers have, arguably, one of the most important jobs of any of the professions: the education of our young people. As someone with an extensive family connection to teaching, I speak with the authority of one who has observed the commitment and dedication of teachers firsthand. The seat of Florey has many great schools. It is with sadness that I advise the house of the passing of Ms Jay Strudwick, a person whom the South Australian Secondary Principals Association described as 'a highly valued professional colleague'.

At the time of her death, on 26 August, Jay was principal at Modbury High, a public secondary school that rightly enjoys a well deserved reputation for excellence. I first met Jay at The Heights School some 15 years ago when my children were attending there, and I have been the MP for the area for her time at Modbury High. Although I do not have full details of Jay's vast educational experiences, I did learn from Jay's friend, Stephen Measday, himself an educator with links to The Heights School, of Jay's time at two schools in Whyalla, among others, and her lifelong devotion to the wellbeing of struggling and at-risk students, in a career over some 30 years.

Modbury's acting principal, Martin Rumsby, was quoted in the *Leader Messenger* of 9 September this year as saying, 'Jay made a point of getting to know them. She did not judge them. She never wrote them off.' A very moving testament to Jay's way with such students came via a letter from one of her students, read at the funeral, crediting Jay with his eventual success. Jay's sudden death has stunned her family, friends and the school and wider community, and Harrison's Ridgeway Chapel was packed to overflowing for her funeral.

I enjoyed a close working relationship with Jay over many years, and admired her ability and leadership of Modbury High School through some very difficult issues. Colleagues at Modbury High paid her a great compliment when they credited Jay with changing the culture of the school into a more caring community. She was very proud of every student, perhaps some more than others.

It was my privilege to work with her and the governing council on implementing the school's Remembrance Day assembly, which takes place every year and is well observed by all students. We both shared a keen interest in the schools music program, and travelled annually to Mount Gambier for the Generations in Jazz Festival.

Her family—her mother Jess, her son Tristan, her daughter Sharaze Pentland, son-in-law Sam, and beloved grandson, Hudson—were supported by extended family at the funeral. In Tim Williams' interview for the *Leader Messenger*, Sharaze spoke of the love Jay had for her grandson, Hudson, and that while she was an extrovert at work she was a very private person at home. Jay's sister spoke of her great love for her family and we saw a montage of photos of a life well lived in the service of others.

I will miss our times together at events like last week's pedal prix—another school activity we often went to and supported together. Just as Jay would have been watching the Crows' great and exciting final games this year, I am sure she would have been at the Pedal Prix watching the teams over the weekend.

I want to put on record a summary of the results of our local schools. Category 1, which is the least experienced category, saw Ardtornish's Ardrocket II in 32nd place with 241 laps. East Para Primary School's entry No. 47 came 56th on 214 laps. As it is their first year in Pedal Prix, they did a great job and congratulations must go to principal Mr Greaves and the whole team on an excellent effort. The winning team in that category pedalled 334 laps.

Category 2 saw 379 laps for the winner and Gleeson's Scorpio came eighth with 331 laps; Pedare's Blade was 25th with 285 laps, only just ahead of Golden Grove High School's Golden Grove II at 26th also on 285 laps. The Heights School's Phoenix had some difficulties and finished 58th with 223 laps.

In category 3, The Heights School's vehicle, Quasar, finished 43rd on 259 laps. The winner in category 3 did 396 laps. Gleeson's Hyper was seventh in category 3 with 350 laps and Golden Grove High School's Golden Grove I car in 10th place with 338 laps and Pedare's Laser came 17th with 320 laps just behind Modbury High School's Cheetah, which was 15th on 326 laps. Pink Panther is the all girls team which came 29th with 291 laps and Lynx was 38th on 270 laps. St Paul's College is actually in the Speaker's seat but it is close to Florey and their vehicle, COGS, finished 36th with 279 laps.

The winner of category 4 did 466 laps and Gleeson's Emilio was 14th with 366 laps. Modbury High's premier vehicle, Cougar, was 27th with 305 laps. The series' major sponsor, University of SA, finished 21st in that group with 325 laps. Our thanks and admiration go to all the teams that competed at Murray Bridge and in the event throughout the year—teachers, students and families who support the event to their utmost.

Time expired.

CRIMINAL LAW (UNDERCOVER OPERATIONS) ACT 1995

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:28): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: In April 1995, after the High Court decided an appeal called *Ridgway v The Queen* in favour of the accused, the parliament passed the Criminal Law (Undercover Operations) Act 1995 with the support of all sides of politics. The object of the legislation was to place the law of police undercover operations on a legislative footing and to ensure certainty in the law. The High Court ruling on entrapment by police of drug dealers and other criminals had created uncertainty for the police and the courts.

As honourable members may be aware, one of the safeguards that was built into the legislation which significantly extended police powers was that there should be notification of authorised undercover operations to the Attorney-General and an annual report to the parliament. I am pleased to assure the house that the system is meticulously adhered to both by police and my office. The details of these notifications form the basis of the report that the statute requires me to give to parliament. I now table that report.

I am in a position to assure honourable members that the legislation is working as it was intended and that no difficulties have appeared in its effective operation. The law in this area appears to be well settled now. There have been no judicial decisions of interest on the subject in the past 12 months.

CONSTITUTION (REFORM OF LEGISLATIVE COUNCIL AND SETTLEMENT OF DEADLOCKS ON LEGISLATION) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 3991.)

Clause 11.

The CHAIR: We were dealing with the amendment moved by the member for Mitchell.

Amendment negated.

Ms CHAPMAN: This clause provides for a new regime for the settlement of deadlocks. This is a new process that will be achieved by substituting a new section 41 in the Constitution Act. In my second reading contribution I covered a number of concerns that were raised by the Law Society of South Australia, which, through its committee comprising eminent academic and legal minds of the state, highlighted a number of consequences that would flow from this proposal. I regret to note that, in his response, the Attorney does not appear to have answered any of them.

I hope that the government will look at this carefully, because one of the issues raised was that it is all very well to substitute a new regime under the new section 41, which is to be coupled with a regime which still allows a fixed term but which also provides for elections of legislative councillors—all of them—every four years, but under this proposal there appears to be no intention to deal with the current section 28A, which sets out another regime for the early dissolution of the House of Assembly. Again, these are the sorts of things that come about, I suggest to the

parliament, when you tinker around with bits of the constitution without understanding some of the consequences that flow on.

One of the concerns that the society raises is not to be judgmental about whether it is a right or an appropriate process to tighten up or change the deadlock procedure but to explain to the parliament that, as a result of doing these things and failing to address them, they can have inadvertent consequences. One of the things the society says is that nowhere in the government's second reading explanation is there any consideration of the effect of the present provisions which allow for the early election of the House of Assembly in resolving deadlocks with the Legislative Council.

The Law Society points out that section 28A remains and that that provides (in terms of the creation of a significant exception to the fixed four-year terms that are enjoyed by members of the House of Assembly at the present time) for the Governor to call an early election if 'a bill of special importance passed by the House of Assembly is rejected by the Legislative Council'. It points out that if the Legislative Council rejects this bill that could be a trigger which would bring this about, that is, an early election for the House of Assembly, and it would also result in elections for half the number of members of the Legislative Council, who would also face an election at the same time pursuant to the provisions of section 14(2) of the Constitution Act.

We would urge the government to understand that there are serious questions that need to be answered about how we will address that aspect, for example, if this bill proceeds through this house, which clearly it will—even if the government forgets to get in all its numbers in time to pass it, it can easily move using its numbers to overcome that problem. We all know that it will get through this house, but the government should understand that the very act of the Legislative Council's rejecting this bill in the upper house can trigger this other procedure. That is something that needs to be considered, as to what will be done about that, and whether that ultimately would be used as a trigger to interfere with the four year term.

The Attorney looks a bit puzzled. I think it is important that he reads the submission from the Law Society and understands that there can be consequences of this and that those matters need to be addressed. It is all very well for the government, on the face of it, to be keen for this reform but it does not seem to be too keen to address some of the answers to serious questions that are raised in the implementation of this measure—not only with respect to its passage, if it does proceed to a referendum after it has gone to the Legislative Council, but even if it is rejected in the other place there could be consequences. What the Law Society is saying is: make sure that you as a parliament understand that this can trigger other opportunities and, therefore, you need to appreciate and be ready for them.

As I said, it does not make a judgment on whether it is appropriate for the parliament to introduce a new section 41 regime. It carefully sets out a number of consequences, even unintended—and I do not know whether the Attorney-General has obtained advice on these matters since he also had a submission from the Law Society or whether he had that advice earlier. We do not know because, of course, he will not table the legal advice that he has. That is fine, but these are serious matters. This is a team of some of the best legal minds that we have to address these issues. They are trying to help us here in the parliament to understand some of these consequences, and it is very disappointing that the Attorney has not even answered any of these issues which have been raised and which clearly will need to be answered.

It is obvious from the statements already made by the Attorney and his approach that he is not in the slightest bit interested in ensuring that we progress this in an orderly manner, which would ensure the appropriate passage of the bill and consider all the consequences and remedy them before it reaches the other place.

I will not hold the committee further on these matters, but I point out that there are problems and the government has had clear notice of them. It may take the view that if it does not ever get through the Legislative Council the whole thing will disappear. It will just blame everyone else but itself. However, sooner or later, as is appropriate, someone may come to look at constitutions, reform and improvements. Instead of demanding that the public take an all or none package, there will be people who will come with considered reform. They will look back at these debates and wonder why the government of the day did not have the interest, it appears, even to traverse these important issues.

Mr HANNA: I want to make a brief contribution in respect of the deadlock provisions, because when I spoke on a previous occasion about these issues I may not have been entirely

clear with respect to the sections to which I was referring. So, for my *Hansard* fans, I want to briefly point out that it is in section 28A and section 41 that we can have an election due to the upper house blocking a bill. Section 28A states that if a bill of special importance passed by the House of Assembly and deemed to be a bill of special importance is rejected by the upper house then we can have a general election of the House of Assembly as a result, and the Attorney-General has pointed out his objections to that.

The other provision, section 41, allows for an election of both houses to be called once a bill is repeated, with an intervening general election, and that might be seen as more equitable from the government's point of view. However, either way, you have those two provisions that allow for the overcoming of a deadlock between the two houses.

The Hon. M.J. Atkinson: I'd rather fly to the moon.

Mr HANNA: The Attorney-General says that he would rather fly to the moon, but I think his destination might be rather different in the long term. The point is really to go back to the need for ever using those provisions. As I have pointed out, the upper house is not the house of obstruction the government paints it to be.

The Hon. M.J. ATKINSON: Let us be clear: there is no adjustment or amendment or inquiry or legal advice on which the government can embark that will make the parliamentary Liberal Party and the minor parties support this bill. The member for Bragg's objections, and those of the Law Society, are of no merit. They are introduced to lengthen the debate and to obstruct the reform. So, if there were any point in trying to engage with the parliamentary Liberal Party I would gladly do it, but there would be no reward at the end.

Clause passed.

Remaining clause (12), schedule and title passed.

Bill reported without amendment.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:42): I move:

That this bill be now read a third time.

The DEPUTY SPEAKER: This bill seeks to alter the constitution of a house of the legislature. In accordance with section 8 of the Constitution Act 1934 and standing order 242, it is necessary that both the second and third readings of the bill be passed by an absolute majority of all the members of the house. Ring the bells.

An absolute majority of the whole number of members being present:

The SPEAKER: I put the motion. There being a dissenting voice, there must be a division.

The house divided on the third reading:

AYES (25)

Atkinson, M.J. (teller)
Breuer, L.R.
Conlon, P.F.
Hill, J.D.
Koutsantonis, A.
Piccolo, T.
Rann, M.D.
Thompson, M.G.
Wright, M.J.

Bedford, F.E.
Caica, P.
Fox, C.C.
Kenyon, T.R.
Lomax-Smith, J.D.
Portolesi, G.
Rau, J.R.
Weatherill, J.W.

Bignell, L.W.
Ciccarello, V.
Geraghty, R.K.
Key, S.W.
O'Brien, M.F.
Rankine, J.M.
Stevens, L.
White, P.L.

NOES (16)

Chapman, V.A. (teller)
Griffiths, S.P.
Hanna, K.
McFetridge, D.
Pengilly, M.

Evans, I.F.
Gunn, G.M.
Maywald, K.A.
Pederick, A.S.
Redmond, I.M.

Goldsworthy, M.R.
Hamilton-Smith, M.L.J.
McEwen, R.J.
Penfold, E.M.
Venning, I.H.

NOES (16)

Williams, M.R.

PAIRS (2)

Simmons, L.A.

Pisoni, D.G.

Majority of 9 for the ayes.

The SPEAKER: There being 25 ayes and 16 noes, the third reading is carried by an absolute majority.

Third reading thus carried.

REFERENDUM (REFORM OF LEGISLATIVE COUNCIL AND SETTLEMENT OF DEADLOCKS ON LEGISLATION) BILL

Adjourned debate on second reading.

(Continued from 16 July 2009. Page 3622.)

Ms CHAPMAN (Bragg) (16:51): The opposition opposes the bill.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:51): I thank the opposition for its acquiescence.

Bill read a second time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:52): I move:

That this bill be now read a third time.

Given the brevity of the member for Bragg's contribution on the second reading, I took that to be acquiescence as the member for Bragg goes.

Bill read a third time and passed.

At 16:53 the house adjourned until Wednesday 23 September 2009 at 11:00.