HOUSE OF ASSEMBLY

Tuesday 17 November 2009

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

MARALINGA TJARUTJA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

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) (11:02): I move:

That standing orders be so far suspended as to enable the introduction forthwith and passage of a bill through all stages without delay.

The SPEAKER: There being an absolute majority of members present, I accept the motion.

Motion carried.

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) (11:02): Obtained leave and introduced a bill for an act to amend the Maralinga Tjarutja Land Rights Act 1984. Read a first time.

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) (11:03): I move:

That this bill be now read a second time.

The Maralinga Tjarutja Land Rights (Miscellaneous) Amendment Bill 2009 transfers section 400 Out of Hundreds (Maurice) to the Maralinga Tjarutja people. It also includes measures to improve the governance of the Maralinga Tjarutja Corporation and authorises it to make by-laws, subject to ministerial approval, to better control substance misuse on the lands.

Between 1953 and 1963 the Maralinga lands were used by the British government for the testing and development of nuclear weapons. This resulted in significant contamination of the land by radioactive substances and other hazardous materials. It also resulted in loss of access to the test site land by the Maralinga Tjarutja traditional owners for a significant number of years to date. Access to section 400 remains restricted to those permitted entry by the commonwealth government.

In 1984 the South Australian government granted a significant portion of the Maralinga lands to the Maralinga Tjarutja people. However, sections of the land at Emu (section 1486) and Maralinga (section 1487) and section 400 were not handed back at that time as the results of a joint state/federal government radiation survey in May 1984 had found that there remained significant radioactive contamination of those areas.

In 1991, after a program of minor works, the South Australian government transferred the ownership of section 1486 (Emu) and section 1487 to Maralinga Tjarutja.

Section 400 has been the subject of more extensive rehabilitation work as part of the 1995-2000 Maralinga Rehabilitation Project, described in the Maralinga Rehabilitation Technical Advisory Committee (MARTAC) Report 'Rehabilitation of Former Nuclear Test Sites at Emu and Maralinga (Australia, March 2003)'.

This work has reduced the radiation levels to the MARTAC clearance criteria that were agreed to by the commonwealth, the state and Maralinga Tjarutja, and section 400 is now in a condition such that it can be returned to Maralinga Tjarutja.

Section 400 is the only remaining parcel of land yet to be handed back to Maralinga Tjarutja. It is presently vested in the commonwealth government and dedicated in trust as a reserve for defence purposes under the SA Crown Lands Act 1929. If this bill is passed, the commonwealth will return the land to South Australia for transfer of the freehold title to Maralinga Tjarutja.

Critical in the negotiations with the commonwealth has been our position that the state would not accept the transfer of the land unless it, and Maralinga Tjarutja, were provided with an indemnity for all claims where the loss is directly or indirectly related to the contamination of the land as a result of the British nuclear test program. We considered that as the commonwealth was responsible for the contamination of section 400, it should accept liability for damage arising from that contamination. I am pleased to report that, after several years of negotiation, the commonwealth has provided the required indemnity within the Handback Deed. The indemnity covers not only section 400 but also the contamination at section 1486 (Emu) and section 1487.

Out of an abundance of caution, the bill also amends the Maralinga Tjarutja Land Rights Act 1984 to provide that no liability attaches to the state in relation to any injury, damage or loss caused by or in any way related to the British nuclear test program conducted at the Maralinga nuclear test site.

Although the 1995-2000 Maralinga Rehabilitation Project left the Maralinga site in a safe state, there will need to be periodic monitoring of the radiological status of the site to ensure the continuing effectiveness of the rehabilitation works and, if necessary, remedial action undertaken.

The Maralinga Land and Environment Management Plan sets out the ongoing responsibilities of the stakeholders to maintain the security of the buried radioactive materials for the ongoing protection of people and the environment. In addition to section 400, the plan covers section 1486 at Emu, section 1487 at Maralinga and other adjacent land affected by the British atomic tests.

Land management issues in relation to the British nuclear tests will be dealt with by the Maralinga Land and Environmental Management Committee comprising a state government representative, a Maralinga Tjarutja representative, and an Australian government representative. The committee will oversee the implementation of the Maralinga Land and Environment Management Plan.

Section 400 contains a licensable amount of radioactive material, and the South Australian Environmental Protection Authority will register and regulate the land under the Radiation Protection and Control Act 1982 following its transfer. However, pursuant to the plan, the commonwealth must at its expense maintain the physical structures built at Maralinga during the 1995-2000 rehabilitation project, monitor radiation levels and review radiation protection principles and standards.

In response to concerns about the potential risks associated with significant ground disturbance, mining activities will be prohibited on sections 400, 1486 and 1487. There are currently several petroleum and mineral tenements that cover those sections. The bill will vary these tenements to excise from them any lands within those sections. A review of the prohibition must be carried out within five years of the land transfer, and the report will be tabled in parliament. Whilst the prohibition may bring some criticism from the mining industry, the areas affected are only approximately 3 per cent of the total area of the Maralinga Tjarutja lands. Furthermore, permitting mining would place the state and Maralinga at financial risk because the indemnity provided by the commonwealth does not cover losses that arise from ground disturbance due to mining or exploration.

Section 400 contains what remains of the Maralinga Village constructed by the British government in 1955. The village has a number of large buildings as well as power generation and water reticulation systems and an airstrip. Maralinga Tjarutja proposes to develop a small Land Management and Heritage Resource Centre at Maralinga Village. This would enable Maralinga Tjarutja to conduct all land management operations for the Maralinga lands from Maralinga Village. Maralinga Tjarutja are also planning to establish and operate a caravan park style tourist facility at Maralinga Village that would include a kiosk and a small interpretive centre. The commonwealth government has provided funds to Maralinga Tjarutja to assist with this initiative and for the ongoing maintenance of Maralinga Village. My colleague the former minister for environment and conservation has also asked me to consider the question of a certain park status—maybe a heritage park status—for this very important part of South Australia's heritage, and that is something that we will attend to in due course.

At the request of Maralinga Tjarutja, the bill includes several amendments not directly related to the handback of section 400. The amendments deal with measures to improve governance by including the power for Maralinga Tjarutja to make a constitution and by providing a more precise statement of the capacity of the Maralinga Tjarutja Council to delegate powers and

functions. Out of Maralinga Tjarutja's concern about alcohol misuse and petrol sniffing, they also include the power for Maralinga Tjarutja to make by-laws (subject to the approval of the minister) to control alcohol, petrol and other regulated substances on the lands. The proposed changes will bring the powers of the Maralinga Tjarutja Corporation broadly into line with those of the equivalent peak body on the Anangu Pitjantjatjara Yankunytjatjara Lands as set out in the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981.

The transfer of section 400 represents the final chapter of a process that began in 1984 to return the Maralinga lands to the traditional owners. It will be an occasion of considerable significance to the traditional owners, who have been essentially forbidden from these lands for more than 50 years. I would like to acknowledge the patience and cooperation of the Maralinga Tjarutja people for negotiating in good faith over so many years for the return of their land. I would like to acknowledge the support of the member for Giles, who has stood by her community and advocated for it over these years, and I also acknowledge the role of the Premier who, as a former minister for Aboriginal affairs and, indeed, as an advisor on the staff of the former premier, played a central role in bringing justice to the Maralinga Tjarutja people

I commend the bill to the house and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Maralinga Tjarutja Land Rights Act 1984*

4—Amendment of section 3—Interpretation

This clause inserts definitions of key terms used in the measure into section 3 of the principal Act.

5—Amendment of section 5—Powers and functions of Maralinga Tjarutja

This clause inserts new paragraphs (j) and (k) into section 5(2) of the principal Act, conferring on Maralinga Tjarutja the power to make a constitution in respect of specified matters, and the power to take such steps as may be necessary or expedient for, or incidental to, the performance of Maralinga Tjarutja's functions.

6—Substitution of section 9

This clause substitutes a new power of delegation, replacing the existing power (which limited the persons to whom a power or function could be delegated to members, officers or employees of Maralinga Tjarutja) with one more consistent with current practices that gives Maralinga Tjarutja more flexibility.

7—Amendment of heading to Part 3 Division 1A

This clause amends the heading to Part 3 Division 1A to reflect the change of the name of the Unnamed Conservation Park to the Mamungari Conservation Park.

8—Amendment of section 15B—Establishment of co-management board

This clause makes a consequential amendment to reflect the change of the name of the Unnamed Conservation Park to the Mamungari Conservation Park.

9—Amendment of section 15D—Dissolution or suspension of co-management board

This clause makes a consequential amendment to reflect the change of the name of the Unnamed Conservation Park to the Mamungari Conservation Park.

10—Amendment of section 15E—Staff

This clause makes a consequential amendment to reflect the change of the name of the Unnamed Conservation Park to the Mamungari Conservation Park.

11—Insertion of Part 3 Division 1B

This clause inserts new Part 3 Division 1B, setting out provisions related to the Maralinga nuclear test site as follows:

Division 1B—Special provisions related to Maralinga nuclear test site

15H—Interpretation

This proposed section defines the management plan for the Maralinga nuclear test site to be the management plan annexed to the Maralinga nuclear test site handback deed, as varied from time to time.

15I—Guidelines related to Maralinga nuclear test site

This proposed section requires Maralinga Tjarutja, within 6 months after the commencement of the section, to prepare and submit to the Minister for approval guidelines to be followed in relation to the Maralinga nuclear test site. Subsection (4) sets out the required contents of the guidelines.

The proposed section also sets out procedural matters in relation to the guidelines.

15J—Immunity from liability

This proposed section confers immunity on the State and Maralinga Tjarutja for any injury, damage or loss caused by, or related to, the British Nuclear Test Program, or minor trials, conducted at the Maralinga nuclear test site. However, this immunity only operates in the event that the Maralinga nuclear test site handback deed either ceases to be in force, or for some other reason fails to provide indemnity for the State or Maralinga Tjarutja in relation to a particular claim for damages.

15K—Mining etc prohibited on Maralinga nuclear test site

This proposed section disapplies the *Mining Act 1971*, the *Petroleum and Geothermal Energy Act 2000* and the *Opal Mining Act 1995* in respect of the Maralinga nuclear test site.

This proposed section also prohibits the specified mining-related activities from being undertaken on, or in relation to, the Maralinga nuclear test site. The maximum penalty for a contravention is a fine of $120 000.

15L—Review of operation of Division by Minister

This proposed section requires the Minister to cause a review of the operation of this proposed Division to be conducted and a report on the results of the review to be prepared and submitted to him or her. The clause sets out consultation and other requirements in relation to the review.

15M—Evidence

This proposed section allows evidence of the Maralinga nuclear test site handback deed to be given by certificate in legal proceedings.

12—Amendment of section 17—Rights of traditional owners with respect to lands

This clause makes a consequential amendment to section 17 of the principal Act.

13—Amendment of section 18—Unauthorised entry upon the lands

This clause extends the operation of section 18(11) of the principal Act (which provides that that section does not apply to certain people) to include a person entering the land in accordance with, or to exercise a function under, the Maralinga nuclear test site handback deed, or a person assisting a person otherwise specified in the subsection.

14—Insertion of section 18A

This clause provides that certain specified people who may enter and remain on the lands under section 18(11) of the Act may reside on the lands where that is necessary or desirable for the purpose of carrying out their duties or functions. This is consistent with a similar provision in the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*.

15—Amendment of section 20—Use of roads to traverse the lands

This clause amends section 20 of the principal Act to exclude from the roads that may be used on the lands a road that is in Section 400, Out of Hundreds within the Maralinga nuclear test site (whether or not the road is a continuation of a road that the person is entitled to use).

16—Substitution of section 20A

This clause disapplies Part 3 Division 4 of the principal Act (dealing with mining operations on the lands) in respect of the Maralinga nuclear test site.

17—Amendment of section 30—Road reserves

This clause makes a consequential amendment to reflect the change of the name of the Unnamed Conservation Park to the Mamungari Conservation Park.

18—Insertion of section 43

This clause inserts new section 43 into the principal Act, allowing Maralinga Tjarutja to make by-laws in respect of the following:

(a) regulating, restricting or prohibiting the consumption, inhalation, possession, sale or supply of regulated substances on the lands;

(b) providing for the confiscation, in circumstances in which a contravention of a by-law under paragraph (a) is reasonably suspected, of any regulated substance to which the suspected contravention relates;

(c) providing for the treatment or rehabilitation (or both) of any person affected by the misuse of any regulated substance;

(d) prohibiting specified forms of gambling on the lands;

(e) providing for any other matter that is prescribed by the regulations as a matter in relation to which by-laws may be made.

The clause sets out procedural and other matters in relation to making such by-laws.

19—Amendment of section 44—Regulations

This clause amends section 44 of the principal Act to allow regulations to be made regulating, restricting or prohibiting entry on, or any activity on, the Maralinga nuclear test site.

The clause also inserts new subsection (1a), allowing regulations made under section 44 to be of general application or vary in their application according to prescribed factors, and allowing such regulations to confer a discretion on the Minister or a specified body of persons.

20—Amendment of Schedule 1

This clause amends Schedule 1 of the principal Act, adding Section 44, Out of Hundreds to the Lands.

21—Substitution of Schedule 2

This clause amends Schedule 2 to make amendments to the prescribed roads consequential on this measure.

22—Insertion of Schedule 5

This clause inserts new Schedule 5 into the principal Act, and provides a map (for ease of reference only) of the Maralinga nuclear test site.

Schedule 1—Transitional provision

1—Maralinga nuclear test site excluded from mining tenements etc

This clause also makes a transitional provision—

(a) extinguishing any rights that existed in respect of the Maralinga nuclear test site under a mining tenement or permit under the *Mining Act 1971*, a precious stones tenement or permit under the *Opal Mining Act 1995* or a tenement under the *Petroleum and Geothermal Energy Act 2000*;

(b) modifying any application for a prescribed tenement that seeks the conferral of any rights in relation to any part of the Maralinga nuclear test site so that it does not seek such conferral.

No compensation is payable in respect of the operation of the clause.

I table the following paper: the Maralinga Nuclear Test Site Handback Deed between the Commonwealth of Australia, the state of South Australia and the Maralinga Tjarutja.

Mrs REDMOND (Heysen—Leader of the Opposition) (11:12): I am very pleased to be here this morning to be able to speak to this bill. I am not the lead speaker for the opposition. That honour will fall to Dr Duncan McFetridge, the member for Morphett, who has a longstanding interest in matters of Aboriginal culture and land rights, and so on, in this state.

The Hon. M.J. Atkinson: He speaks Pitjantjatjara at Greek functions.

Mrs REDMOND: He does indeed speak some Pit language, because he has bothered to go to university to learn some Pit language so that he can converse directly when he is up on the lands, and I congratulate him on that. As I said, it is a pleasure to be here to be able to—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney-General!

The Hon. M.J. Atkinson: He'll be brief.

The SPEAKER: The Attorney-General is warned.

Mrs REDMOND: It is a pleasure to be able to speak on such a significant bill because, as the minister pointed out in his second reading explanation, it is more than 50 years—indeed, it was the year I was born—since the tests started in Maralinga. So, it is well in excess of 50 years since

the Maralinga people have been kept away from their lands, and section 400 is the last parcel of land to which they seek to regain access.

It has been a complicated and fairly lengthy negotiation process, which has involved the commonwealth and the state. If one thinks back to what happened 50 years ago, nuclear tests were conducted on land that belonged to the Maralinga Tjarutja people without so much as a by your leave, really, to them. Although in many ways this is quite a solemn occasion, I must tell the house of one somewhat humorous story that occurred when I was acting in the far West Coast native title claim. I was talking to one of the Maralinga Tjarutja elders one morning over a campfire at the back of Darcy O'Shea's house.

As we sat and chatted, he informed me that he had been part of the group that went to London to see The Queen about the Maralinga lands. The purpose of the trip was quite serious, but it was amusing that, until his travels overseas, he had never understood that there were other people of dark skin in the world because the world as he had experienced it was of people just of dark skin, but everywhere else there were people of much whiter skin.

It was only when he got to Bombay, and discovered an entire continent, and then got to London, and discovered a lot of other people, that he realised they were not in as significant a minority around the world as he had thought. So, I think of that gentleman—and I will not name him—often and very fondly in terms of the importance to him of that trip to London and what it meant in terms of getting the return of the original area of land.

This bill does several things and finally deals with the outstanding matters, notably the management of the land. As I understand the bill, it basically requires ongoing cooperation involving the commonwealth, the state and the Maralinga Tjarutja people, who are keen to participate in that. My experience of working with them through their lawyer over a period of years is that they are tenacious, good to deal with and more than willing to give undertakings that they will honour. I have no doubt of their good faith and goodwill in approaching the matter of ongoing management.

Importantly, this bill gives an indemnity to both the state of South Australia and the Maralinga Tjarutja people so that, were there to be any problem in future with, for instance, someone coming onto the lands or suggesting that their presence on the lands on a previous occasion had resulted in their getting cancer, for instance, they will not be able to sue the Maralinga Tjarutja people and the state; that will be indemnified by the commonwealth, so there is no potential liability for either the state of South Australia or the Maralinga Tjarutja people in taking back that land.

Possibly one of the most important parts of the bill is the fact that the Mining Act will be excluded but, as the minister has pointed out, this represents only 3 per cent of the Maralinga Tjarutja lands generally. The exclusion of mining is a self-evident proposition inasmuch as it makes no sense to bury on the lands all the contaminated material and give permission for prospectors to go in and dig it up, so it really is just a sensible proposition and one to which all parties have now agreed.

Also covered by this bill as it now stands is the wish of the Maralinga Tjarutja people to have the ability to control both alcohol and drug use on the lands. Although it was not something they initially had, they perceive it as being necessary at this time, and it is important that we support them in their desire to keep sufficient control so that they will be able to manage issues appropriately for themselves on the lands. I note that they will do that in accordance with the regime originally set up under the APY lands, and I think that will be a good model for them to follow.

Finally, the bill contains some governance provisions so that they can both set up a constitution, which they have not had the ability to do until now, and then delegate some of the powers so that they can act more efficiently in managing the lands; again, that simply seems a sensible provision. All in all, it is a straightforward piece of legislation and certainly is not lengthy. I have not had time to read the detail of it, and I am relying on the information with which we have been provided, and I have not had time to read through the explanation of clauses, given that we are suspending standing orders to allow this bill to pass as quickly as possible through this house.

I am pleased that the opposition is supporting the bill, and is acceding to the government's request for it to be passed without any undue delay. As I said, it is important that the Maralinga Tjarutja people know that they have the goodwill of both sides of this chamber in terms of the return

of this piece of this land. To do other than support it would be unconscionable for those on this side of the house, who genuinely seek to do the best they can for the Maralinga Tjarutja people.

Apart from the fact that we have only today and then five more sitting days between now and the election, I note that, more importantly, one of the reasons for the urgency is that 18 December will mark the 25th anniversary of the original handback of the lands, and I understand that it is hoped that somewhere around 18 December, in that week at least, we will have a formal handback ceremony. I know, from the work that I did for a number of years out on the far west coast, that it is important in Aboriginal culture generally—and Maralinga Tjarutja is no exception—that if you are talking about the land you should be on the land.

So it is very important that the ceremonial handback occurs, and it is important that it occurs out on the lands—notwithstanding that there will be some logistical and possibly temperature difficulties likely to arise from holding such a ceremony there at that time of year. Nevertheless 18 December is a significant date, being the 25th anniversary, and in my view it is therefore important that this bill be passed in time for that handback and that ceremony to occur. Indeed, the ceremony is really as important as the legislation itself in terms of recognition and symbolism, from the Maralinga Tjarutja point of view.

With those few words, while I am not the lead speaker, it has been my pleasure to be here to indicate the opposition's support for this bill. I commend its speedy passage through this house.

Dr McFETRIDGE (Morphett) (11:22): It is my pleasure to be the opposition lead speaker for this bill. I will not take a long time but, as the shadow spokesperson for Aboriginal affairs, it gives me the greatest of pleasure to be a participant in what has been a very long and protracted part of Aboriginal history in South Australia—that is, the handing back of these lands to the Maralinga Tjarutja people. It is the handing back of the lands—it is not transferring the lands to them, it is not allowing them to go back on the lands, it is giving the land back to the people, and that is very important not only for all South Australians but particularly for the Maralinga Tjarutja people.

I have had the pleasure of going to Oak Valley and Yalata on a number of occasions, and meeting many community members over there. I have also had the opportunity to go to the Maralinga village—and you could land a 747 on that runway. I remember living out at Salisbury as a child and watching the Vulcan bombers and the Handley Page bombers going over. Even back then we knew they were going over to Maralinga.

The Maralinga village and the Maralinga lands are just as important to the Maralinga Tjarutja people as every other part of that large expanse of South Australia. The fact that it was taken away, the way it was taken away, and what it was used for are matters of history now, but we need to recognise the fact that the Maralinga lands belong to the Maralinga people. This act will give all the land back.

Significant portions of the land were handed back in 1984. The Maralinga Tjarutja Land Rights Act was passed on 12 December 1984 through this place, and large sections of the land were handed back on 18 December 1984.

Some land at Emu (section 1486), Maralinga (section 1487) and section 400 were not handed back because of the heavy levels of contamination of the land that was used for atom bomb testing and some trigger devices. I have flown over those sites now and seen the extensive clean-up that has been done but, of course, because of the highly radioactive materials that have been left behind, there is a legacy of contamination that will go on for we do not know how many years. Unfortunately, that is a disgraceful legacy to leave for all of Australia but particularly for the Maralinga Tjarutja people who are so close to their country that is difficult for us to comprehend.

I was very fortunate to have been taken out by the Tjilpis to some very special sites. It is a very moving experience; it is a religious experience to accompany people who have such a close affiliation with their land and their culture. To be able to be part of this parliamentary session and dealing with this bill and handing the land back today is a wonderful experience for me. I thank my colleagues for cooperating with me and with the government in making sure this does happen.

The minister in his second reading explanation and the Leader of the Opposition in her speech have outlined most of the issues that are involved with this bill. I will not go through those. I wish merely to express the fact that this is a very significant occasion.

I say to the Maralinga Tjarutja people, 'Naratja manta Nyuntumpa manta—rawa.' I have just said to the Maralinga people, 'That land over there is your land and will always be your land.' It is a very significant thing that we do today. I thank all members of the house for their cooperation.

As the shadow minister the only thing that would make me perhaps a bit happier is if I was the minister. I would like to thank the minister for his cooperation and bipartisan approach in this. I look forward to accompanying him on the 18th (or thereabouts) with other members of parliament to the Maralinga Village to participate in the ceremonies. With that, I wish the bill a speedy passage.

Ms BREUER (Giles) (11:27): I have great pleasure in standing here today to talk about an area which is probably one of the most important parts of my electorate and for which I have developed a real passion and love.

I am very glad to see people here today from Maralinga Tjarutja, from the Oak Valley area. It is a pleasure to have you here and I am very proud to see you here. I am glad that you are able to be with us today to see this significant piece of legislation go through.

Oak Valley community is a long way from here. It takes a long time to get here, and it is a hot trip. I have done it many times, and I imagine it was a very hot trip coming over this week. Oak Valley community was settled in about 1985. People were able to go back to their land after the tests that occurred at Maralinga between 1956 and 1963.

First of all I want to pay tribute to somebody who helped to get Oak Valley on the map and get it going and who worked with that community for many years: Dr Archie Barton. I think he needs to be mentioned today, because he played a very significant role in guiding that community for many years. I know that he is missed in the community.

I know it is especially significant for these people to be here today. They are here because the old man who passed away last week wanted them to be here. He was waiting and wanted to come himself but, unfortunately, he was finished last week. However, they have come here today to represent him because that is what he wanted, and also it is very important for them to be present. It is especially significant that they have come over this week after their dreadful loss last week. It is a very sad time for them.

I spoke about this old man when we were in parliament last week and mentioned how important he was to that community. I know he was, and I am proud that they are able to come here today not only representing themselves but also to honour his role in all of this. Of course, my sincere sympathy goes out to his wife Hilda Moodoo and to the community of Oak Valley for their sad loss. They must be feeling it here today listening to this.

The Oak Valley Maralinga Tjarutja community is amazing. When the director, Nerida Saunders, was given her role, I mentioned to her that, if she wanted to work with Oak Valley, which at the time was going through a very traumatic time, she could turn it into a model community and that it could be a showpiece for her. I pay tribute to Nerida for the work she has done with the Oak Valley community in helping them to get through the crisis and back on their feet and to get the community really moving again.

People from Oak Valley are smart and very passionate about their land issues, and I have noticed this during the time I have spent with them. I understand that things are now moving along very well in Oak Valley, and I know it has a great future—a future for their children and a future for their community. I congratulate the community on their tenacity in getting through all of that and for their will to make things right.

I also want to thank minister Weatherill for his role in listening to me when I went to see him about what was happening over there. At times, I probably sounded a bit manic, but he was very nice, he did not tell me to leave or get lost; he listened to me and acted on it. So, I also thank him for that.

There are people such as Chris and Annette Dodd who hang in there against all the odds and work very well. Also, the old man who has now finished, and Hilda Moodoo worked very hard. Dickie LeBois, Keith Peters, the Queamas and Mima Smart took a role in this—there are so many people. I probably should not have mentioned anyone because I have probably left out people, and I am sorry if I have. However, I know you all worked extremely hard and really just hung in there and kept your community going.

The Maralinga story is very sad. From a white perspective, we have never really appreciated the impact those tests had on the life of the Anangu in that area. People from that area

have told me stories about when the tests began and how they rounded up the Aboriginal people from that area and put them in trucks. I cannot remember who told me this story, but they were rounded up with their family and put on a truck. They were absolutely terrified; they had no idea what was happening to them. They were not told where they were going or why they were being shifted. They truly believed, because there were soldiers with guns, that they were going to be shot. So, it must have been an horrendous time for them. They were taken down to Yalata. Some were taken over to Tjunjuntjara in Western Australia, and I think a few went to other places as well.

Imagine if that happened to us. I often think about the fact that, if people came into Whyalla and rounded us all up, put us in trucks and carted us off somewhere without telling us what was happening, it would be just so frightening—and these were people who really had very little exposure to white communities and what was happening in the world. They must have thought that we were mamus coming to round them up and take them away.

Yalata suffered for many years because of these events. It was a very dysfunctional community for many, many years because the people were missing their land and their communities. They were put in this little place near the sea, and they really wondered what was happening. So, we do not really fully understand the passion those people from that area have for their land and their passion for the return of that land. They have never forgotten their land, and they wanted it back. There are still very deep cultural beliefs and ties in this area.

As the member for Morphett said, I have been involved in some of the business that happens there. The member for Little Para and I spent three or four hours out in the bush, sitting under bushes out in the sun, with Annette Dodd while some women's business was going on. We were not allowed to leave until the young women got up and took part in this business. So, we sat there for over three hours, and it was quite an experience and one that I will never forget. We also learned a lot on that day, and we really understood a lot better the culture and what was happening with those people. So, I have got to know the people very well, and it is a very important community to me.

I know this legislation is extremely important to them—they have been talking about it for years—they have wanted their land returned to them. There has been some criticism about whether they should have it back because, quite frankly, despite the clean-up, there are some areas there that you would not want anyone to go near; it is extremely dangerous. However, these people understand that, and they will make sure that people are not out in those areas. Their young people will be told and they will keep tourists out of the area, etc., because it is extremely dangerous. However, other areas there are not dangerous; they are okay.

I have visited Maralinga on a number of occasions. I was shown around when the clean-up was happening and I saw all these dead trees. I was told that very often people think that the dead trees are due to the bomb blast, but they are not at all: it is just a natural thing that happens in the desert. Some people still believe that the trees are radioactive, but most of the area is not like that, although in some places it is extremely dangerous. So, that is something that the community will have to be very careful about, and I know that they will. They will organise that and work it out very well.

There are all sorts of options for the Maralinga Village and what could happen there. I know we have talked about all sorts of things. I would like to see it developed as a cultural centre. I think people will want to go there, particularly my generation, who do remember the Maralinga tests. I was only very young, but I remember being carted up the back yard on my dad's back, then put on his shoulders and he said, 'They are going to let off a big bomb', and we looked west. How we ever thought we would see the bomb at Maralinga from Whyalla I do not know, but I remember it quite distinctly; it is one of my earliest memories. I think I was about five or six at the time. I did not see the bomb blast but I gather that the fallout did come over Whyalla around that time, as it came over a lot of South Australia.

I have read a lot of reports on the Maralinga tests. I am reading a book at the moment about Maralinga by Judy Nunn, which is a really interesting book. I do not know how much is factual; I think that quite a bit of it is not factual, but it is a really interesting and an easy-to-read book. For people who want to know about it, it is probably a lot easier than reading a lot of the reports that are around relating to Maralinga. It is a good story about what actually happened over there.

Those tests were quite significant but, goodness, how much we have come on in the last 50-odd years. Obviously, there was no real understanding of the dangers of radioactive waste and

no real understanding of the dangers of that testing, but there was also, I think, an arrogance about people's lives, and an arrogance about the lives of the Aboriginals who lived there. They were not seen as people; they were just Aborigines wandering in the bush. There was no real significance given to them.

But I refer also to the servicemen, and particularly the Australians, who served there. I think the British looked after themselves fairly well, but Australian servicemen were certainly exposed to tests and all sorts of things that should never have happened. The legacy has lived on and over the years hundreds of those men have died from cancer and other related illnesses. I suppose we just did not know, but is ignorance an excuse? I do not think it is. I hope that nothing like that ever happens again, and certainly in Australia we should never allow it to happen again.

Of course, some of the forgotten people there are the Aboriginal people who were exposed at the time. They never got true credit for what they were exposed to either. We looked after some of the servicemen but we did not pay much attention either to the Aboriginal people who were living in the area at the time or to their descendants, who I think in many cases are still suffering from this.

So, we have a lot to answer for regarding that period in our history and I really hope that it never happens again. I think this legislation today gives the people of Maralinga Tjarutja hope to get back on their feet and hope for their future and the future of their children. They will be able to take great advantage of the mining industry in that area, and there are jobs in the future for them. I have every faith in those people, I am pleased to see them here today, and I certainly recommend this legislation.

The Hon. G.M. GUNN (Stuart) (11:38): I support the bill, as it will put into effect commitments that were made a long time ago relating to the people who previously lived in that part of South Australia. I think I am the only member left who was in the chamber when the original agreement was put into effect. I recall going to Maralinga in about 1972, and the place was virtually as the British had left it. The colonel's serviette rings were still in the little boxes up on the wall.

It was an interesting place to visit and one could not help but be amazed at the cost inflicted on the British taxpayers. Needless to say, at a later stage I actually bought some of the telephone lines. In those days, where I lived, we had to put up our own telephone lines, so we bought some of the British Army telephone poles. The only problem was that they had little gaps in them and when the wind blew through them at night it made a considerable noise. There were various facilities. If you drive around South Australia, the hall in Andamooka came from Maralinga. There is a plaque with my name on it, but that is a side issue. The Lutheran church at Nunjikompita came from Maralinga.

Mr Venning: Is there a plaque?

The Hon. G.M. GUNN: No, not on that one. If you look at Lake Wangary, there is a building that I think came from Maralinga, the aluminium buildings that the British put there. However, the important significance of today is that the community is going to receive back this land to put it their own use.

I also knew one of the people who was involved in shifting the communities to Colona Station, which Yalata is a part of. That was the late Hans Gaden, who ran the Koonibba organisation for the Lutheran church for many years. He was, I understand, assisted by range officer McDougal from Woomera. It was interesting talking to him in relation to that particular matter. At that time, they really did not have any idea of what was going to take place there. Of course, as time went on they soon learnt. My understanding, from people who were out there at the time, is that every time tests were being conducted at Maralinga there were Russian trawlers out in the Great Australian Bight; obviously they were not catching fish.

This measure is being put through the house in a quick fashion, and there is nothing wrong with that, because everyone agrees that this is the right course of action to adopt. I can understand why it is necessary to have these other measures attached to it. If the community wants to control alcohol consumption on the lands, that is their right, and I do not have a problem with it. I understand that people have been involved in sly grogging, and that has taken place for a long time. There is a need to ensure that the police have adequate powers to deal with these people as with the use of illicit drugs.

At the end of the day, I sincerely hope that this piece of land can be put to good productive use for the communities, that they can get an income from it, and that they can encourage people

to go there and create jobs for the next generation of Maralinga people. Having driven out through that part of the state and flown out there on a number of occasions, as others have pointed out, it is a long way.

I remember flying out of Oak Valley one day when the temperature was about 53°. I can say that there were more potholes up there at 5,000 feet than there were on the ground. I turned to the part-Aboriginal person who was with me and I think he was whiter than I was. He said to me, 'How long before we're going to get down?' I said, 'Well, we're going straight out to sea to get over it, because there's not going to be as many bumps out there.'

It is a very interesting part of the lands. When you drive through there you see very well what Giles put down. There is a great deal of history. Obviously, I would hope that Australia would never again agree to such a course of action being carried out on this landscape.

There are a couple of other interesting points. Some years ago I went to Lyndhurst in my electorate, and one of my constituents introduced me to his new wife, who happened to be the daughter of Lord Tom Stanley. We had an interesting discussion, and a few days later my wife and I happened to be in London and we met him. It was through that contact that we were able to assist Andrew Collett and the team of people representing the Maralinga people to get the right contacts in London so that compensation could be paid. I think that the involvement that Tom Stanley had in relation to that matter may have been small at that time, but it did open some doors, and it was important that those doors were opened.

The other interesting aspect was that, with respect to one of those parliamentary delegations that came out to South Australia, I was given the task of organising various places in the Outback they might like to see. We took them to Commonwealth Hill Station and then we took them out to Maralinga so that the joint delegation could see it first-hand. They met representatives of the people from Maralinga, and it was made very clear to that delegation that that community was not happy with the way they had been treated. They were not happy with the way the land had been left and they wanted some compensation.

Those two particular courses of action did have some role to play in ensuring that some restitution was made. I sincerely hope that this legislation is effective, that it carries out the wishes of those communities, that it will enhance their ability to improve their standard of living and create opportunities for their next generation and that they will be able reasonably to enjoy the land and to have the ability to manage it themselves. Obviously, they will need some support from the state government because it is one thing to own the land but you must have an income. They will need some support. They will need some support to maintain the road system.

Obviously, there will be a need for policing arrangements and whether it is necessary to have police officers permanently placed at Maralinga or on a rotation basis. A great deal of work has been done in the AP lands; however, there is a need to ensure that alcohol consumption is prevented, as well as other illegal activities, and the only way to do that is to make sure that we have a police presence—that is important, as is supporting those other agencies which will no doubt need to be there.

I am looking forward when I leave this place to doing a trip out through there myself to refresh my memory of the place and to look at it first-hand. This legislation has been a long time coming. I sincerely hope that this is the final chapter in recognising that, in the past, the people out there have not been well treated. There is a need to ensure that their wishes are complied with and that the State of South Australia accepts its responsibilities in this matter and ensures that adequate funds are available for those people who wish to live out there so that they can be supported in a reasonable fashion and allowed some degree of economic independence.

There is no doubt that the mining industry has that potential. I agree that it would be unwise to allow mining activity on section 400 because of what is there. I do not think that anyone is 100 per cent sure of what is there. In the short term, at least, there should be no mining activities. There is some need to control access to certain elements in certain areas in the lands because we do not want people getting lost. In that country at this time of the year, if you get lost that will be the end of you.

I am happy to support the speedy passage of this bill. I am pleased to see that representatives of the community are here today to see this process take place. I look forward to renewing my association with those communities on the lands in the future. I look forward to the handover. Hopefully, I will organise myself to get there, and I know that my former federal parliamentary colleague Barry Wakelin would also like to be involved in any handover. I support the

bill. Obviously, it will not be long before it is passed by both houses and receive royal assent so that the process can be completed.

The Hon. L. STEVENS (Little Para) (11:49): I am honoured to be a part of this parliament and a part of passing this legislation, which finally transfers the remaining parts of the Maralinga area to the Maralinga Tjarutja people. It is really good that representatives of the community are here to hear this happen today in this parliament. I guess what we can say is that we are moving here to make as right as possible the wrong that was done to those people over half a century ago. I, too, have vague memories as a small child of the bombs and testing that was done in that area and of hearing the talk of the black cloud but I really knew nothing about the people who actually lived on that land. Little account was taken of them and the effects and, also, the after-effects on them. As the member for Giles pointed out, it is something in our past which is quite shameful and which in this small way is being righted.

As a member of the Aboriginal Lands Parliamentary Standing Committee during this term of the parliament, I have had an opportunity to visit Oak Valley and the Maralinga Village on, I think, two occasions. As the member for Giles said, we have had long conversations with the community and community leaders—Chris and Annette Dodd, in particular, but also other people in the community. The member for Giles and I had the opportunity to experience some women's business, and the member for Morphett had the opportunity to experience men's business. We thank the people there for giving us that opportunity to learn more of the culture.

It was there that we heard how important this land transfer is to the people. As the member for Giles very sincerely and eloquently stated, for those of us of European heritage, this great link to the land is something that is not familiar, but it is clear that it is of great importance to Aboriginal people and needs to be acknowledged.

During the visits to the Maralinga Village I was bowled over by just how extensive it is. I guess I had never really thought about just what was there until I actually went there and saw how extensive the buildings are and how many people actually lived there when it was a going concern. It has a massive runway that can take large planes, even now, and there was an amazing settlement there. During our time there the committee was shown some of the lands that had been remediated, and we know that, even now, some of that land will still be off limits and the community knows it will have to be kept like that for the protection of the public.

I am pleased to see that there are some further amendments from the community in relation to governance for the future. I also hope that this real but also symbolic action will be a beacon of hope for the future of the Aboriginal communities in the area. I think there will be the opportunity to develop tourism. I know that some funding has come through to enable and support the tourism ventures that may result from this transfer, and I hope that will come to fruition. I agree that there will be some positive opportunities through the mining industry, and hope that community members can work together to ensure a great future for themselves and their children. I am sure that the government, opposition and all parties in this parliament will want things to go well for the future for the people of the Maralinga Tjarutja.

Finally, it is a great pleasure to have been able to speak to this bill. Congratulations to the people of the communities concerned. It has been a long process, but it is here at last. I am hoping that I will have the opportunity, along with other members of the Aboriginal Lands Parliamentary Standing Committee, to accompany the minister, the Premier and other dignitaries to the final proclamation on your lands.

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) (11:56): I want to acknowledge the traditional owners, the Maralinga Tjarutja people. I also want to acknowledge the spirit of bipartisanship in which this very important issue is being addressed. I have had a fairly long history with the Maralinga Tjarutja people. I was an adviser to three former premiers who were involved in this issue, and I attended the handover in 1984 under the first Maralinga Tjarutja land rights act when the first large piece of land was returned to the traditional owners. I will always remember that occasion, when John Bannon was the premier, Greg Crafter was the minister for Aboriginal affairs, Mick Young was present and other former ministers like Barbara Wiese were there. It was an extraordinarily moving ceremony.

The people of Maralinga Tjarutja had been put through an experience that no-one should ever be put through. They had nuclear weapons tested on their traditional and sacred lands. They were forced off their lands against their will and were put into a situation which took away from

them important parts of their belief systems and community. Imagine this happening to anyone in the world. Imagine a situation where a group of people are removed from their lands, put into another place, and then not only dispossessed of those lands but having nuclear weapons tested there. It is an extraordinary story. It is a blot on the history of Australia and on the history of this state.

I was a member of the Aboriginal lands committee before I became minister for Aboriginal affairs, and I believe that that committee, which has always operated in a bipartisan way regardless of who was in power, played a critical bridging role between the Maralinga Tjarutja people and the various governments of the day. When I was minister for Aboriginal affairs, I was approached by Maralinga Tjarutja who were concerned that, in the transfer of the original land back in 1984—and we are now going forward to the end of 1989 and early 1990—one critical section of the lands had been omitted, and they were the lands around Ooldea. They are the lands perhaps made famous for most Australians as the camp for Daisy Bates and all the apparent links between Daisy Bates and Breaker Morant and others; whether or not those stories are true, I am not sure.

Much more importantly than that, an anthropological study, which was commissioned in advance of the transfer of the Ooldea lands, found out what had happened at Ooldea with two of its soaks. The Ooldea soaks—one, a good source of water, and another which was a different kind of source of water—unfortunately were damaged, if not destroyed, by the building of the railway when drilling had broken the seal on one of the soaks. For thousands of years, Ooldea had been a meeting place; a place for the exchange of goods; a place that was where different Aboriginal peoples came together; a place of meeting. Some described it as an Aboriginal parliament. In fact, they found artefacts there that came from different parts of Australia, I was told.

It was very important to pass that legislation because one key portion of the area on a particularly sacred part of the Maralinga Tjarutja Lands had been omitted, and I was very pleased and proud not only to have passed that legislation but also to have been able to return to the Maralinga Tjarutja Lands for a very important ceremony of the handback which was performed at the site of Daisy Bates's camp.

Always, however, there had been the problem of section 400. It had been addressed by a royal commission—the McClelland royal commission—and section 400 obviously could not be handed back, because it was irradiated with plutonium. I remember going there with former national Aboriginal affairs minister, Robert Tickner. Again, we went there and there was a television program called *Secrets in the Sands* produced by the BBC (in fact, by the Bristol unit that produces David Attenborough's famous series) that told the story of Maralinga Tjarutja.

I remember my discussions with Archie Barton and others and with Andrew Collett, their lawyer, and I want to pay tribute to his and others' tireless work on behalf of the Maralinga Tjarutja people over many years. Of course, one of the things we wanted to do was to bring the issue of a clean-up and compensation front of mind to not only the Australian people but also the British people. That is why the BBC documentary was important: it was seen by millions of people. That is why it was important for us to see a delegation of Maralinga Tjarutja elders led by Archie Barton go to Westminster.

I will always remember the photograph and the incredible enthusiasm with which they were welcomed, and I remember that they actually had an opportunity to see The Queen go riding by. Also, I went to Britain in 1990, from memory, or maybe 1991 to meet with and have negotiations with the British defence department in regard to South Australia's concerns in relation to clean-up compensation.

We had seen a hoax clean-up when Des Corcoran was premier back in 1979 and some VC10 arrived, and apparently the plutonium had been taken away. It was all for show. It was all for show, because it was found out that there was an enormous amount of dispersed plutonium, americium and strontium 90 and other radioactive substances. The land had been poisoned, and the British pretended that they had cleaned up and taken away that poison, and that was not the case.

I remember meeting with the Rt Hon. Nick Brown, now government whip for Gordon Brown, former cabinet minister under Tony Blair. He also deserves a mention today, because he was one of the people who came here with a British committee that eventually led to a proper clean-up of the area, which took a long time with negotiations by so many people.

A lot has happened. Just before I ceased being minister for Aboriginal Affairs, I made a promise to Archie Barton, the elders, Andrew Collett and others, and the promise that I made was

that I would also pass legislation for the unnamed conservation park to be handed back to the Maralinga Tjarutja people. That area is about the size of Sicily. It is a very significant area of land and I am pleased that we are able to honour that promise.

When we got back into government and I was Premier, I did say to Archie Barton and others that I was sorry it had taken so long to honour this promise, but he did remind me that Aboriginal people have a much longer time horizon and that they were pleased that we were there so that I could pour the sand through the fingers of the elders and also, most importantly, of the children who had gathered around after playing football with Che Cockatoo-Collins. I remember one little boy of about three yelling out, 'Kick 'em up, Cockatoo.' That day was also significant, but there remained one part of the jigsaw, and that was section 400.

I want to congratulate my friend and colleague the Minister for Aboriginal Affairs. I want to congratulate the federal government on its resolve but, most of all, I want to congratulate the Maralinga Tjarutja people on their patience, and also the people who have supported you, and I have mentioned the legal team. This is a job well done. This is righting a historical wrong. What we are doing today is the right thing, and both sides of parliament deserve great credit for supporting it. This is about doing something right. It is about putting aside politics and saying, 'This is the right thing to do.' A terrible deed was done. Great harm was done to the Maralinga Tjarutja people—dispossession, the poisoning of their land—and this is an important step forward. I applaud the minister and I applaud the bill, which has my strong support.

Ms CHAPMAN (Bragg) (12:06): Quite often, law students do not appreciate the significance of great events. Today, I wish to acknowledge the significance of this debate. I indicate that I will be supporting the bill and wishing it a speedy passage through the parliament.

In 1978, I was a law student. At that time, I was able to witness the extraordinary reform in Australia of severing Australian citizens' rights to appeal to the Privy Council. It was a very significant event in legal history, and the matter now before us is no less important because, today, we are going to close the chapter on a 50 year event. It is an event which started with the dispossession of the Maralinga Tjarutja people, and we need to appreciate the significance of that fact.

In recognising the government, the minister and the members of the community who have worked so hard over the last 50 years or so to restore the situation to the way it was before the events of the early 1950s, I wish also to recognise the work of Andrew Collett and his law student, James Krumrey-Quinn. It is a momentous occasion and, as probably the youngest person present in the chamber here today, I hope that he appreciates the significance of this event.

The delegation received by the opposition this morning—to present the urgency of supporting this legislation and, of course, passing it—was essentially recorded by Keith Peters, the chair of the council, who said quite simply, 'The community wants section 400 back.' We saw the dispossession of indigenous Australians who had occupied that area some 50 years ago. We saw the subsequent pollution and poisoning of their land. We saw a tardy, at best, restoration and reparation by the British community over the next 20 or 30 years, after occupying, using and polluting it, and then we have seen the goodwill of successive governments at the commonwealth and state level working with Maralinga Tjarutja since 1984 to bring about the final transfer.

The event in 1984 was significant, but the poisonous bottom paddock was left out, and it was left out for very good reason: because until the occupiers—trespassers as they may have been, but with the consent of the commonwealth government of the day—cleaned up that paddock, it was not to be transferred. I think it is to the credit of the indigenous community, which insisted upon this, and successive state governments, with the support of the commonwealth, in insisting on the clean-up ultimately—as best it could be described as a clean-up—by the British.

In the past four or five years, it has been important to secure three things. First, that the mess which is still there will be maintained at a responsible level, with full indemnity by the commonwealth government—and the requirement that this be in place as part of the deed which the minister has tabled today and which I look forward to reading. That will secure the commonwealth's obligation in this area. Secondly, to ensure that the commonwealth has an ongoing financial commitment to the maintenance and caretaking of the infrastructure and support needed on the property going into the future and, of course, with that, a full indemnity that any subsequent contamination which is found—which surely will be—including the compensation that may result from pit collapses and so on is maintained. Thirdly, a responsible and important transfer of the governance that the Maralinga Tjarutja people will need to have to operate and manage what

they have received with this last parcel. Clearly, their governance does need some reform and some extra powers to ensure that their people are socially protected.

I understand that these things have come together only as late as in the past week or so. The urgency that was pressed upon us this morning in passing legislation in light of that final agreement between the relevant parties is to ensure that there is an opportunity for a celebration of the final transfer of the title on 18 December this year. Those having come together, the opposition agrees not only to support the bill but to support its speedy passage through the parliament and, as best we can, create an opportunity for those celebrations to be completed on the day in question.

Going into the future, whilst this closes a chapter on the shocking history that has been recounted by other speakers, there is an opportunity, but an enormous responsibility has been placed squarely on the Maralinga Tjarutja people and the council that represents them. They will be vested with significant responsibility. They will need a lot of help in a number of these areas, and it will be incumbent upon the people who sit in government within this parliament to ensure both now and in the future that that is given. I wish them well in their endeavour. It will be a challenge, but they have the last paddock and I expect they will look after it.

Mr HANNA (Mitchell) (12:13): I support this legislation which will give back the final piece of land to the Maralinga Tjarutja. These are the people who live in the central and western parts of South Australia. We are honoured to have some of them present in parliament today to witness this legislation going through. I will make two points. First, this is an occasion to remember what happened in the 1950s with the nuclear testing. Previous speakers have explained the situation quite well. I add that I have spoken to some of the elderly ladies who were alive at the time and who remember the events of the 1950s. They were rounded up like animals and sent to different parts of South Australia. The indigenous people were refugees within South Australia, yet they were from South Australia. It is certainly worth recording that as late as the 1950s these were still very dark times in terms of our civilisation and our response to Aboriginal people.

Secondly, the stories that some of the old people can tell about the impacts of the radiation are horrific. I heard one account of a kind of mist passing through people as they were walking across the land. Many of the men, in particular, from those groups died prematurely. They were people who had not had much contact with white civilisation, so we cannot blame petrol sniffing or cannabis or any of the other things that white people have brought to this country for the early demise of many of those people.

On a brighter note, it is pleasing to note the opportunities of the Maralinga township site. It has been pointed out that this tiny little village was built by the British in the 1950s—and it is pretty well still there. Quite a few members of this parliament have visited the site, and I feel privileged that I have had the opportunity to walk around the area and also to fly over the test sites. It is absolutely amazing to fly over the markings of where the test sites were.

The white markings make it look like some alien landing ground, and I am sure that, because of the significance and history of the site, and also those amazing markings on the ground, it could be a very successful, small tourism venture. I am pleased to hear that there will be funding for an interpretive centre and that maybe a kind of caravan park accommodation facility will be available. These are great plans and I hope they come to fruition.

I wish the Maralinga people well, now that they have this last piece of the jigsaw put in place, and, finally, I thank Andrew Collett, their lawyer who briefed me so well on this legislation.

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) (12:17): I thank all members who have contributed to this historic debate. In particular, I acknowledge the opposition and the bipartisan support it has shown for not only the bill but also its speedy passage through the parliament. Of course, we reserve our most significant acknowledgment for the Maralinga Tjarutja themselves, who regard themselves and the land as one. When one understands that then one understands that the question of loss is difficult to describe in our terms. It is more than the loss of property: it is the loss of something much deeper. It is a great privilege to play my part in restoring this land and making the Maralinga Tjarutja whole again. I commend the bill to the house.

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

QUEAMA, MR KUNMANARA

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) (12:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: My ministerial statement relates to the passing of Kunmanara Queama, a traditional owner and Aboriginal elder of the Pitjantjatjara people and a community leader. The government was saddened to learn of the passing of Kunmanara Queama, and we extend our sincere condolences to his family, including his partner, Ms Hilda Moodoo; his six children, Katherine, Vanessa, Janette, Clayton, Mandy and Stanley; his extended family; and the Aboriginal people of the Maralinga lands on the West Coast of South Australia.

Kunmanara Queama was highly respected across South Australia, but particularly on the West Coast, where he spent much of his life. I and many of my colleagues here have a deep appreciation for the longstanding and significant contributions made by Mr Queama to South Australia over many years.

Kunmanara Queama deeply touched the lives of many South Australians. He was born in the late 1940s at Ooldea, on the Maralinga Tjarutja land, near the Daisy Bates site. As a young boy, he attended the Lutheran Church mission school at Koonibba. In his time he was many things. He was a farmer and labourer, working on wheat farms across the Eyre Peninsula. He was an accomplished artist, and a number of his works are still displayed in the Art Gallery of South Australia. He was an excellent community leader and a person who commanded a strong respect from those around him, and who played such an important role in the leadership of Maralinga Tjarutja over many years as a member of the Maralinga Tjarutja Council from 1995 and then as chairperson between 2005 and 2009. He was also a trustee of the Pilling Trust from 1995.

However, when people speak of Kunmanara Queama, it is most frequently in relation to his great love of country and his strong connection to it. He had an enduring passion for managing the natural resources of his lands and was a member of both the Aboriginal Lands NRM group and its successor, the Alinytjara Wilurara Natural Resources Management Board. Earlier this year, he received a plaque to recognise his many years of service to NRM. His recognised leadership role in land management is perhaps best epitomised in his nomination as chair of the Mamungari Conservation Park Co-management Board.

Finally, as many people here in the house today know, Kunmanara Queama played an instrumental role in bringing the state government, the commonwealth government and his community to the position we are in today—on the threshold of handing back to his people the land taken away over 50 years ago, which is now called Section 400. He was still driving towards this outcome last week on the eve of his death. Given Kunmanara Queama's prominent role in the hand back, I think it is fitting that we are considering the bill to enable the hand back in this place today. I am advised that, in keeping with Kunmanara Queama's wishes, his funeral will not be held until after the Section 400 hand-back bill is considered by parliament.

I would like to acknowledge the presence of a delegation of Maralinga Tjarutja who have travelled to Adelaide for that purpose. In the gallery today is the Chairperson of Maralinga Tjarutja, Mr Keith Peters, Mr Dickie LeBois, Mr Bradon Queama, Ms Mima Smart, Mr Chris Dodd and Ms Annette Dodd, who are all here to continue the important work to which Kunmanara Queama devoted so much of his life.

I want to acknowledge how difficult his passing is for the Maralinga Tjarutja and other Anangu people, who looked up to him as a role model and leader within the community. I know that he will be missed by others, including staff of the Aboriginal Affairs and Reconciliation Division and, last but not least, my parliamentary colleague, Ms Lyn Breuer, who has always spoken of the presence, leadership, commitment and integrity that he brought to all his work.

CONSTITUTION (APPOINTMENTS) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (12:23): I move:

That standing orders be so far suspended as to enable the introduction forthwith and passage of a bill through all stages without delay.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

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

Motion carried.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (12:25): Obtained leave and introduced a bill for an act to remove doubts relating to actions taken by Lieutenant-Governors and Administrators of the State at any time since the commencement of the Australia Act 1986 of the Commonwealth; and for other purposes. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (12:26): I move:

That this bill be now read a second time.

This is a bill to remove doubts that have arisen about the validity of official acts done by Lieutenant-Governors appointed by Her Majesty The Queen after 3 March 1986, when they have assumed the administration of the state ex officio under clause 10 of the Letters Patent made by Her Majesty on 14 February 1986.

Section 7 of the Australia Acts 1986 of the parliaments of the United Kingdom and the Commonwealth of Australia may be summarised as providing that all powers and functions of Her Majesty for a state are exercisable only by the Governor of the state, except when Her Majesty is personally present in this state and chooses to exercise her powers and functions. There is a debate—conjecture—about whether section 7, when read together with section 16 of the Australia Acts, means that the Lieutenant-Governors and administrators of the Australian states are to be appointed by the Governor or by Her Majesty. This creates doubt about the validity of official acts done by Lieutenant-Governors who have derived their functions and powers by their appointment by Her Majesty.

The New South Wales parliament has passed this month an act to remove this doubt, and there are bills before the Victorian and Tasmanian parliaments. As there has not been consistent practice about whether Lieutenant-Governors have been referred to as Lieutenant-Governor or as administrator when they have assumed the administration of the state, the bill refers to both. On most occasions when the Governor is unable to attend the duties of office it is possible for the Governor to appointed the Lieutenant-Governor or another suitable person, usually the Chief Justice of South Australia, to be the Governor's Deputy.

Clause 17 of the Letters Patent provides for this and sets out the circumstances in which the Governor may appoint a deputy. The doubts have arisen about the official acts of some Lieutenant-Governors when they have assumed the administration of the state ex officio. Those doubts do not apply to acts done by Lieutenant-Governors or the Chief Justice when they have been appointed to be the Governor's Deputy, as in those cases they derive their authority from an appointment made by the Governor. If I can make this distinction, the administrative acts of Lieutenant-Governor Mr Hieu are not in doubt, but the official acts of Lieutenant-Governor Bruno Krumins or Lieutenant-Governor Basil Hetzel may be in doubt.

Besides ensuring that the official acts of Lieutenant-Governors who have assumed the administration of the state ex officio are valid, the bill will protect the state from liability that might otherwise arise. This is a precautionary provision, done out of an abundance of caution. I commend the bill to members and seek leave to insert the balance of the second reading speech and explanation of clauses in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

1—Short title

This clause if formal.

2—Interpretation

This clause defines key terms used in the measure.

For the purposes of this measure—

- *Administrator* means a person appointed as, or purportedly appointed as, or acting as, or purportedly acting as, Administrator of the State;

- *Lieutenant-Governor* means a person appointed as, or purportedly appointed as, Lieutenant-Governor of the State;
- *relevant action* means any act or omission of an administrative or legislative nature by a Lieutenant-Governor or an Administrator in the administration or purported administration of the State done or omitted since the commencement of the *Australia Act 1986*;
- *relevant time* means from the commencement of the *Australia Act 1986* (5 am GMT on 3 March 1986) to the day the Act receives assent.

3—Act binds Crown

The Act will bind the Crown in right of the State and, insofar as the legislative power of the Parliament permits, the Crown in all its other capacities.

4—Effect of relevant actions

This clause provides that relevant actions are deemed to have effect, as if they had been done or omitted to be done at the relevant time by a person validly holding the office of Governor.

5—Act not to give rise to liability against the State

Clause 5(1) provides that the State is not liable for any action, liability, claim or demand arising from the proposed Act.

Clause 5(2) states that no proceedings lie against the State, except to the extent that they would lie had the relevant action or omission been done by a person validly holding the office of Governor.

Clause 5(3) defines *proceedings* to include proceedings in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief. The provision also defines *the State* to include any State authority or officer of the State, the Government of the State, a Minister of the Crown in right of the State and a statutory corporation or other body representing the Crown in right of the State.

Ms CHAPMAN (Bragg) (12:30): I received a telephone call yesterday from a representative of the Attorney-General's office indicating that a matter of pressing legislation needed to be dealt with and seeking the opposition's cooperation to advance the legislation, which comes before us today. The opposition has considered the matter after a short briefing this morning and the provision of some documentation and will support both the bill and the necessity for its advance through the parliament posthaste.

The Attorney-General has presented to the parliament the need to introduce this legislation as a little like a pre-emptive strike to ensure that legislation which may be at risk or decisions that may have been made are not utilised—on the basis that they may be invalid—in a manner that promotes either the relief or avoidance of legislation or decisions that have been made, most likely in a court. It is important that when a mistake or an inadvertent failure to deal with a matter could put at risk legislation, decisions made as part of the process of legislation and/or government activity, it does need to be given attention and remedied. The opposition will accommodate that request and deal with it as expeditiously as possible.

The Attorney-General has outlined that the Australia Act 1986—a great time in Australia's history—did a number of things to ensure some independence for Australia. One of those provisions was that Her Majesty would carry out certain duties only when she was personally in attendance and present in the state in which she was represented by a governor. Otherwise, the powers and functions of Her Majesty in respect of that state would be exercisable only by the governor. The Attorney-General has highlighted the fact that there is another provision in the Australia Act 1986 which raises the question of a potential inconsistency in relation to whether Lieutenant-Governors (as they are called in South Australia) and/or administrators are to be appointed by the Governor or Her Majesty, or only one. So, as has been pointed out, the validity of their official acts could possibly come under question.

From the information that we have received (which has been confirmed by the Attorney today) it appears that other states have started to deal with this matter. New South Wales has introduced and passed legislation of this nature, and on the information provided by the Attorney-General Victoria and Tasmania have bills still pending in their parliaments. I understood that Victoria had introduced the legislation first and passed it, but it appears that it is still pending. In any event, the opposition was advised in the briefing that Victoria had jumped the gun on an agreement with other states.

Essentially, as I understand it, there was a meeting of solicitors-general (who are like Queen's Counsel for governments around Australia; they represent the states' interests, for example, in the High Court and carry out duties as counsel for the government) some time in 2006, and it was agreed that there was a potential problem.

Subsequently, meetings of both premiers and standing committees of attorneys-general agreed that, potentially, there was a problem. Therefore, some agreement was reached that there be a remedying of this around the state jurisdictions and that the best way to deal with it—to avoid any alarm or barrage of complainants who might rush off to court to potentially abuse the situation or at least tie up the courts for a long time—was to make it contemporaneous and that there be some cooperation in ensuring that it would all be brought at the same time.

The opposition was also advised that, for the past two and a half (nearly three) years, since I understand that the Premier of Victoria wrote to all the other premiers saying, 'We need to sort this out,' bearing in mind that there have been various elections and that we do not all sit at the same time, etc., the matter has not been progressed. I am not entirely satisfied that that is the case. If governments had wanted to deal with this, they could have and should have done so within a period amounting to nearly three years. However, it demonstrates, I suppose, a lower priority. Perhaps it would never be a problem, perhaps we would never be challenged, but it seems to me that this piece of legislation should have been dealt with some years ago.

I wish to place on the record that, even prior to the meeting of solicitors-general, there had been academic discussion about this matter; there had been attempts made back in the early 1990s via a letters patent procedure to remedy this situation. It was known that there was a problem; indeed the late Brad Selway QC (ultimately Justice Selway) had written an extensive article, published in 2003, in which he highlighted this issue. I wish to place on the record the concern that he raised. For those who are not familiar, Brad Selway was a QC practising in South Australia. He was a solicitor-general, and an excellent one, in my view.

The Hon. M.J. Atkinson: Outstanding.

Ms CHAPMAN: Outstanding.

The Hon. M.J. Atkinson: Vilified by Graham Archer from *Today Tonight*.

The SPEAKER: Order, the Attorney-General!

Ms CHAPMAN: He wrote many articles and papers which I am sure over the years have benefited my legal education, including that involving ministerial responsibilities in government. I have read some excellent papers over time, and I will quote from this particular paper, as follows:

> But there are other aspects of apparent inadvertence where the consequences could be more serious. The Australia Act 1986 (Cth) commenced operation on 1 July 1986. As mentioned above, prior to that commencement Her Majesty, Queen of the United Kingdom, acting on the advice of her UK Ministers, made Letters Patent for each of the States, except New South Wales, where instructions were given. The Letters Patent only came into operation with the commencement of the Australia Act.
>
> The Letters Patent for South Australia established various offices and bodies, including the Governor, the Executive Council, the Lieutenant Governor, the Administrator and so forth. In particular, Clause XVI of the Letters Patent provided that: 'The appointment of a Lieutenant Governor shall be during our pleasure by commission under our sign manual.'
>
> There is no reason to doubt the validity of those Letters Patent. However, a power granted by the Letters Patent is subject to any inconsistent provision in a valid statute applicable in the State. In particular, such a power must be subject to the provisions of the Australia Act 1986. Section 7(2) provides:
>
> Subject to subsection (3) and (4) below, all powers and functions of Her Majesty in respect of the state and exercisable only by the Governor of a state.
>
> Subsection (3) refers to the appointment of the Governor and subsection (4) refers to the exercise of powers by Her Majesty whilst Her Majesty is personally present in the state. On the face of it, the power of Her Majesty to appoint the Lieutenant Governor is inconsistent with section 7(2) of the Australia Act which would seem to give that power to the Governor. The reality is that it was intended to deal with all these issues by legislation in the year or two following the passage of the Australia Act 1986. This did not happen in some states, but in others, such as South Australia, it was overlooked.
>
> The consequences have been unfortunate. On 19 May 2000, Her Majesty the Queen of Australia, acting on the advice of her South Australian ministers, appointed the new Lieutenant Governor. There were necessarily doubts whether the appointment had been properly made. As the Letters Patent were made pursuant to the prerogative, an Order in Council was subsequently made by the Governor altering the existing Letters Patent, by providing that future appointments of the Lieutenant Governor should be made by the Governor and confirming and validating existing appointments. Obviously, it would be preferable if the validation could have been achieved by legislation, but that may have raised concerns in respect of the 'republican debate', even though it was not relevant to it.

The article goes on to outline a number of aspects. It is perfectly clear, from this and other academic statements made at the time, that this issue has been around for a considerable time

and that there was clear notice that parliament needed to remedy it—that it needed to be sorted out. It could not have been more succinctly stated by Mr Selway in this 2003 article.

So, it is a concern to me that here we are today, all these years later, fixing up something that was effectively precipitated, as I understand it, by the threat in a published article in *The Age* or some other Victorian newspaper that this would occur. This prompted Victorian parliamentarians to rush into their parliament to set this cascading set of cards around the country to remedy the situation. I welcome the importance of resolving the matter by bringing it before parliament, but I still remain concerned about what else might be sitting out there that has not been resolved.

We have 5½ days left of this parliament, with two days being taken up by the Auditor-General's Report. The government is refusing to sit past that time, even though there are over 100 days before the next election. I want to know whether there are other aspects of other pieces of legislation about which we and the government are clearly on notice the parliament would have an opportunity to remedy if the sitting of parliament were to be extended.

I also make the point that the Western Australian position, as I understand it (and this has been known for some years), is that it needs to remedy the situation by the passage of legislation with a majority vote through its houses of parliament. It may be that it requires a special majority; I have not looked at the Western Australian constitution. However, in addition to that, there needs to be a referendum. I suspect that we will never see any reform happening in Western Australia, and it will run the gauntlet and run the risk with any action that state takes.

I understand that Queensland will not be dealing with this matter, because that state apparently does not have a Lieutenant-Governor or Administrators. So, that state has not been presented with the situation because it has not appointed these particular functionaries to carry out duties that are now potentially at risk. However, the remaining states do need to deal with this issue, and the states are at varying degrees of progress in relation to the legislation passing through parliament. As I have said, the opposition will support the bill.

Finally, we do, of course, have some capacity to remedy that potential by saying that by this legislation we are going to validate the decisions and acts made by these particular parties. As I understand it, the commonwealth will need to look at the Australia Act to ensure that it remedies the appointments defect, if it can be described as a defect. I do not say that disrespectfully of the Australia Act because I think it has been a fantastic piece of legislation. However, it is important that we appreciate that that is the second stage that needs to be signed off on and, obviously, we need to speak to our commonwealth colleagues about this.

I am disappointed that we are pressed to push this through the parliament when we have so much other legislation to deal with and when the government has known about this, at least actively, for six years (since 2003), when its former solicitor-general issued clear publications on this. I accept that, after attempts at remedy by letters patent had passed—and you have to allow time for Queen's Counsel to get together, have different views and argue the point—years go past, and that happens.

The Hon. M.J. Atkinson: As you will find out, if you ever have the job.

Ms CHAPMAN: There is no question about that. It was pretty clear by 2003, and it was crystal clear by 2006, that something needed to be done. So, shame on the Attorney-General for dragging the chain on this and leaving us, potentially, in a vulnerable position. However, he has my support and blessing for this bill.

Mr RAU (Enfield) (12:47): I will be very brief on this matter. I think it is important that the parliament does deal with this swiftly. It might interest members to know that a few years ago a very ingenious graduate of the University of Adelaide Law School—whose name I will not mention here, but I think the member for Bragg might know who I am talking about, and the Attorney may as well—was acting for a person who was charged with an offence, and he had a very novel defence to the charge. It was not that he was not there, did not do it or did not know anything about it; it was none of that.

The evidence he tendered before the learned magistrate was the vice-regal page from *The Advertiser*, because the vice-regal page from *The Advertiser* on a particular day indicated that His Excellency (or Her Excellency, as the case might have been at the time) was more than 70 kilometres from the city of Adelaide attending a show somewhere, that the day on which the royal assent had been given was this same day and that the signature was given by Her Excellency or His Excellency, as the case might have been. I should add a bit of further

information: apparently, once the Governor is beyond a certain distance from the GPO, they cease to have that function and it devolves to the Lieutenant-Governor.

The point this ingenious fellow was making was that the Governor was in Coomandook, or wherever it was, on the day it was apparently signed by the Governor and that it was invalid because it should have been signed by the Lieutenant-Governor. This caused no end of trouble. It was a novel defence and one that this particular magistrate, and I think any other magistrate—

The Hon. M.J. Atkinson: I hope they took him down.

Ms Chapman: It failed.

Mr RAU: Ultimately, it failed—but after much huffing and puffing. People were scrambling around trying to find the Governor's diary and photographs. Had the Governor been photographed out of the metropolitan area? All sorts of bizarre things happened, and much merriment was had at the Crown and Sceptre Hotel. The point is that these things cause completely unforeseen and unforeseeable difficulties.

The Attorney and the member for Bragg are absolutely right in saying that it is essential that matters such as this be sorted out because the genius of the legal system is that somebody else will come up with an idea like this based on these matters, and the consequences are unforeseeable.

Ms Chapman: Like bikie gangs.

Mr RAU: Pardon?

Ms Chapman: Terrorists and bikie gangs.

Mr RAU: With unforeseeable consequences. So, it is a very laudable piece of legislation, and I hope it goes through very quickly.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (12:50): I thank the shadow attorney-general and the member for Enfield for their contributions. I commend the bill to the house.

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

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

Second reading.

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (12:53): I move:

That this bill be now read a second time.

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

Leave granted.

The Development (Regulated Trees) Amendment Bill 2009 is proposed to clarify the intent and application of legislative controls applying to urban trees, and as such it is useful to recall the legislative history of this matter.

On 20 April 2000, the commencement of the Development (Significant Trees) Amendment Act 2000 amended the Development Act 1993 to include specific legislative controls applying to the removal or damage of trees in designated urban areas.

The primary intent of this legislation was to halt the wanton and unchecked removal of Adelaide's large urban trees in balance with the need to achieve appropriate development of urban areas. The new controls established a development assessment process for proposals to remove or prune (other than for maintenance pruning) all trees in certain areas of the state above a threshold of trunk circumference size prescribed in accompanying regulations. Since their inception, however, the controls have been interpreted by some to mean that all trees above the threshold size must not be removed. This is not correct. The relevant development assessment policies set out in the development plan for each council area provide the grounds for the assessment of such applications by the relevant planning authority-typically, a council development assessment panel.

Furthermore, following the commencement of the controls, nearly all councils have required applicants to supply, at the applicant's expense, a report from an arborist at the time of originally lodging a tree removal development application. In practice, this adds from $350 to $700 for each tree removal application to the prescribed minimum development assessment fee of $82 per application. The widespread implementation of this requirement is unduly onerous for many tree owners. The preparation of an arborist's report is not a statutory requirement but an administrative requirement sought as further information by a council.

This bill proposes to clarify the intent and application of legislative controls with respect to urban trees. This is proposed to be achieved by simplifying the development process for the majority of trees above the prescribed trunk circumference threshold through the introduction of a two-tier system of tree classification and assessment. The first tier will be 'regulated trees', and the second tier will be 'significant trees'.

A regulated tree will be subject to a preliminary assessment of whether the tree is significant which is intended to be based on whether the tree contributes in a measurable way to the character and visual amenity of a site and its locality or has a biodiversity value as a specimen in its own right. These qualitative criteria are proposed to be introduced into the Development Regulations 2008. Complementary changes will also be made to the regulations, in particular by increasing the number of exempted species.

A tree determined by a council to satisfy the prescribed criteria would then be determined to be a 'significant tree' and would then go on to the second tier of the assessment process and be subject to stronger development plan policies for retention than regulated trees. It is at this second stage that councils may require an applicant to provide an arborist's report such as to determine the health, safety and integrity of the tree. In other cases, no professional report should be required and a simpler assessment process will apply. As a consequence, the bill has been designed to reduce the cost for the majority of applicants.

The bill will also provide opportunities for councils, who wish to do so, to list trees that may fall below the two-metre circumference threshold as 'significant' in their development plan, through a plan amendment process. This will enable councils to undertake a level of variation, in addition to the uniform threshold size, by allowing them to tailor their development plans to better reflect local circumstances. It is also envisaged that in some rare circumstances councils may wish to list individual trees or clusters of trees from exempt species as significant trees should this tree or cluster make an important contribution to the character value of a particular street or park, for example.

Inherent in this bill's approach is the need for councils to undertake a balanced planning assessment. In this regard it is acknowledged that consistency in decision making between councils in relation to trees, whilst being desirable, may not be readily achieved. When one considers the degree of geographical, topographical and historical difference between areas of metropolitan Adelaide, this is considered to be a reasonable approach. In this regard, in much the same way as local heritage and character of the local issues, councils are best placed to manage the conservation of trees in an urban landscape, given their understanding and representation of their community's views.

The member for Fisher has written to the Minister for Urban Development and Planning in relation to this bill, asking whether the amendments will allow the use of Australian Standard 4970-2009—'Protection of trees on development sites'. This is a new Australian Standard and was released on 26 August 2009.

The standard is described as providing guidance:

> 'on the principles for protecting trees on land subject to development. It follows, in sequence, the stages of development from planning to implementation. This Standard aims to assist those concerned with trees in relation to development. Where development is to occur, the Standard provides guidance on how to decide which trees are appropriate for retention, and on the means of protecting those trees during construction work. It does not argue for or against development, or for the removal or retention of trees nor does it consider the monetary value of trees. The Standard does not apply to the establishment of new trees.'

The Standard would appear to be useful for anyone undertaking development on sites that include a protected tree. The Development Act 1993, as it currently stands and after these proposed amendments, would still protect regulated or significant trees from 'tree-damaging activity'. Any potential reference to the Standard would need to occur through the Development Regulations 2008. At this stage, it is not appropriate to indicate how the Standard might be used, until a review of its usefulness is undertaken in consultation with stakeholders. Having said this, I commend the Member for his suggestion.

The bill will also enable councils to establish an urban trees fund with such moneys being used for the purpose of planting trees in the council area. The payment of moneys into these funds is to apply as an option where the removal of a significant tree or a regulated tree of a class prescribed by the regulations is approved.

The bill has also considered the concerns raised by my parliamentary colleagues' constituents to address the administration of the controls and development assessment costs incurred in making a tree removal development application. I commend this bill to the house.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (12:54): It is my pleasure to make a brief contribution on behalf of the opposition. I indicate that I am the opposition lead speaker on this bill, and I think that I will be the only speaker. Given that we have 5½ minutes left, we will see what is possible to get through. My understanding is that this bill was originally introduced in the other place by the government in 2006. It was debated through to the committee stage before lapsing in 2008.

The bill has been pursued again by the Hon. Dennis Hood, who moved it as it existed within the government, and the government chose to support it in the other house. In reviewing the *Hansard* contributions, I note that the opposition has not supported this bill. The Hon. Mark Parnell, a member of the Greens, also has not supported the bill. I hope that I have interpreted that correctly. There are specific reasons as to why that has occurred. I do recognise, of course, that trees are a very emotive issue for many people. They are an important part of our landscape.

Many trees have a cultural or heritage significance to the community in which they are located, but there are occasions where trees, sadly, do get in the way of opportunities for things to occur. However, it is important that processes are in place to support the retention of trees and also on occasions to support the removal of trees where support does exist. Certainly, in his contribution in the other place, the Hon. David Ridgway expressed concern that, at the time of the debate occurring, the regulations upon which much of the legislation depended were not available for review.

I do respect the fact, of course, that, as this was a private member's bill, a private member would not normally draft government regulations and therefore that is the responsibility of the government upon passage of the bill. That did create some concern. In fact, it has been a concern of the opposition for some time that, in terms of the passage of legislation which relies upon regulations, we have that data in front of us at the time of considering it. The Hon. David Ridgway also expressed considerable concern about the Urban Trees Fund, which, as we understand it, will be used to ensure the planting of trees in an immediate area. I believe it is more of a fixed range, not necessarily a sliding scale.

Concern was also expressed about 'make good orders' in special instances where a tree has been removed or affected in such a way that it must be removed because it is no longer safe. It is also fair to say that many people are concerned about the impact of falling branches and boughs from large trees and the impact upon property improvements. It is those people who have sought the opportunity for removal of trees. Equally, though, I recognise that many people will fight tooth and nail to ensure the protection of trees and that in fact they stay.

In reviewing the *Hansard* debate from the other place, I note that the government submitted some 27 amendments. Several amendments were also submitted by the Hon. John Darley. The intention of the legislation is to create a two-tier system of assessment for the removal of the trees. The first tier depends on the circumference of the tree or, in fact, its age and its importance to the heritage area. For the second stage an arborist's report is often required by the council to support any application for the removal of a tree. A cost is associated with that, obviously, and that leads to payment into the Urban Trees Fund.

I can understand the concern that exists and, in reviewing the file provided by the shadow minister, a diversity of opinion was expressed to him by some people strongly against the proposal for the introduction of this bill, and other people strongly supported the bill. That in itself creates difficulties for the parliament when it considers how it must advance. The responsibility of all members is to form opinions. In this case, the opposition in the other place determined that it would not support the bill.

However, it recognised the realities of the numbers, the fact that it had passed through the upper house and that support by the government in the lower house meant that it would be enacted into law. With those brief words, I confirm that the opposition does not support the bill but understands that the bill will pass through the house.

The Hon. R.B. SUCH (Fisher) (12:58): Members may recall that the original significant trees provisions came about as a result of strong lobbying by me many years ago. The Hon. Diana Laidlaw brought in the protection for significant trees, which was designed principally to protect river red gums. Principally it has done that, but that original proposal over time got misinterpreted by some councils which used it to protect every tree or any tree that met the physical dimensions. It was never the intention of the committee or group that drew up that original proposal to protect Pinus radiata at Prospect. That was never the intention.

Anyway, it is fair to say that I think that that original significant tree requirement did save many of the very large trees, but its very narrow definition of 'significant' meant that anything that was smaller than the specified size was not protected necessarily, and in that regard you could end up eventually having no large trees because all the smaller ones could legally be removed. There was a contradiction there. Mr Speaker, I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

HYDROPONICS INDUSTRY CONTROL BILL

His Excellency the Governor assented to the bill.

LOCAL GOVERNMENT (ELECTIONS) (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

RAIL COMMISSIONER BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (RECIDIVIST YOUNG OFFENDERS AND YOUTH PAROLE BOARD) BILL

His Excellency the Governor assented to the bill.

FIRST HOME OWNER GRANT (SPECIAL ELIGIBLE TRANSACTIONS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (SMART METERS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

DESALINATION PLANT

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): Presented a petition signed by 558 residents of South Australia requesting the house to urge the government to cancel all plans for the Port Stanvac desalination plant.

ARKAROOLA WILDERNESS SANCTUARY

The Hon. I.F. EVANS (Davenport): Presented a petition signed by 38 residents of South Australia requesting the house to urge the government to prevent exploration and mining in the Arkaroola Wilderness Sanctuary.

PAPERS

The following papers were laid on the table:

By the Speaker—

Barunga West, District Council of—Report 2008-09
Berri Barmera Council—Report 2008-09
Tatiara District Council—Report 2008-09
Wattle Range Council—Report 2008-09
West Torrens, City of—Report 2008-09

By the Premier (Hon. M.D. Rann)—

State Emergency Management Committee—Report 2008-09

By the Minister for The Arts (Hon M.D. Rann)—

Adelaide Festival Corporation—Report 2008-09

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

Premier's Climate Change Council—Report 2008-09

By the Treasurer (Hon K.O. Foley)—

Regulations made under the following Act—
Essential Services—Revocation Regulation 3

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

Kingston District Council—Heritage Development Plan Amendment by the Council
Naracoorte Lucindale Council—Naracoorte Industry Development Plan Amendment by the Council
Port Operating Agreement (Port Giles), Variation—Agreement between the Minister for Transport and Flinders Port Pty Ltd
Port Operating Agreement for Port Adelaide, Third Variation—Agreement between the Minister for Transport and Flinders Port Pty Ltd

Regulations made under the following Acts—
Harbors and Navigation—Restricted Areas—Christies Beach
Road Traffic—
Heavy Vehicle Speeding Compliance
Intelligent Access Program
Miscellaneous—Heavy Vehicle Speeding Compliance—Offences
Traffic Speed Analysers

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

Technical Regulator—Electricity—Report 2008-09
Technical Regulator—Gas—Report 2008-09

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

Electoral Commission SA—Report 2008-09
Suppression Orders—Report 2008-09
Regulations made under the following Acts—
Cross-border Justice—General
Dust Diseases—Prescribed Processes

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

Barossa and Districts Health Advisory Council Inc—Report 2008-09
Berri Barmera District Health Advisory Council Inc—Report 2008-09
Ceduna Koonibba Aboriginal Health Advisory Council Inc—Report 2008-09
Coorong Health Service Health Advisory Council Inc—Report 2008-09
Eastern Eyre Health Advisory Council Inc—Report 2008-09
Far North Health Advisory Council—Report 2008-09
Food Act 2001—Report 2008-09
Hawker Memorial District Health Advisory Council—Report 2008-09
Hills Area Health Advisory Council Inc—Report 2008-09
Lower Eyre Health Advisory Council Inc—Report 2008-09
Loxton and Districts Health Advisory Council Inc—Report 2008-09
Mallee Health Service Health Advisory Council Inc—Report 2008-09
Mannum District Hospital Health Advisory Council Inc—Report 2008-09
Mid North Health Advisory Council Inc—Report 2008-09
Mid-West Health Advisory Council Inc—Report 2008-09
Murray Bridge Soldiers' Memorial Hospital Health Service Advisory Council Inc—Report 2008-09
Renmark Paringa District Health Advisory Council Inc—Report 2008-09
Whyalla Hospital and Health Services Health Advisory Council—Report 2008-09
Veterans Health Advisory Council—Report 2008-09
Waikerie and Districts Health Advisory Council Inc—Report 2008-09

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

Death in Custody—Stephen Michael Bradford, Inquest into the death of
SA Lotteries—Report 2008-09

By the Minister for Emergency Services (Hon M.J. Wright)—

Regulations made under the following Act—
Fire and Emergency Services—Review

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

Adelaide Dolphin Sanctuary Act 2005—Report 2008-09
General Reserves Trust—Report 2008-09
National Parks and Wildlife Council—Report 2008-09
South Eastern Water Conservation and Drainage Board—Report 2008-09

By the Minister for Early Childhood Development (Hon J.W. Weatherill)—

Children's Services—Report 2008-09

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

Freedom of Information Act 1991—Report 2008-09

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

Boundary Adjustment Facilitation Panel—Report 2008-09
Council for the Care of Children—Report 2008-09
Local Government Finance Authority of South Australia—Report 2008-09
Outback Areas Community Development Trust—Report 2007-08
Response to Social Development Committee Report entitled—Bogus, Unregistered and Deregistered Health Practitioners
Regulations made under the following Acts—
Liquor Licensing—
Dry Areas—
Coffin Bay
Streaky Bay

By the Minister for Housing (Hon J.M. Rankine)

HomeStart Finance—Report 2008-09

By the Minister for Ageing (Hon J.M. Rankine)

Office for the Ageing—Report 2008-09

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

Veterinary Surgeons Board of South Australia—Report 2008-09
Regulations made under the following Acts—
Fisheries Management—
Demerit Point Offences
Fish Processors—Delivery of Pipi
Lakes and Coorong Fishery—Pipi and General
Marine Scalefish Fisheries—Pipi and General

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

Mining and Quarrying Occupational Health and Safety Committee—Report 2008-09
SafeWork SA Advisory Committee—Report 2008-09

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

Construction Industry Training Board—Report 2008-09
Education Adelaide—Report 2008-09

ANSWERS TO QUESTIONS

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

SALTFLEET STREET BRIDGE

43 Mr HANNA (Mitchell) (30 September 2008). What measures is the government taking in relation to tidal surges and flooding in the vicinity of the Saltfleet Street bridge?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): The Minister for Transport has provided the following information:

Flood inundation mapping of the Onkaparinga River in the area was produced for the E&WS Department in December 1993. This mapping shows that water flows over Saltfleet Street south of the bridge with a frequency of between once in 10 and once in 20 years on average, taking into account flooding from both the river and from high tides. Levees north of the Saltfleet Street Bridge protect the road from flooding to a much higher standard.

To provide a higher standard of protection for the road, a causeway across the floodplain to the south of the bridge would need to be constructed. A number of culverts would also be required to provide for flows that would otherwise be blocked. As the floodplain and channels in the area are of high environmental significance, the benefit of the construction of a causeway would have to be balanced against the environmental impact caused.

Currently any flooding is managed through a process for the closure of the road and the provision of detours until any flooding has subsided.

TRANSADELAIDE

238 Dr McFETRIDGE (Morphett) (21 October 2008). With respect to the 2008-09 budget papers—TransAdelaide, what public transport infrastructure will be upgraded as part of the $1.384 million budget allocation within the investing payments summary?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I am advised that:

$1.384 million is allocated to the Department for Transport, Energy and Infrastructure for public transport infrastructure upgrades. The $1.384 million budget is used to deliver improvements needed to public transport assets and to meet current environmental standards, and includes the removal of asbestos from bus depots and upgrading of CNG refuelling facilities.

DROUGHT COORDINATORS

537 Mr PEDERICK (Hammond) (15 September 2009). With reference to Budget paper 4, Volume 1, page 5. 11 of the 2008-09 Budget regarding the Agriculture, Food and Wine—

(a) how many Drought Coordinators are there, where are they stationed and what areas do they cover; and

(b) what is the cost of providing these coordinators in terms of wages and associated program on-costs?

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

(a) There are five Regional Coordinators appointed through the State Drought Response Measures Program.

The Coordinators are:

- Brenton Parsons who supports the Eyre Peninsula region;
- Liz Connell who supports the Northern Areas (Northern and Yorke region and the Rangelands);
- Jim Cawthorne who supports the Riverland;
- Bill Davies, recently appointed to support the Murray Mallee and Upper South East regions; and
- The Hon Dean Brown is the Premier's Special Adviser on Drought and coordinates support for the region below Lock 1 to the Lower Lakes.

(b) The salary costs associated with employing these coordinators is around $617,000 for salaries and on costs (including super, WorkCover, etc.) and the associated program operating costs of around $111,000 (including office accommodation, vehicle hire, travel and accommodation, etc.).

AUDITOR-GENERAL'S REPORT

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

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management): In response to the question from Mr Williams, I wish to clarify some initial matters prior to providing the details in respect of individual projects.

This question relates to both the Minister for the River Murray's portfolio and my portfolio responsibilities.

The member has referred to 'cash reserves' and referenced this as page 1495 however the amounts that the member has referred to relate to Note 31 of the Department's financial statements dealing with 'Restrictions on Contributions', which appears on page 1522 of the Auditor-General's Report.

The amount of $60.4 million refers to contributions that had been recognised as revenues in the Income Statement and are yet to be expended in the specified by the contributors.

The Restrictions on Contributions of $60.4 million pertain to the following commitments, which are due to be spent over time. These figures, in turn, were derived from the annual Cash Alignment reconciliation, which was provided to the Department of Treasury and Finance for the balance date at 30 June 2008:

Item	Amount ($000)	Comment
Specific purpose funds held:		
Save the River Murray Fund	14, 473	Separate deposit account
Upper South East Dryland Salinity	8,891	Separate deposit account
Save the River Murray Fund Voluntary Contributions Fund	4	Separate deposit account
The Living Murray Fund	13,741	Separate deposit account
National Water Initiative Fund	4,065	Separate deposit account
Designated cash held:		
Commonwealth funded programs	4,269	
Externally funded programs	2,918	
Funds received from the Murray-Darling Basin Commission	966	
Natural Resources Management Boards & NRM Groups	958	
Centre for Natural Resource Management	323	
Qualco Sunlands	563	
Pastoral Board	45	
Carryover into 2008-09:		
River Murray Environmental Flows Fund	9,200	
TOTAL	60,416	Agrees to Note 31

The estimated date for completion of the projects will vary depending on the nature of the funds held.

The Save the River Murray Fund balance is substantially committed for 2008-09 in terms of the Living Murray initiative environmental water recovery as is the Living Murray Fund, where the targets of 35 GL and $65 million in expenditure are to be et by 30 June 2009. Similarly, the River Murray Environmental Flows Fund is anticipated to be expended, or alternatively fully committed by 30 June 2009.

Other programs will be ongoing for a number of years yet and the corresponding cash meets these program commitments.

FORENSIC SCIENCE SA

In reply to **Mrs REDMOND (Heysen—Leader of the Opposition)** (30 June 2009) (Estimates Committee B).

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs): There are many issues that impact the

time taken for the Coroner to finalise matters that come before him. One of these is the time for the delivery of the final post mortem reports from Forensic Science SA (FSSA) pathologists. At the end of July, 2009 there were 455 pathologist reports outstanding, the oldest of which was from a post mortem conducted 11 months ago. Most of the final post mortem reports are delivered to Coroner within three to six months of the post mortem examination.

FSSA generally assigns priority for completion of post mortem reports by chronological order. The exceptions to this rule are reports for court hearings, including homicide and some traffic matters. Reports on child deaths are given priority where possible. These priorities may be subject to the availability of other specialist reports from within FSSA and from SA Pathology.

FSSA has been working to reduce the time for delivery of all final reports and would pleased to further prioritise the reports if a mechanism for demonstrating hardship was available, being ever mindful that moving one case up in priority means moving others down.

COMMUNITY PROTECTION PANEL

In reply to **Ms CHAPMAN (Bragg)** (13 October 2009).

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs): The Member for Bragg asked three questions about the Government's Community Protection Panel.

The Community Protection Panel was established owing to a recommendation by Monsignor David Cappo's report 'To Break the Cycle'.

The aim of the Community Protection Panel is to reduce seriousness and frequency of re-offending by repeat offenders and to enhance community safety overseeing the identification, assessment and intensive case management of serious repeat offenders.

The Community Protection Panel first met in January, 2009. It is made up of nine members, including two community members, and is chaired by Anne Gale, from the Office for Consumer and Business Affairs.

The Member for Bragg is correct that the State Government has allocated $5.6 million to this process over four years.

In May 2008, the State Government announced $5.6 million for the Community Protection Panel. The total budget for 2008-09 was $1,321,000, for 2009-10 it is $1,367,000, for 2010-11 it is $1,415,000, for 2011-12 it is $1,465,000.

In 2008-09 $911,147 was actually expended on intensive case management. The remaining funds are expected to be expended on the operations of the Panel in the intensive service provision in the coming years.

Thirty-seven young offenders, including Operation Mandrake offenders, have been identified by Families SA as presenting a risk to public safety and are receiving intensive services funded by the Community Protection Panel program.

Eight offenders have been specifically reviewed by the Community Protection Panel and multi-agency case planning has been implemented for seven young offenders. One offender on review did not meet the Community Protection Panel referral criteria and was referred out of the program.

Of those seven I am told that four are considered Operation Mandrake offenders and all those are currently in custody.

None of the Community Protection Panel offenders have been released and most are not scheduled for release in the near future.

MARALINGA LANDS

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) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: My ministerial statement relates to the handback of the land known as section 400 Maralinga to its rightful owners. In doing so, I congratulate every member of this

house; I congratulate the opposition for its support for a day which I think is historic. More than 60 years ago, the Maralinga Tjarutja people were displaced from their lands so that their lands could be used for nuclear testing. This shameful episode in our nation's history and our state's history occurred at a time when little regard was given to Aboriginal people and their connection with their lands. But over time we have become a little more enlightened and, since the early 1980s, we have been working to ensure that the land is thoroughly rehabilitated and returned to its traditional owners.

I pay tribute to successive governments that have moved to try to right this historic wrong. Of course, the British government's testing resulted in significant contamination of areas of Maralinga by radioactive substances, including plutonium and other hazardous materials. The first handback of land occurred in 1984, followed by a further handback of two parcels of land in 1991. I should say that the major handback of land under the time of the Bannon government, when I think Greg Crafter was the minister for Aboriginal affairs, was a sizeable portion of land. Then later when I was minister for Aboriginal affairs, with the strong support of members opposite, we handed back the sacred Ooldea lands to the Maralinga Tjarutja people. In more recent times, as Premier, I was able to hand back the Unnamed Conservation Park—a huge area of land about the size of Sicily in area—to the Maralinga Tjarutja people.

But there was always one part of the jigsaw uncompleted, and that was section 400 where the actual atomic tests took place where there is a major airstrip capable of dealing with Vulcan bombers laden with nuclear bombs and also a village at Maralinga. Until now, we have been unable to complete the handback of all the land. Access to section 400 has remained restricted because of its contamination.

Since the mid-1990s, section 400 has been extensively rehabilitated. This has reduced the radiation levels to levels agreed to be safe by the commonwealth, the state and, most importantly, the Maralinga Tjarutja people. There were many years of negotiations between the Maralinga Tjarutja, the commonwealth government and the state government to get to the point where we are now. Indeed, I congratulate Maralinga Tjarutja elders who we assisted to visit Great Britain in the early 1990s and I was involved personally in negotiations with the British Department of Defence.

Section 400 can now be returned to its traditional owners at last after 60 years. This morning, in a commendable spirit of bipartisanship, this house moved with remarkable speed to pass the bill that will enable the handback to occur. I am grateful to all members for their support. I am sure we were all moved with the same desire to put right as soon as possible the wrong that was done to the Maralinga Tjarutja people all those years ago. I am sure that the same desire will motivate members in both houses of this parliament.

I would like to pay tribute to the Maralinga Tjarutja people. They have shown remarkable patience and cooperation in sorting through all the difficulties that have seen their land withheld from them for over 60 years. They have shown extraordinary patience, and I hope that what they witness today goes some way to repaying their faith that this parliament would restore their land.

We are all sad, though, that today came too late for one of the architects of this handback, Kunmanara Queama, who passed away last week. He was one of the elders who led the charge for rehabilitation of the lands and for a return of the lands. Mr Queama was an outstanding community leader and a celebrated artist who perhaps will be most remembered for his great love of country and his strong connection to it.

That we are here today on the threshold of this historic completion of the process of returning the land to the Maralinga Tjarutja people is a testament to the driving role Mr Queama played in bringing all the parties together and keeping them to their task. He will be sorely missed, most particularly by his community.

It is fitting on this historic day that we pay tribute to his efforts in enabling the historic handover of the final part of the Maralinga land that was lost to its traditional owners when it became a nuclear test site. I am sure that all of us in this house now look forward to the official handover ceremony to complete Kunmanara Queama's work and restore this land to its rightful owners. I want to pay tribute to all members of this house again for acting in this historic way.

TASERS

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:15): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: In the past decade, police in Australia have largely limited access to electronic control devices (commonly known as Tasers) to highly trained elite response officers. South Australia has been no different, with STAR Group officers utilising these devices for high-risk situations for several years. The police inform me that these devices are a less than lethal option which can be used by them to subdue dangerous offenders and resolve volatile situations. But whether or not the police have access to weapons is an operational matter. It is not a decision to be made by this government.

As everyone in this house would understand, decisions about police operational matters are for the police to decide. These are not decisions to be made by politicians. While this government is in power, there will be no political interference in how the police conduct their operations. However, the government's responsibility is to make sure that the police are provided with the resources they need to equip themselves to fight crime and to keep the public and themselves safe.

I can announce today that, following a six month trial and at the request of the Commissioner of Police, the state government will provide $2.4 million to purchase 300 additional electronic control devices or Tasers. The funding will see SAPOL extend the provision of Tasers to all police patrols and increase the range of tactical options available to front-line officers, thereby increasing their capacity to deal with high-risk situations which they believe will be safer and more effective.

The implementation will be conducted in a staged approach that will include a public request for tender process, order and delivery and training for more than 2,500 SAPOL officers. I am told that the training course of eight hours will provide SAPOL officers with the necessary skills required to safely deploy the device. Unlike opposition members who criticise the Commissioner of Police—

Mr WILLIAMS: Mr Speaker, I rise on a point of order. I believe the minister is now debating.

The SPEAKER: Debate is applicable in question time, not in ministerial statements and, in any case, I do not know how the minister could be debating. The Minister for Police.

The Hon. M.J. WRIGHT: Thank you, sir. Unlike opposition members who criticise the Commissioner of Police over his choice of semiautomatic handguns, we have full trust in the judgment of the Commissioner of Police in this matter. Just as with the introduction of semiautomatic handguns, the commissioner has chosen a measured approach to the deployment of Tasers. He has done this, I am informed, to ensure that the use of the devices is fully justified and to limit the risk of misuse.

The extensive six month field trial was under the direct sponsorship of the Deputy Commissioner of Police and saw Christies Beach, Elizabeth and Port Augusta patrols allocated two units each. These devices will remain in the identified locations with an interim expansion to patrols based at Adelaide, Port Adelaide, Holden Hill, Netley and Mount Gambier to commence in December 2009 and be completed by January 2010. The trial has shown that, under specific deployment and usage criteria, electronic control devices are an effective policing tool dealing with high-risk situations such as where a person is armed with a weapon.

Today's announcement provides our front-line police with another option that may, in some circumstances, avoid the need to resort to lethal force. The public can be assured that the deployment of these devices will be governed by strict SAPOL guidelines and procedures. As part of the trial, stringent guidelines have been established that outline the manner in which these devices are to be used. During the trial, SAPOL has assessed other police jurisdictions' policies and has undertaken an extensive national and international research of reviews and findings to ensure the most contemporary operating guidelines are implemented.

These devices will only be deployed where officers are facing violence or threats of violence of such severity that they would need to use force to protect the public, themselves and/or the subjects of their action. Every time an electronic control device is used, the footage from the inbuilt camera will be reviewed by senior police to make sure our officers are using these weapons to best practice.

At this stage the use of electronic control devices will be confined to high risk situations where a person is armed with a weapon. The devices will be carried in patrol vehicles until their

use is needed. A broadening of the criteria for allocation, including personal use, will be considered in the future, dependent upon the satisfactory use of the devices. I am confident that the strict guidelines and the training put in place by the Commissioner of Police will see these devices greatly improve the safety of our officers.

Community safety continues to be a key priority of this government. That is why we now have the largest police force in the state's history and that is why we have provided record levels of resources, with over $661 million allocated to SAPOL's operations in this year's budget. The government's commitment to our police is in stark contrast to the failures of the previous Liberal government, which allowed police numbers in this state to fall to appalling lows. This government has pledged to back our police as part of our commitment to deliver safer communities for all South Australians. This is further evidence that we are delivering on that pledge.

WATER SECURITY

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I am pleased to advise the house today about important changes to water restrictions that provide South Australians with more flexible watering times, while still maintaining our annual target for level 3 enhanced restrictions. As of today householders can water their gardens using drippers or a handheld hose fitted with a trigger nozzle for a maximum of five hours per week on any day of the week. This is an extra two hours each week compared with previous summers. The odds and evens system will no longer apply, but the hours of watering—6am to 9am and 6pm to 9pm—remain unchanged.

This decision to introduce greater flexibility follows analysis of the latest data on storages, supply and demand, and evaporation rates that indicate we can use the improved rainfall and lower water use over winter without jeopardising our future water supplies over the long hot summer. South Australians have done a great job in conserving water—which has put us in a better position as this summer approaches.

Of course, the government will continue to keep a close eye on water use and reassess the situation on a month-by-month basis. As long as South Australians continue to comply with these restrictions and conserve as much water as they can, we should be able to maintain the greater flexibility throughout summer.

This government is committed to ensuring that the state's water supply remains secure. Final figures for inflows into the Murray-Darling Basin for October have also allowed us to increase allocations for River Murray irrigators within South Australia. Allocations have increased to 48 per cent from 46 per cent last month.

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg is warned.

The Hon. K.A. MAYWALD: We have also informed irrigators that they will be able to carry over unused water into the 2010-11 water year. The Premier and I yesterday visited the Adelaide desalination plant to view the 2,400 tonne Santa Fe jack-up barge—one of the largest vessels of its kind currently being used in Australia for the construction of water infrastructure projects. This is a key milestone for the desalination plant as it allows key marine works to be undertaken, including the installation of the intake and outfall diffusers that will connect into the under seabed tunnels.

The state government has also been successful in gaining federal funding to support a total investment of $150 million in local stormwater projects. The new projects, along with other committed schemes, will assist South Australia to more than triple the annual stormwater harvest from our current six gigalitres to more than 20 gigalitres. South Australian stormwater projects will receive more than $65 million in federal government funding from the federal government's Water for the Future package and the state government has committed $45 million and local councils and other partners will fund the balance.

One of the key elements in ensuring that people are aware of our water conservation measures is an effective communication strategy, and on that we also rely on our news media to clearly relay our message. Therefore, it was extremely disappointing to read today's *Australian* newspaper and the factual errors in its story on watering times and the pumping policy for Eyre Peninsula. I have today written a letter to the editor in which I have requested not only a correction

in tomorrow's *Australian* but also free advertising prominently displayed to counter the glaring factual errors and false impression conveyed in today's story. The story incorrectly stated the number of hours people will be able to use water. Water security is one of the greatest issues facing South Australia, and it is imperative that the community is accurately informed of our conservation strategies. We cannot allow factual errors to go uncorrected.

The government has a commitment to the water security of all South Australians, not just those living in metropolitan Adelaide. That is why SA Water will this week begin to supplement existing water supplies to Eyre Peninsula communities, including Ceduna and Streaky Bay, with River Murray water. A reduction in allocations of groundwater from southern Eyre Peninsula means that SA Water will provide approximately 20 per cent of River Murray water (or 600 megalitres a year) to top up supplies to customers on the state's West Coast. The reduction in the groundwater supplies is a consequence of drought.

The water is being delivered by the Iron Knob to Kimba pipeline, which was built two years ago. The capacity of that pipeline is 1.4 gigalitres. Importantly, no new water is being taken, as the 600 megalitres has been sourced from SA Water's existing River Murray licences, which in recent years have been supplemented by purchases from existing users. This represents less than 0.3 of a per cent of SA Water's total River Murray water licences for the state.

In addition to maximising the use of this existing pipeline, we have this year fast-tracked investigations into a desalination plant for the Eyre Peninsula. This government is doing the responsible thing. We are ensuring that the people west of Lock have a secure source of water in the short to medium term, and we are also planning ahead for their future needs.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:29): I bring up the 353rd report of the committee, entitled Women's and Children's Hospital Cancer Centre: Gene Therapy Laboratories and Pulmonary Clinics.

Report received and ordered to be published.

VISITORS

The SPEAKER: I draw to honourable members' attention the presence in the chamber today of students from the Willunga Waldorf School, who are guests of the member for Mawson, and students from Klemzig Primary School, who are guests of the member for Torrens.

QUESTION TIME

WATER SECURITY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:30): My question is for the Minister for Water Security. Why did it take seven days for the government to adopt Liberal Party policy on easing water restrictions when the information on which the government made its decision was publicly available?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:30): That is a terrific question, because we do not know what Liberal Party policy is: it changes with the weather. The South Australian government has taken and continues to take a very responsible approach to water security. The issue of whether we had sufficient water available to change the watering times and provide more flexibility was subject to a rigorous assessment of the available water and what usage might be expected under different scenarios. That work was undertaken by SA Water. We took advice also from gardening experts and from our water security commissioner.

Across the board, I have to say that there were very differing views and, yes, I do understand the opposition jumping upon the opportunity to second-guess the government, knowing this was the work we were undertaking, as the Premier and I announced it three or four weeks ago. Three to four weeks ago, the Premier, the Minister for Environment and Conservation and I flagged that this was the work we were undertaking to introduce a summer watering policy. Prior to that there was no policy from the opposition, apart from a knee-jerk reaction to say, 'People want more, so give them more.' The only policy the opposition has is: turn on the taps and have a free-for-all.

Mr PENGILLY: On a point of order, sir: I believe the minister is debating the issue, not answering the question.

The SPEAKER: I think the minister has completed her answer, in any case.

LOBBYISTS REGISTER

Mr KENYON (Newland) (14:32): My question is to the Premier. Will the Premier update the house on the establishment of a register of lobbyists?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:32): I thank the honourable member for his question. From 1 December a rigorous lobbyists code of conduct will come into effect in this state, with stringent rules governing their work and how they interact with ministers and other government representatives. The code of conduct will see the establishment of a public register of lobbyists as well as impose strict rules about former ministers, government executives and other public sector employees engaging in lobbying activity after leaving public employment.

The lobbyist code of conduct will ensure that contact between lobbyists and government representatives continues to meet public expectations of transparency, integrity and honesty. The rules governing lobbyists relates to people being paid to act for third parties, but other organisations such as charities, not-for-profit organisations, professional and business associations such as Business SA and unions will still be able to make representations to ministers and officials, just as they have always done, without the requirement to be registered. So, the Law Society can make its position clear to the Attorney-General, and Business SA can make its position clear to me as Minister for Economic Development.

This is about people who act for third parties. Lobbyists will have to be registered on the register of lobbyists, including listing their clients and when they make contact with government. Lobbyists will have to divulge for whom they are lobbying and the nature of their clients' issues. As part of that process, we have this week advertised to remind lobbyists that they must register within the next fortnight, so people intending to perform the role of lobbyists—and I know there are former members of parliament from both sides of politics: former Liberal ministers and former federal Labor ministers—all have two weeks in which to register, and that is how the new system will work.

A website has been established (www.premcab.sa.gov.au/lobbyist), and we can put out that detail. The Department of the Premier and Cabinet has prepared the Public Service for the implementation of the new code, including training staff about the new rules, establishing forms and procedures for registrations and informing lobbyists of the new requirements and obligations on them. There will also be strict rules covering former ministers and government executives becoming lobbyists. A minister who leaves office cannot, for a period of two years after they retire, engage in professional lobbying activities relating to any matter in which they have had official dealings in their last 18 months in office.

A parliamentary secretary cannot, for a period of 12 months after they retire, engage in professional lobbying activities relating to any matter in which they have had official dealings in their last 12 months in office. Ministerial staff or departmental executives employed under the Public Sector Management Act 1995 cannot, for a period of 12 months after they cease their employment, engage in professional lobbying activities relating to any matter with which they had official dealings in their past 12 months of employment.

The rules governing lobbyists relate to people being paid to act for third parties, but other organisations—as I say, such as charities, not-for-profit organisations and professional organisations—will still be able to make representations to ministers and officials just as they have always done, and that is a vital part of democracy. It is really important that organisations such as the Law Society can make representations to the Attorney-General. It is really important that Business SA can engage with us in the pre-budget period, and unions as well.

A lobbyist who breaches the code is liable to be removed from the register and will be banned from lobbying activities within the state government. So, if they break the rules, they will be banned. It is as simple as that. This code is just the latest measure by the state government—

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

Mr WILLIAMS: Mr Speaker, I believe that the Premier is pre-empting debate on a bill that is on the *Notice Paper*. I draw your attention to Private Members Business, Bills, Thursday 19 November, No. 25, Lobbying and Ministerial Accountability Bill (No. 44).

The SPEAKER: No, there is no point of order, unless the Premier were actively to canvass the bill itself. Just because something is on the *Notice Paper* does not mean that there is a prohibition on the house of any issue that might have any relation to the bill. Just because there might be issues that a bill covers does not prevent discussion on those issues. It would be disorderly for the Premier to engage in debate on the bill itself, but it is not prohibited just because there is some overlap. The Premier.

The Hon. M.D. RANN: Thank you, sir. If you have matters on the *Notice Paper* relating to a whole range of issues—if you are saying that we do not need to answer questions about those issues, then—

Members interjecting:

The Hon. M.D. RANN: Anyway, this code is just the latest measure by the state government to ensure the highest standards of integrity, honesty and transparency. Other measures include the Ministerial Code of Conduct, which includes provisions of compliance with the law, honesty, fairness and diligence, and a disclosure of actual and potential conflicts of interest. Other staff in government, including ministerial staff, are governed by the Public Sector Employees Code of Conduct, which outlines requirements that staff provide impartial, frank and balanced advice. They must act honestly, disclose and manage conflicts of interest, not accept gifts that may influence a decision and then work in accordance with all legal requirements.

I commend this register. It will affect members of parliament on both sides of this house, and I think that it is an important step forward.

WATER SECURITY COMMISSIONER

Mrs REDMOND (Heysen—Leader of the Opposition) (14:39): My question is to the Premier. Is the Premier going to keep water commissioner Robyn McLeod in her role, given that the advice she gave the Premier publicly on 10 November 2009 was, 'My advice has been I do not want to see any relaxing in water restrictions'?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:40): This is interesting, because it relates to the last issue. It is quite clear that the police commissioner has a different viewpoint to the Leader of the Opposition, so that means she would sack him. That is what she is basically saying.

Members interjecting:

The Hon. M.D. RANN: They don't like it—

Mr PENGILLY: I have a point of order, Mr Speaker.

The Hon. M.D. RANN: —because their inconsistency has been exposed.

The SPEAKER: Order!

Mr PENGILLY: Once again, the Premier is debating the issue.

The SPEAKER: Order, the member for Finniss! When the Speaker is on his feet, I expect all members to sit down. The member for Finniss has a point of order.

Mr PENGILLY: I apologise, sir. I believe the Premier is once again debating the issue, not answering the question directly.

The SPEAKER: I will listen to what the Premier has to say. He must not debate the answer but I do not think he has done that as yet. The Premier.

The Hon. M.D. RANN: Thank you, sir. It is really important to listen to the experts. The Leader of the Opposition said that we should not listen to the experts, that we should not listen to Robyn McLeod, that we should not listen to SA Water, that we should not listen to John Lamb, that we should not listen to Michael Keelan, and that we should not listen to the people whom we employ to give us frank and fearless advice. So we have a situation where the Leader of the Opposition is one minute saying, 'Don't listen to the experts, just do it. Take a punt, take a risk, be reckless.' That is what we see from this opposition: if it is not divided, it is reckless. One day it is reckless, the next day it is divided.

The SPEAKER: Order! The Premier is now debating. The member for Mawson.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Mr BIGNELL (Mawson) (14:41): My question is to the Minister for Education. What support is being provided to teachers and schools in terms of year 11 students starting the new SACE in 2010?

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) (14:41): I thank the member for Mawson. I think he must have thought of this question in the knowledge that students from year 11 at Willunga Waldorf School would be in the gallery, and I welcome them.

As the member would know, keeping young people engaged in education and training is one of the key elements of our reform agenda for senior secondary years in South Australia. There is clear evidence that young people who drop out of school early are at risk of a whole range of activities in their life, whether it is poor employment, under-engagement in the employment sector, greater incidence of mental health disease, higher incidence of drug use, or, of course, involvement in the juvenile justice system. It is particularly shameful if young people fail to reach their potential, so our reform agenda, which includes compulsory education to the age of 17 years, is a significant way of encouraging young people to remain in school, work or training.

However, our new SACE agenda, which we have worked on with the Catholic and non-government sectors, has been directed also towards improving the achievements of young people and allowing them to reach their potential. An integral part of that program, of course, is the investment in teacher training, as well as leadership training in our schools and making sure that there is professional support and continuing training for leaders in our schools as they prepare for the new SACE. At the same time, of course, we are supporting schools to develop innovative programs to allow young people to develop skills and attributes that will help them gain employment and rewarding jobs but, particularly, not only making them employable but also making sure that they are job ready.

Since 2007 we have invested over $10 million in professional development and pilot programs across all schools that teach the SACE and, over that time, our investment and training has touched 13,000 senior secondary teachers as well as school leaders. This includes preparations, pilot programs and a new subject called A Personal Learning Plan. This will affect 20,000 year 10 students, beginning this year. As year 11 students next year move on, they will be amongst the first, not only in our state but also within the Northern Territory, China and across the world, who will be involved in our new SACE program completing year 12 in the year 2011.

To support those teachers and principals, we are investing an extra $3.38 million in professional development, and that is being shared by 248 schools within the government and non-government systems across the state. In addition, the schools can apply for additional funds, ($1.9 million worth of School to Work funding) to support strategies to give young people effective and innovative opportunities to develop skills in their lives. These are all part of our overall $5.7 million investment over three years in School to Work grants, and they are particularly targeted at literacy, numeracy and science skills as a way of developing job-related programs. All these areas are endorsed by industry, which particularly want young people to leave school job ready and embarking on further training.

Our School to Work program also includes initiatives to assist young people to become the first in their family to go to university. For many young people from disadvantaged backgrounds the barriers to further education are enormous—not just the uncertainty about acquiring a HECS debt but the fear of entering into a university—and they often set their own ambitions too low. It is important that our schools do not accept that young people are going to fail and that, from whatever background they come, they should set their ambitions high.

These grants for the first generation, as we call them, are very important because we know that, increasingly, we need higher skilled, vocational certification but also diploma and university skills, particularly as we are entering a phase with enormous job opportunities in South Australia, including those across the mining, defence and heavy manufacturing industries. All these opportunities are there for young people who have skills, and they are not just in vocational areas; they are in university training areas as well.

We are particularly pleased that this allows us to support our teachers and leaders because they are the people who make this whole agenda possible. I commend them for their efforts and diligence in working with the SACE board—which is led by Alan Dooley as chair, who was former head of the Catholic education system, and the principal of Wilderness School from the

independent sector as deputy chair—in a way that guarantees we maintain the credibility and the high standard of SACE, and I thank them.

WATER RESTRICTIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:47): My question is again to the Premier. Why was the senior adviser on water, Robyn McLeod, overseas in Israel when the Premier said he was seeking advice from the experts?

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) (14:47): We know you don't talk to each other, but you know what it was, and this made me laugh when I heard this story—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I spoke to Robyn McLeod yesterday by using a telephone. It is an ancient device that goes back more than 100 years. I asked her advice and, as I revealed to people, she was comfortable with the flexibility but she would have preferred not to have the extra hours. Do you know something? The great thing about having independent and frank advice that gives you different opinions is that you then make a decision on the balance of the opinions that have been given to you. You listen to the experts, not like the opposition who came out a couple of weeks ago—the Liberals came out and said, 'Do not lift water restrictions.'

Mr WILLIAMS: Point of order, Mr Speaker: the Premier is clearly debating now.

The SPEAKER: The Premier is debating. Does the Premier wish to conclude?

The Hon. M.D. RANN: Thank you, sir. So, we have a situation where the Liberals came out and said, 'Do not lift water restrictions' and then, when Karlene Maywald, minister Weatherill and I came out and said that we would look at lifting restrictions if it was the responsible thing to do, they reversed their position. Go and talk to Mr Whetstone. He is your lad in the Riverland, isn't he? So, here we have a situation where one side of the Liberal Party says, 'Don't lift restrictions' and the other says, 'Do it and don't listen to any experts.'

Mr GRIFFITHS: Point of order, Mr Speaker.

The SPEAKER: The Premier will take his seat. The Premier is now debating. The member for Florey.

COORONG

Ms BEDFORD (Florey) (14:49): My question is to the Minister for Environment and Conservation. What work is currently being done by the government and local communities to help protect the Coorong and Lower Lakes?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:49): I thank the honourable member for her question and acknowledge her deep commitment to our natural environment. I think that all South Australians are aware of and are very concerned about the current state of the Coorong and Lower Lakes. The whole of the Murray-Darling system is showing the effects of decades of overuse by the upstream states, exacerbated by the ongoing drought, but nowhere is this more obvious than at the Lower Lakes and our internationally recognised Coorong wetlands.

While we are planning for a long-term future for the lakes, we are at the moment taking steps that we ensure our fair share of the waters of the River Murray Basin in the future. At the same time as focusing on those long-term measures, there are some important short-term steps that need to be taken in the nature of emergency decisions on how best to protect these precious areas.

We need to give them a chance to recover from the incredible stresses that they are under, so that we do have something to preserve in the future. One of the greatest threats to the lakes is from acidification. Mr Speaker, you will be aware that, as the lakes dry, they acidify and the subsequent rewetting of those soils can release acid into the water body, and this has the potential to cause long-term harm to the lakes and everything in them.

One of the methods of combating this acidification is through bioremediation and that includes revegetation which stabilises the soils and assists the natural processes in reducing acidification. With the assistance of the federal government and its commitment of $10 million, South Australia has now commenced the Lower Lakes bioremediation program and this follows some successful trials of bioremediation techniques earlier this year.

The program depends for its success on a partnership between the government and local communities, and I particularly want to thank the Goolwa to Wellington Lower Lakes Action Planning Group, the Coorong District Local Action Planning Group, the South Australian Murray-Darling Basin NRM Board, the Milang Old Schoolhouse Community Centre and, of course, the Ngarrindjeri and all the other community groups who are involved in the nursery program.

The program has a very strong emphasis on revegetation. Extensive plantings on the exposed lake beds will be undertaken, but in order to undertake the planting we need thousands of plants, so today I am pleased to announce that $50,000 will be made available to local nurseries to propagate plants for this important revegetation work.

Seven local nurseries in Meningie, Milang, Finniss, Clayton Bay, Hindmarsh Island, Narrung and Goolwa will all receive funding through the Milang Progress Association to provide the plants that we need. I would like to thank the Milang Progress Association and the many volunteers who have helped on this initiative. Their work will make a huge difference to the future of this area and a big contribution to our ongoing work to protect the Coorong and the Lower Lakes. It is noted by Mike Hinscliff, the President of the Milang Progress Association, that it will be a welcome boost to communities struggling with the lakes' plight.

Of course, what the Coorong and the Lower Lakes need most of all is water and members will be aware that I recently announced that 14 gigalitres of water would be flowing back into the Coorong from the South-East following a decision that we took to complete the drainage system in this area, with the environmental benefits that will flow from that. Of course, that will improve as we take steps to put in place the further reflows as part of the further extension of the South-East drainage system.

This government is also securing 120 to 170 billion litres of additional water for the Lower Lakes over this summer in addition to the 50 billion litres of water that we purchased earlier this year. This will assist the lakes to get through a long, dry summer and autumn without sustaining further damage. This, of course, is all part of the extensive set of emergency steps that we have had to take to ensure that this river is able to restore itself to life. Once again, it will depend on those flows coming from the upstream states and we will continue our fight at a national level to secure those.

WATER RESTRICTIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:53): My question is once again for the Premier. Did the government get any advice, and if so from whom, recommending the easing of water restrictions before the heatwave commenced?

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) (14:53): We did get advice because Karlene Maywald announced before the heatwave—and I think that you might have been listening. In fact, there was a series of announcements before the heatwave where ministers of this government foreshadowed that we would seek to lift restrictions if we could. But I have the statement from the Liberal Party. Here we go. This is September the 29th:

> My fear is that events of last week will see water restrictions lifted in Adelaide. Is the Minister for the River Murray going to preside over the lifting of water restrictions while her constituents are left with inadequate water allocations? I would like a commitment from the minister that current water restrictions remain in place…

The Liberal Party—Tim Whetsone, Liberal candidate. We have a situation where the Liberals are divided. This government, before—

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

The Hon. M.D. RANN: You can't handle the truth.

The SPEAKER: Order, the Premier!

Members interjecting:

The SPEAKER: Order! I will not entertain a point of order until there is silence.

Mr PENGILLY: I believe, once again, the Premier is debating the issue, not answering the question.

The SPEAKER: The Premier is straying into debate. The Premier.

The Hon. M.D. RANN: So, if before there was a heatwave, we had the Minister for the River Murray, the minister for the environment and the Premier saying that, if we could lift water restrictions we would, but we would take it on the advice of the experts, depending on river flows, reservoir levels, also evaporation rates, demand and supply, as well as, of course, in terms of our negotiations with other parties, I would have thought that it might have perhaps sunk in that we were talking about it before the heatwave. What I said yesterday was, 'Wait and see them go crazy when we do what they called on us to do but what the week before they called on us not to do.'

REGIONAL DEVELOPMENT INFRASTRUCTURE FUND

The Hon. L. STEVENS (Little Para) (14:56): My question is to the Minister for Regional Development. What is the government doing to assist regional businesses with their infrastructure needs?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:56): This government continues to recognise and support the vital role that regional South Australia plays in this state's economy. One of the many ways—and it is certainly not the only way—in which the government supports economic development in the regions is through the Regional Development Infrastructure Fund. The aim of the fund is to provide strategic support for regional infrastructure projects which support job creation, investment, increase our state's exports and which provide the potential for leveraging further investment through other sources. Since its inception, the RDIF has provided approximately $28.5 million of assistance in supporting projects that have generated an estimated 5,470 new jobs and over $1.3 billion in total project investment.

The five projects which were recommended for support in this round, with grants totalling $780,000, were:

- Up to $60,000 to Earthwork Solutions in Murray Bridge towards the cost of electricity, telecommunications and water infrastructure. The contractor is investing around $1 million to expand its businesses operations with a new facility at Karoonda Road, Murray Bridge, with the expansion seeing staff numbers increase from 25 to more than 100 and annual turnover expected to rise from $3.8 million to $24 million.

- Up to $300,000 to Kingston Estate Wines in the Riverland towards the cost of power augmentation and electricity infrastructure. The work is part of a major upgrade to its storage and processing capacity to a site capable of processing 100,000 tonnes of grapes into table wine. The expansion will boost its export percentage from 80 per cent to 90 per cent and is expected to create 25 new jobs and generate a net economic value over 10 years of $49.9 million.

- Up to $272,000 to Kangaroo Island Abalone (which was recently acquired by Two Rocks Abalone) towards the cost of electricity infrastructure as part of its plan to significantly increase abalone production at its East Farm on Kangaroo Island, taking production from 90 tonnes through to 175 tonnes by 2012. The achievement of that target would potentially exceed the whole output of the current abalone sector in South Australia.

- Up to $96,500 to Glenellen Poultry Pty Ltd, which will go towards the costs of electricity and water infrastructure. This work is part of stage 1 of a new chicken broiler farm at Jervois, approximately 16 kilometres south-east of Murray Bridge. The proposed farm will be developed in three stages over four years and is expected to add $15.58 million to the state's economy over a decade, as well as creating 20 full-time jobs.

- Up to $52,000 to Parilla Premium Potatoes to assist with power augmentation and upgrading electricity infrastructure as part of its construction of a packaging and storage facility at Parilla. The company also plans to boost onion production from a current 20,000 tonnes to 30,000 tonnes by 2010. This will result in the creation of 10 jobs and an additional $3.5 million in gross state product in 2010.

Mr Bignell interjecting:

The Hon. P. CAICA: This stuff doesn't make you cry, mate; the amount of money going into our regions makes you happy. These targeted grants represent only a fraction of the total investment the state government is making for the benefit of our regional communities and complement larger scale infrastructure investment in areas such as regional transport, education, health and port facilities. Nevertheless, they provide a vital source of support to help specific businesses in our regions become established and expand, creating further investment opportunities and many more new jobs.

WATER RESTRICTIONS

Mrs REDMOND (Heysen—Leader of the Opposition) (15:00): Will the Premier now apologise to South Australian gardeners for delaying the easing of water restrictions?

Members interjecting:

The SPEAKER: Order! The question contains debate and is therefore out of order.

WATER SECURITY

Mr WILLIAMS (MacKillop) (15:01): My question is to the Minister for Water Security. On 15 October the minister, when claiming that she would not ease water restrictions, said she would not ease water restrictions because 'we have not secured next year's water reserve for critical human needs'. Can the house now assume that water restrictions have been eased because water for critical human needs for the 2010-11-year has been secured? If not, how much water is yet to be secured?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:02): I made it quite clear to the public of South Australia that we would review our domestic water restrictions policy on the basis of water that we had saved from this year's targeted use under our critical human needs supply for this year—and that is exactly what we have done. We have had a wet winter. South Australians have done a tremendous job in conserving water and, as a consequence of that—

The Hon. P.F. CONLON: I have a point of order. I cannot hear the minister because of the constant interjections.

The SPEAKER: Order, members on my left!

The Hon. K.A. MAYWALD: Thank you, sir. I said a number of weeks ago—I think about four weeks ago I first mentioned it on Michael Keelan's program—that we were considering how we might utilise the water saved over winter across the summer months and that we were considering introducing a summer or extreme heat policy. I think that is a critical point because South Australia has done very well. South Australians have saved water over winter. In fact, they have used less water than they did last winter and that provides us with a small buffer in which to provide some extra flexibility over summer. This is a good thing to do for people who are doing the right thing.

What we would not do—as I said in that comment that has been selectively quoted by the member for MacKillop—is risk our longer term water supplies by making knee-jerk policy reactions because the dams were spilling at the time. The dams were spilling a small amount of water that enabled the Onkaparinga and Torrens rivers to get a much needed drink and to flush those environments, as well. It was not a shocking waste, as some opposite might say, because the Onkaparinga and Torrens rivers are rivers, as well. If we applied their policy for the Onkaparinga and Torrens rivers to the River Murray we would have even less water in the River Murray at the moment.

Mr WILLIAMS: Sir, I rise on a point of order. My point of order is about relevance. My question was: do we now have the water secured for the next water season and, if not—

The Hon. R.J. McEwen interjecting:

Mr WILLIAMS: That is what I asked, Rory—

Members interjecting:

The SPEAKER: Order! The member for MacKillop will take his seat. I appreciate the member for Mount Gambier's assistance, but it is not desired at the moment. There is no point of order. I will listen to the minister carefully, but she is not entering debate and as far as I can tell she is answering the substance of the question.

The Hon. K.A. MAYWALD: Thank you, Mr Speaker. I appreciate your ruling. I think that one of the things we need to do when answering questions is not to be drawn into responding to interjections, because interjections are unruly and so is responding to them. So, I will not respond to interjections—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. K.A. MAYWALD: Thank you, sir. The issue here is that we have two matters that we were dealing with: one that is a selective quote in relation to a specific comment made by the opposition in relation to dam spilling, and the second one is as a—

Members interjecting:

The SPEAKER: The Minister for Water Security.

The Hon. K.A. MAYWALD: Thank you, sir. With respect to the matter about the reserves for next year's water supply, the South Australian government is doing a sterling job in ensuring that we have our critical human needs reserve secured by—

Members interjecting:

The SPEAKER: The member for Bragg has already been warned once. The Minister for Water Security.

The Hon. K.A. MAYWALD: Thank you—

The Hon. M.D. Rann interjecting:

The SPEAKER: The Premier!

The Hon. K.A. MAYWALD: Thank you, sir. With respect to the issue of the critical human needs reserve for next year, South Australia is required to have in reserve 201 gigalitres at the end of this water year for the start of next water year. Currently, we have 39 gigalitres which we have carried over from last year, which was purchased last year. We are also purchasing 60 gigalitres this year. That program is well underway, and we will meet that target very easily. We also have saved 50 gigalitres this year in regard to how much is being pumped into the Mount Loftys out of the River Murray. So, that 50 gigalitres is also going towards the reserve for next year.

In the last water announcement, members opposite may remember we announced that we had also applied 10 gigalitres of the improvements to South Australia towards the critical human needs reserve, meaning that we have a remaining target of 42 gigalitres to achieve. We also announced very clearly in the last water announcement two weeks ago that we were well on track to deliver our critical human needs reserve by the end of the water year. We intend to deliver that critical human needs reserve by the end of December, in fact, rather than the end of the water year.

The targets that we have set ourselves to achieve next month and the month after are 22 gigalitres for critical human needs for the month of November and 20 gigalitres for the month of December, and all our forward planning, based on worst case scenario planning, indicates that we will be able to achieve those reserves. So, we have in hand what we are doing in relation to critical human needs for next year—remembering that we also have a desalination plant coming online at the end of 2010, which has the potential to deliver 25 gigalitres into the system in the first half of the following calendar year. So, our critical human needs reserve is well in hand.

Our community has responded beautifully to the need to conserve water, unlike those opposite, who would leave their taps running all day when they come to work. It is a responsible government that encourages our community to conserve water in times of drought and an irresponsible opposition that tells people to leave their taps on.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Ms CHAPMAN (Bragg) (15:08): My question is to the Premier. Given that the government has followed the opposition on policies of water restrictions and desalination, will the Premier now reverse his decision and have a state independent commission against corruption?

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

Change) (15:09): Can I just say this. The one thing that we are not going to follow the Liberal opposition on is being divided, because that is what they are. The body language speaks for itself.

Mr PENGILLY: Point of order.

The Hon. M.D. RANN: You spend all your time fighting amongst each other—

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

Ms CHAPMAN: I rise on a point of order, sir, on the question of relevance. That has nothing to do with the question.

The SPEAKER: Order! The member for Bragg will take her seat. It did not. The member for Bragg prefaced her remark with debate, so I will give the Premier some latitude in his answer, but he should not do that unnecessarily.

The Hon. M.D. RANN: I think I have made my strong support for a national ICAC patently clear.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (15:10): Will the government now change its policy on rebuilding the Royal Adelaide Hospital at its current site?

The SPEAKER: Order! I missed the question entirely.

Dr McFETRIDGE: My question is to the Premier, and he is probably expecting it.

Members interjecting:

The SPEAKER: Order! I cannot hear the member for Morphett's question, with members on my right interjecting.

Dr McFETRIDGE: Thank you, Mr Speaker. Will the Premier now reverse his decision on the Royal Adelaide Hospital and rebuild it at its current site?

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) (15:11): Can I just say this: what a difference a Labor government makes! If members opposite want to know about hospitals, let me give them the figures on hospitals: 3,600 extra nurses, nearly 1,100 extra doctors, a national report that says per capita more doctors than the other states and more nurses—

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

Mr PENGILLY: On a point of order, sir: the question was quite specific, and I believe the Premier is debating the issue again.

The SPEAKER: No, I do not uphold the point of order.

The Hon. M.D. RANN: I want to pay tribute to the honourable member. I was recently at a function where he spoke in Pitjantjatjara, and as a former minister for Aboriginal affairs I thought he did so with aplomb. At first I thought he was speaking in Yankunytjatjara, but then I realised he was speaking in Pitjantjatjara. I think it is fantastic that he honoured the occasion by speaking that way. I hope one day we will get a question in parliament from him in Pitjantjatjara, and I will do my best to respond.

The key point is that we believe that, whilst we have committed to and in fact went down to open the new maternity and gynaecology wing, the three storey South Wing at the Flinders Medical Centre just on Monday, the virtual doubling of beds at the Lyell McEwin and the rebuild at the QEH, the key difference between us and the Liberals is that the Liberals wanted to privatise our hospitals, while we believe South Australians deserve a world class hospital—and they will get one.

MURRAY RIVER

Mr PEDERICK (Hammond) (15:13): My question is to the Premier. Why did the Premier not consider that the health of the River Murray was important enough to place on the agenda for the meeting of state premiers in Adelaide on 5 November 2009?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:13): I am very pleased that this question has been asked, because it is this

government, not our predecessors, which has put the River Murray on the national agenda. It was this government that tried to get John Howard to allow the River Murray to be debated—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Hammond will take his seat. Members have to learn that when the Speaker is on his feet they take their seats. The member for Hammond.

Mr PEDERICK: The question was very specific about why it was not on the agenda; the most important item happening in this state and this country.

Members interjecting:

The SPEAKER: Order! The question was why the Premier did not think the issue important enough, not why he did not have the item placed on the agenda.

The Hon. M.D. RANN: Thank you, sir. Here we have it. This is the Liberal's River Murray policy. It says here, from the last election campaign, Rob Kerin—remember him? It says here, 'Supports state—'

The SPEAKER: Order! There is a point of order. The member for MacKillop.

Mr WILLIAMS: I am sure that this has absolutely no relevance to the question. The question was why the matter was not on the agenda.

Members interjecting:

The SPEAKER: Order! Member for MacKillop.

Mr WILLIAMS: Mr Speaker, I raise the point of order of relevance as to where the Premier is going. The question was quite specific. It was about why the River Murray was not on the agenda of a meeting held on 5 November—

The SPEAKER: Order!

Mr WILLIAMS: —with the other premiers, in South Australia.

The SPEAKER: Order! The question, as I pointed out, was why the Premier did not think the matter important enough, not why he did not have the matter put on the agenda. I will give the Premier some indulgence in answering it given the line of the question. The Premier.

The Hon. M.D. RANN: Because it has been this government that has been putting the issue of the River Murray on agenda after agenda. All you want to do is talk. We will take action, and that is the difference. Here is their policy—

Members interjecting:

The Hon. M.D. RANN: They do not want to hear their own policy.

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. M.D. RANN: This is the Liberal Party's policy in relation to the River Murray: 'To support retention of state control of the River Murray'. That means that the Victorians get to retain the cap. We have got a—

The SPEAKER: Order! There is a point of order. The Premier will take his seat. The member for MacKillop will take his seat. There is a point of order by the member for MacKillop.

Mr WILLIAMS: Again, I point out that the Liberal Party's policy from four years ago has nothing to do—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I remember you saying, 'I want to drop water prices.'

The SPEAKER: Order! The member for MacKillop will take his seat. No doubt it will become apparent to us all what the Liberal Party policy has to do with why the Premier did or did not think a matter important enough. The Premier.

The Hon. M.D. RANN: Okay. I was meeting with John Howard, addressing the Press Club, flying off around the country talking to Peter Beattie, Morris Iemma and others so that the River Murray was absolutely the prime element of debate, and their policy is to support state power control, which means—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

The Hon. M.D. RANN: —allow New South Wales, Victoria and Queensland to do what they like. The Liberal Party's policy was about allowing the upstream states to continue their rip-off. But you know what? There is something else—breaking news. In the middle of the debate about control of the River Murray, when we were fighting to get a national takeover for the River Murray to be run by independent scientists, the Liberals said that they would 'convene a high level group to evaluate the alternative water source options so that by 2009 a plan was in place to remove Adelaide's reliance on the River Murray'. While we were fighting to get a national commission, they wanted to run up the white flag on Victoria. So, have your—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: All you wanted to do was talk about it; that is why we have taken action.

Members interjecting:

The SPEAKER: Order! I think the Premier has concluded his answer.

The Hon. M.D. RANN: Thank you, sir. That is the key point. The key point is—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —that the Liberals wanted to run up the white flag and allow Victoria to do what it likes.

Members interjecting:

The SPEAKER: Order! The member for Unley.

TRUANCY

Mr PISONI (Unley) (15:19): Can the Minister for Education name who she has consulted in relation to truancy and changes to the Education Act? The minister told Adelaide radio this morning:

> I have to say I am a great supporter of the notion of talking to people and consulting. We have had this bill in planning. We have been out to consultation.

The opposition has been advised by the Primary Principals Association, the Secondary Principals Association, the Australian Education Union and the Association of Independent Schools that none of them has been consulted on the matter.

Members interjecting:

The SPEAKER: Order! The Minister for Education.

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): The member for Unley's question is an interesting one because he manages to do what he does so well, which is to take a statement, turn it upside down, distort it and come up with the wrong conclusion.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: It is very easy to misquote someone and imply that something horrendous has happened—

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley is warned.

The Hon. J.D. LOMAX-SMITH: —when you only get part of the facts, and I have to say that the member for Unley is a past expert at this and I would advise most members to take what he says carefully and examine the words.

Mr WILLIAMS: I have a point of order, sir.

The SPEAKER: Order! Yes, member for MacKillop. I do not think it assists for the minister to make reflections on the member asking the question. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: I think that the member for Unley has forgotten how we have carried out our consultation. For our reforms for what is, after all, a very old act, we have been engaged in an enormous public consultation process that has involved each segment of our reform agenda. For instance, where we have sought to reform the teachers registration—

Mr PISONI: I have a point of order, sir.

The SPEAKER: Order! the member for Unley has a point of order.

An honourable member interjecting:

The SPEAKER: Order!

Mr PISONI: My question related to the bill that the minister described on radio about truancy. The minister is talking about changes to the Education Act, where truancy is not addressed.

The SPEAKER: The minister is directly answering the substance of the question, which was about consultation on this matter. She is answering the substance of the question. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: Thank you, sir. The process that we have used has been a very extensive and inclusive one. What we have done in each element of the act for reform is to go out with a discussion paper—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley has already been warned. If he wants to ask another question, if there is something which the minister has misunderstood or missed in her answer, I am more than happy to give him the call to ask another question of the minister. He does not need to yell out while the minister is attempting to answer. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: Thank you, sir, for your protection. As I was explaining, in seeking to reach the best landing with any legislation that we reform, we produce first of all a discussion paper which highlights the issues and the matters that need to be resolved, and those discussion papers are very extensive in their canvassing of the problems that we seek to resolve. We put out those discussion papers—which would, of course, be responded to by anyone who chose to read them and, of course, if you do not choose to read them you cannot respond to them (but, of course, you could respond to them without reading them, but we would prefer that experts and those people involved in education actually looked at them). Having put out those discussion papers—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop! Minister.

The Hon. J.D. LOMAX-SMITH: Thank you sir, again. Having put out those discussion papers, it has been a matter of some pride that we have also convened what could only be described as a very significant consultation through a working party. I did not quite catch the names of all the organisations that allegedly have said they have not been consulted—and I say 'allegedly' because, as I have suggested, the member for Unley may not have been accurate in his assertions—

Mr PISONI: I have a point of order, sir.

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

Mr PISONI: The minister is reflecting on the member for Unley, and I ask that it be withdrawn.

The SPEAKER: No, I do not think saying that a member may not have been accurate has been understood in this chamber to be a reflection on that member. There could be any number of reasons why a member would be inaccurate. It does not necessarily imply that the member has been deliberately mischievous. The Minister for Education.

The Hon. J.D. LOMAX-SMITH: As I was explaining, having had the discussion paper go out broadly to the community and be widely available, we have had a working party involved—

Mr PISONI: Point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Unley will take his seat. I will not entertain points of order while there is other noise going on in the house. Member for Unley.

Mr PISONI: My question was about the bill to amend the truancy act. The minister is answering a question regarding the changes to the Education Act.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: My question related to the truancy provisions and the minister is deliberately not answering the question.

The SPEAKER: Order! The member for Unley will take his seat. There is no point of order. The question was about consultation and that is what the minister is answering. The minister may want to conclude her answer.

The Hon. J.D. LOMAX-SMITH: The point I was trying to make was that not only have we had a discussion paper with wide consultation, we have also had a very broadly based working party where each of the key stakeholders in legislation and the education system are involved in looking at the issues and giving us advice. In seeking to take their advice—and I really do believe in consensus because I think that one wants to do the best for our non-government sector, our Catholic schools, independent schools and, of course, our state education system—I have worked with the unions, principals associations, teachers groups and, of course, anyone with experience in this area, and the consensus out of the working party was then used to inform the drafting of the bill to amend the act. Let me make this clear: we have already heard that those opposite do not support provisions whereby we toughen up the truancy measures. They do not support our attempts—

The SPEAKER: The minister is now debating the question.

Mr WILLIAMS: I seek a point of clarification, Mr Speaker. Given the allegations made by the minister about the veracity of the quote, would you contemplate accepting the tabling of transcripts from the opposition so that you can verify that the quotes we are using are indeed accurate?

The SPEAKER: No, there is not that facility. However, the member can ask for leave to make a personal explanation and, by that means, establish the truth of their assertions.

IMITATION FIREARMS

The Hon. G.M. GUNN (Stuart) (15:28): My question is to the Minister for Police. I ask the minister whether he is aware of the concerns of law-abiding citizens who collect replica and imitation firearms who are now placed in a position where their collections will have to be surrendered without compensation. I have been approached by a considerable number of constituents, some of whom have had to spend up to $2,000 purchasing these items, others who are involved in restoring World War II jeeps who have imitation firearms attached to them to make them look genuine, who are now placed in a situation where they may have to remove these things otherwise they will be in breach of this law, which would appear to have had unintended consequences for citizens who have never broken the law in their lives.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:29): I am not sure that the member necessarily

has it correct the way he has outlined the case. What the government has done has been to introduce regulations so that imitation firearms will be licensed like any other firearm. The reason why this has been done is because the advice we have received is that imitation firearms have been used in acts of crime; they have been of serious and significant concern to police. I perhaps should go back a step because some time ago this item was raised at a police ministers' conference. It is my understanding that most states around Australia in one form or another have done similar to what we have done in South Australia.

As I said, what we have done in South Australia has been to regulate imitation firearms so that they need to be licensed like normal firearms. Of course, with respect to imitation firearms, we are talking about them looking almost identical to real firearms, being used for the purpose of criminal activity, and on some occasions imitation firearms are adapted so that they can fire real bullets.

We think that there is some real substance to the advice received by police. That is why we have come forward with the regulations. I think to do otherwise would have been obviously not to take heed of the advice and not to treat this matter seriously as it does need to be treated.

I have met with the combined shooters association. They have put forward some views in regard to this. I have asked that their views be communicated to me in writing, which I understand has occurred, and, where they are able to highlight to me and substantiate their allegations, I have undertaken to get crown law advice about that material and I am in the process of that.

AUDITOR-GENERAL'S REPORT

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:31): I move:

That the timetable for consideration in committee of the report of the Auditor-General 2008-09 be amended by first taking into consideration the examination of the Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts and Minister for Sustainability and Climate Change for 30 minutes and postponing the examination of the Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs (30 minutes) until after the completion of the examination of the Minister for Transport, Minister for Infrastructure and Minister for Energy (30 minutes) and the Deputy Premier, Treasurer, Minister for Industry and Trade and Minister for Federal/State Relations (45 minutes).

Motion carried.

GRIEVANCE DEBATE

PORT AUGUSTA HOUSING

The Hon. G.M. GUNN (Stuart) (15:32): I have two matters that I wish to raise today. First, I received a copy of a letter which has been sent to the Minister for Housing from constituents of mine in Port Augusta which states:

I refer to the Transcontinental Newspaper of 14/10/09 where you announced new public housing for Port Augusta, in particular your references of 'houses will be spread across the city to avoid creating high-density housing trust enclaves' and 'we're moving away from having mass development allotments of social housing—we want to have a mixture. Our aim is to mix about 15 to 20 per cent in any one area.'

I ask Ms Rankine have you bothered to ask private residences in Port Augusta of where you intend to place these new houses, what are your thoughts? Perhaps also ask the existing private residences of what their experiences are with SAHT tenants.

It is brought to your attention that the current situation of mixing the SAHT housing (including Aboriginal SAHT) amongst private residences in Port Augusta does not work! The last 10 years, and more so the last 2 years, there has been an increase in antisocial behaviour because of the SAHT tenants, in particular the Aboriginal SAHT tenants.

The area I am talking about in particular is the Carlton area of Port Augusta. The privately owned residents in this are fed up with the actions of the SAHT residents but are too intimidated by these people to complain because of the abuse, threats, violent behaviour and property damage that are/and can be caused by these people.

These law-abiding citizens, in my view, not only have the expectation but have the right to live in their residence without this disgraceful, unnecessary behaviour of these people who do not appreciate that the taxpayers of South Australia and Australia have given them a reasonable home at reasonable cost, and that the taxpayers who are living alongside them are paying the taxes so these people can be given this opportunity to have reasonable housing but they continue to misuse, abuse, threaten and destroy the social environment of the area.

I believe that the people who are put in these homes should respect other people's privacy and their property, and if they are not prepared to do so, urgent action needs to be taken to remove them and to put all these type of people together in the one area. What they do to one another, I do not care and nor do my constituents, but my constituents, particularly elderly people, should not be intimidated, threatened or in any way inconvenienced by this disgraceful antisocial behaviour. They are absolutely sick and tired of it.

I have another issue; that is, the road situation in the north-east pastoral area of South Australia. I have received the following letter from a constituent. This is a copy of a letter sent to the Premier. The letter states:

> There really should be no need to write this letter to draw your attention to the dismal and unsafe state of the unsealed roads in the North-East Pastoral region and adjacent areas, especially after your recent visit to the Geothermal plant at Paralana where you would have experienced these for yourself.
>
> Roads have deteriorated to an unacceptable and unsafe condition placing business growth, tourism and other ventures of more remote areas at risk. It should be obvious to the Government…We're all aware there's limited funding for roads…however developments occurring in areas other than the immediate vicinity of Adelaide, appropriate infrastructure is essential. We realise that the prolonged drought (going into the 12th summer) also has its impact. The continued tourism and increased mining activity has caused the roads to rapidly worsen which restricts development and conducting of businesses in remote areas.

The letter makes the following points:

> A local mining company had to repair public roads at their own expense…truck drivers who are providing a service to us and neighbouring properties/businesses are very reluctant to travel here because of the tyre and mechanical damage from these roads experienced in their previous trips.
>
> Teachers took four and a half hours to travel 200km to visit schools on a remote property. They too were concerned that they would make the trip safely.
>
> In the past we have been asked by the police to check reports of roll-overs due to road conditions—fortunately, so far no-one has been seriously hurt…Even worse, the mailman has no option but to travel the worst sections [of this road] twice a week, every week.

There is a need to take some action. I attended the geothermal plant opening at Paralana—

Time expired.

PROPHET ELIAS CHURCH

Ms CICCARELLO (Norwood) (15:38): It was Plato who wrote: 'As the builders say, the large stones do not lie well without the lesser.' Almost 2,500 years later, the Parish of Prophet Elias stands as a proud testament to those words. On 8 November (this month) I was honoured to attend—to the very day—the celebrations to mark the parish's 50th anniversary of their inaugural Divine Liturgy. As I looked around the magnificent church, I marvelled (as I always do) at the road the parish has travelled from that very first meeting in the hall of the Norwood Scout Troop in Fisher Street half a century ago. I am quite certain that the Premier, the Minister for Multicultural Affairs and the Minister Assisting the Minister for Multicultural Affairs, who also attended the celebrations, were thinking exactly the same thing.

It was that first meeting that heralded the beginning of a triumphant effort to bring the church to the people and marked the opening chapter in this compelling story of faith and community. As the first community parish of the Greek Orthodox Archdiocese in South Australia, it had much to do and many expectations to meet. Never one to rest on its laurels, the parish met that challenge head on and, 50 years later, it can now proudly reflect upon its significant role in helping shape the lives of the many Greek migrants who came to our shores after the war.

By establishing church services and Sunday school, Greek language and dancing classes, community activities, youth groups and aged services, the parish has ensured that it remains at the forefront in fulfilling the spiritual, educational and social needs of its members. Its impact continues undiminished to this day. I have often said in this place how fortunate I am to be the local member for an electorate which has such a diverse and dynamic multicultural community, but I am also acutely aware that this just did not come about by a stroke of luck or by having many people from different ethnic origins simply living in one location. Rather, it is as a result of vision, dedication, the willingness to help others and a desire to impart a sense of history and purpose not only to your own community but to the community at large.

This is what determines the success of a truly multicultural society, and this is what has determined the importance of the Prophet Elias Church in its tapestry. I have always strongly believed that an understanding and appreciation of your background and history is of great

importance to your personal development and the values you then take with you throughout your life. As society becomes increasingly hectic, and as technology in many ways—somewhat paradoxically—continues to dictate a more distant and aloof future, a sense of community and belonging has never been more important; and herein lies the success of the Parish of the Prophet Elias and the many thousands of families and volunteers who have paved its way.

The parish has become a home. So many have given their time, talents and money to build a place where experiences can be shared, diversity celebrated and support offered to those in need but, just as importantly, the parish has become a bridge, a vital connection between members of the South Australian Greek community, particularly the younger generation, and the homeland and traditions of their ancestors.

It is an understatement so say that the parish has come a long way. From an initial outlay of £1,500, from a small functional place of worship and a tin shed out the back, we now have an icon of Norwood a magnificent church, replete with exquisite iconography and a fantastic community hall. Plato could not have put it better.

I congratulate the parish on its 50th anniversary and the wonderful service it has provided to the community over that time. While this milestone offers an appropriate time for reflection and quiet pride, it is also a great opportunity to look forward to the future with optimism and a true sense of togetherness. Unfortunately, time constrains me from paying tribute to the many people who over the past 50 years have made the parish what it is today, but they all are within my sentiments.

His Grace Bishop Nikandros of Dorileou has done a fine job in leading the clergy here in South Australia for the past 7½ years and has much of which to be proud. I thank Father Stavros Psaromatis, who has made a tremendous contribution to the parish. Along with his team of volunteers, he has fostered a true sense of spirituality and cooperation. I also thank and acknowledge the president of the parish, Chris Koronis, and the chairman of the organising committee of the parish's 50th anniversary celebrations, John Kiosoglous, for his continuing hard work. I extend my very best wishes to all the other volunteers, all the men and women of the parish and the wider Greek community within South Australia for a happy 50th anniversary. It has given me great pleasure to be associated with the community for more than 20 years. I wish them at least another 50 years of contribution to our local community.

GRANITE ISLAND

Mr PENGILLY (Finniss) (15:42): I wish to raise an important issue in relation to South Australian tourism infrastructure; that is, the causeway to Granite Island in my electorate of Finniss. The South Coast, the Fleurieu Peninsula and, in particular, Victor Harbor are visited by hundreds of thousands of people every year. They enjoy the Granite Island experience, whether it is to walk over the causeway to visit the penguins at night or fish off the jetty. A business is operating on the island, along with the penguins, and there is a cafe. Professional and recreational fishermen use the jetty.

These things are being put at risk because of the current state and condition of the causeway to Granite Island. Let me make it quite clear: Granite Island causeway is an icon in South Australia. It is not a heritage icon because it has changed so much from the original that it can no longer be considered heritage. However, in the minds of people it is a heritage item.

Having said that, let me say that I have inspected it and I have had information given to me. Along with Mr Brian Spilsbury—a former mayor of Victor Harbor who heads up a committee on the island—I have observed the condition of the pylons and railings. The years have caught up with the structure, and unless immediate planning and budgeting is undertaken by the Rann Labor government there will be a crisis in relation to the link to Granite Island in the not too distant future. I am not talking about maintenance which has been allocated for next year and which is already in the budget. I am talking about a more serious matter, that is, the long-term future of the causeway to Granite Island. Community groups and individuals are expressing the view that, unless urgent work is carried out, the causeway will be unusable for pedestrians, the much loved horse tram, fishermen servicing their vessels from the jetty, tour operators and hospitality providers, as mentioned earlier.

I believe that an urgent audit and marine inspection should be the first step and then we should proceed, as suggested by Mr Spilsbury, to build an adjoining structure to the east to take vehicular traffic to Granite Island and maintain the existing causeway perhaps for pedestrian use only. I think that is a very good idea from Mr Spilsbury and it is one that needs attention.

It needs fixing for reasons of iconic status and tourism business. It does not need procrastination. We cannot have the situation arise in one year, three years or even five years where the Granite Island causeway is taken right out of the equation for 12 months and restricts all those operations. I think that we need to be planning now. I believe that, in the best interests of everyone, the government needs to undertake an urgent audit of this facility and start planning for a duplication of it, as suggested by Mr Spilsbury. I think it is an extremely good suggestion of his, and it comes from experience. He has lived in the district for many years, if not all his life. He is a respected citizen and still heads the current committee that oversees Granite Island. He has had a lot of experience in this matter.

As I said, immediate remedial work is to be carried out, but that will not be enough. That work is to commence in April, as I understand it, after the main holiday period. Pedestrian traffic will be restricted in places to only single person gangways. Over the next few years, tens of thousands of people—probably millions—will visit the south and Victor Harbor and will walk out to Granite Island and, indeed, will ride on the horse tram, which is a wonderful institution, as I said earlier.

I believe this is an urgent matter that the government needs to consider. I say this in the best interests of bipartisanship. It is not just because it is in my electorate; it is because it is a fundamental piece of infrastructure in South Australia. I know that many of the members in this place have walked out to Granite Island or have gone out on the horse tram. I ask that this matter be put on notice. I will be writing to the Minister for Transport immediately to raise the matter with him and to seek some support for duplicating this structure. This is a different situation, and I need expeditious help on it.

COUNTRY FIRE SERVICE VOLUNTEERS

Mr BIGNELL (Mawson) (15:47): I rise today to congratulate, pay tribute to and thank our 15,000 or so CFS volunteers throughout the state, who do an absolutely amazing job. Given the growth we have had this past winter and the incredibly hot conditions we have experienced in the past week, there is no doubt that this will be a very dangerous bushfire season for everyone in South Australia, and I really want to thank the CFS volunteers for the great work they do in the bushfire season, all the training they do throughout the year week in, week out, and all the road crashes and other incidents that they attend. We could never do it without them and we owe them a great deal of gratitude.

Two weeks ago, I attended a community information night at the Mawson CFS brigade. The member for Reynell, the member for Kaurna and I sent out invitations to people in our electorates who live in bushfire prone areas. It is not only those in the rural areas, it is also those who border large tracts of vegetation. For example, the Onkaparinga gorge goes pretty much through the seat of Mawson, and there are about 6,000 houses in the Woodcroft area that could suffer the same fate as that suffered by many people in Canberra a few years ago during the deadly Canberra bushfires. So, the three members of parliament wrote to about 8,000 people and invited them along to make sure that they knew how to prepare their property to ensure that it was bushfire ready and that they had a plan they had rehearsed and written out to work out what they would do if their home and property was under threat from bushfire.

Unfortunately, only about 80 people turned up. Those 80 people were treated to a very informative night, and there were lots of questions and answers as well as a lot of information being received. That puts it at about 1 per cent of people who were invited actually turning up. I really hope that that other 99 per cent are not being complacent. I am sure they do not know all there is to know about being bushfire ready, and I really do hope that, before things get too much hotter and drier, people find out what they need to do to prepare their homes.

I thank in particular Michelle, who did the briefing that night at the Mawson brigade. Last week I went to the Willunga CFS, where they had a similar evening to educate people about bushfire readiness and also about the new level of alerts, including the catastrophic alert, and Natasha from the CFS bushfire education area came down and did a very professional job there, showing a DVD and slide presentation.

I also pay tribute to someone who is not from South Australia but who does a very great job of promoting South Australia and in particular South Australian wines. Matthew Jukes, as one of the eminent wine writers in the UK, has a huge following, not only of his weekly column but also on his blog site, and each year he does a top 100 Australian wines, which is very keenly followed by many people in the UK.

Yesterday Matthew was here, along with his fellow taster and wine expert Tyson Stelzer, who comes from Brisbane, and they did the great Australian red wine tasting in the Balcony Room here in Parliament House. It was the first time it had been done in South Australia. Given that South Australia is the capital of the Australian wine industry and we do produce the very best wines in Australia, it was probably inappropriate that it had been in Brisbane for the first three years, so I mentioned to Matthew that it might be a good idea to have it down here. I thank them for taking up the offer and the five or six judges they brought with them from the local industry.

I also thank Creon, James and Biddy from the parliamentary catering section who did such a great job in making sure it was a very successful day. I see the member for Schubert over there. I think there is some good news in the results for him and for me, and I think the member for Hammond will not be too disappointed when the gold medals are eventually announced. South Australian wines did very well. They were the top four wines, and the wines were judged from across Australia. They are great results. I will not get in too early and pre-empt the results.

I also congratulate Sharon Romeo and David Swain, who have the Fino Restaurant at Willunga, named the best restaurant in South Australia last night, and Doug Govan at the Victory Hotel, a fantastic pub, which is the south-west peg of the electorate of Mawson. It is where the boundary is. Last year when he did the extensions I told Doug, 'Don't go out too far or you'll end up in Finniss or Kaurna.' He was judged to have the best wine list in South Australia, and he does. He does a great job supporting the McLaren Vale wine industry, as do David and Sharon, and we are very proud of these people.

FAMILIES AND COMMUNITIES DEPARTMENT

The Hon. I.F. EVANS (Davenport) (15:53): Today I wish to speak about the Department for Family and Communities losing or destroying documents. The reason I do this is that, just after the establishment of the department's Special Investigations Unit, the then CEO, Kate Lennon, received a memo in July 2004 stating:

> It has been identified within the [Department for Families and Communities] that there is an urgent and pressing necessity to undertake an independent review of the Special Investigations Unit in light of allegations made against this Unit by the industry sector.

As a result of that memo, the CEO did initiate a review, and it was conducted by the former deputy commissioner of police, Neil McKenzie. I FOId all documents relating to the industry sector. In fact, I FOI'd all documents relating to allegations against the Special Investigations Unit by the industry sector as referred to in the memo to CEO Kate Lennon on 27 July 2004. On 13 November this year, I received a response from the department, stating:

> …a thorough search has been conducted in relation to your request. As no records within the parameters of your request could be discovered, access must be refused.

Let us understand what it is saying. The department is saying that the complaints from the industry sector were so serious in July 2004 that it had to call in a former deputy commissioner of police at short notice—without going to tender—to conduct a review of the Special Investigations Unit, which at that stage had been set up only for a few months such was the level of the complaint from the industry sector about the way in which the Special Investigations Unit was conducting itself.

The department would then have us believe, through the freedom of information response, that there are no documents relating to those complaints. That is a bloody nonsense, because we all know that no chief executive would issue a review of that standing involving a former deputy commissioner of police without the complaints being in writing. No-one at that level would institute a review without the complaints being in writing.

These complaints go directly to the issue of the conduct of the Special Investigations Unit and the way in which it conducted its investigations. This is a matter that I have raised in relation to the Mr Easling matter about which the parliament is well aware. I put this to the parliament: does the parliament really believe that there should be no written records—not a letter, not an email, not a file note, not a diary note, not a departmental file number, not a record, nothing, zip—it does not exist? Does anyone actually believe that? Well, the member for Davenport does not and this side of the house does not. We just do not believe it.

I say to the minister (whose only action really in relation to this matter is not to answer anything): go and ask your department. Has it simply lost the documents? Did the documents never exist (which, of course, is totally not believable, because Kate Lennon acted on them), or have they been destroyed? What has happened to the documents? Surely there is a duty on the

department to maintain the documents, and surely there is a duty on this minister to go in there and investigate what happened to the documents.

How much longer is the parliament going to tolerate the stonewalling by this government on issues related to this matter? The documents did exist; the government acted on them. When anyone wants copies of the documents, suddenly they do not exist. In my view, it is an abuse of process, it should be investigated by the minister and the parliament deserves an answer.

Time expired.

CENTRE FOR PARTICIPATION AND COMMUNITY ENGAGEMENT

The Hon. L. STEVENS (Little Para) (15:57): I would like to raise two matters this afternoon from my electorate. First, I congratulate the University of South Australia on the launch of its Centre for Participation and Community Engagement. I attended that function last week; and I know that the member for Light was there, together with the federal member for Makin. I would also like to congratulate Karen Grogan, who has been appointed director of the new centre. The information handed out at that function states:

> This centre has been established to coordinate the university's aim of increasing opportunities for participation in lifelong learning. The University of South Australia and its antecedent institutions have a long history of working with communities in the northern Adelaide area to strengthen, focus and coordinate activities that will involve and improve educational outcomes.

I would like to acknowledge the fact that the University of South Australia has indeed had a long history of a range of innovative projects to support better retention and better access to university and tertiary education and lifelong learning. Some examples are the scholarships that they offer and the very impressive Lapsit program for young children in play groups. Certainly, I acknowledge the wonderful effort they made, when I was Minister for Health, in placing students in allied health disciplines in local health centres to provide extra power to address waiting lists and provide services. So I congratulate them and look forward to working with them and seeing the results of their efforts.

The second matter I want to raise, however, is not such a happy and positive matter. I have spoken in this house on a number of occasions about the wonderful work done at the Elizabeth Grove Children's Centre, Elizabeth Grove Primary School, where a range of agencies, including the Women's and Children's Hospital and local groups, have provided services for over 1,200 families. The Turn Around project was primarily funded by Good Beginnings Australia, and this non-government organisation has always struggled to receive ongoing sustainable funding. For a while it was funded by our own education department but over the last two or three years had been funded by the federal government through crime prevention funding. That funding has now ceased and Good Beginnings has had to close most of its operations at Elizabeth Grove, thereby causing a major threat to the Turn Around project and cessation of many programs.

Similarly, in relation to a neighbouring school, Salisbury North Primary, I received a very disappointing email from Ms Louise Mather from Good Beginnings, and she said it was a very sad time at the Salisbury North community, which has been attending groups and programs at the Early Years Centre at Salisbury North Primary for the past eight years. They have had to close down a range of projects at that school, all in the area of early years and early intervention.

My point is that, if we are really serious about making a difference to the outcomes of young people in the northern suburbs—or anywhere else, for that matter—we have to do it better. Federal, state and local governments, the private sector and non-government sector must provide a joined-up response so that good programs—programs that are making a difference—are not simply funded by small buckets of money that are easily knocked off. We have to change the way our major agencies work so that those things continue.

Time expired.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 28 October 2009. Page 4508.)

The CHAIR: We deal first with matters relating to the examination of the Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts and Minister for Sustainability and Climate Change, to last for 30 minutes. Premier, is there some arrangement for managing the team of supporters?

The Hon. M.D. RANN: I think we will manage. I want to say how much I appreciate the consideration of the Leader of the Opposition and the Opposition Whip in terms of changing the arrangements today to bring this forward.

The CHAIR: I remind people that this is the normal committee process and it is necessary to stand when asking questions. All questions must be referenced and relate strictly to matters contained in this year's Auditor-General's Report.

Mrs REDMOND: My first question relates to Volume III, page 931, and deals with the table which sets out remuneration of employees. I note that there are now six employees earning above $390,000 per annum. What are each of their roles?

The Hon. M.D. RANN: I will give the member the full list, but it is a good question.

Mrs REDMOND: I also note that, at the very bottom of the columns on that table, last year there was an employee in the range $560,000 to $570,000 (effectively). That position is no longer paid at that rate. Can the Premier explain who that was, what the position was and why that person is no longer there?

The Hon. M.D. RANN: I think that relates to the line that relates to judges and others, from memory, but I will get a full report on that.

Mrs REDMOND: Moving to a different part of Volume III at page 905 about a third of the way down is the heading of Shared Services SA. How many employees from the Department of the Premier and Cabinet have transferred to Shared Services SA thus far and how many more are expected to be transferred from the department?

The Hon. M.D. RANN: I will get those figures for the honourable Leader of the Opposition, but I would imagine there would be a number of IT people who would move over in terms of shared services in the future.

Mrs REDMOND: Moving to page 913 of Volume III on the issue of supplies and services, can the Premier explain the two categories of supplies and services, that is, the internal and external to the SA government? For example, accommodation appears in both lists. What is the difference between accommodation provided by entities within and external to the SA government?

The Hon. M.D. RANN: We pay accommodation costs, rentals and leases to the Department for Transport, Energy and Infrastructure (DTEI), so while it is government paying the government, that has always been the case. The various parts of the administration rent accommodation from DTEI but we also rent accommodation from outside or external bodies from the private sector.

Mrs REDMOND: Does that mean that, wherever an internal entry appears for something like accommodation, there will be a corresponding entry for remuneration or income to another department?

The Hon. M.D. RANN: I am advised that the suggested answer be yes.

Mrs REDMOND: That sounds more like a hope than an assertion. On page 915 of the same volume, so just over the page from where we were, in reference to the grants and subsidies which is at item 15, can you explain what 'in-kind revenue' is, since it was $1.23 million in 'in-kind revenue' received as grants and subsidies in the current year?

The Hon. M.D. RANN: I will get a report on that.

Mrs REDMOND: Madam Chair, I cannot tell you what a wonderful experience this is. It is so useful, getting all this information about the Auditor-General's Report. Over on page 921 still in the same volume, item 30 deals with unrecognised contractual commitments and, in particular, remuneration commitments. If you look at it, there's basically $27.199 million in wages for contractors and I want to know: is this $27.2 million in wages for contractors included in the $83 million employee benefits expenses on page 895, or is it separate?

The Hon. M.D. RANN: It is separate. Essentially, it is what we would have to pay out to those people in conglomeration; so it is separate.

Mrs REDMOND: Why are there so many contractors, and can these contracts for one year or five years be extended as they expire?

The Hon. M.D. RANN: I am advised that these would mostly be contracts for executives which can, of course, be terminated or can be extended.

Mrs REDMOND: Are there any standard conditions around extension or does that vary with each contract?

The Hon. M.D. RANN: As I understand it, normally the initial contract would be for five years, and then generally it would be a three year extension, which of course could then be extended again, although there have been circumstances where five year contracts have been followed by five year contracts when we have been keen to retain someone with outstanding merit.

Mrs REDMOND: Madam Chair, perhaps before I go on with some questions on the arts, I will ask the shadow for economic development to take some questions.

The CHAIR: Certainly. The member for Waite.

Mr HAMILTON-SMITH: There may be some overlap here with Trade and Economic Development which is the responsibility of the Treasurer so please let me know if that is the case. I am referring to page 1427 which deals with receipts from restructure activities within the Department of Trade and Economic Development. Was the almost $3 million indicated there the total amount paid for the DTED restructure, and what was this money spent on?

The Hon. M.D. RANN: We will get a report for the honourable member.

Mr HAMILTON-SMITH: Is the Premier able to tell us how many employees there are presently within DTED?

The Hon. M.D. RANN: I am not trying to dodge the questions because that is the last thing I would ever want to do, but I think you will find this comes under Kevin Foley's ministerial responsibility. I might be able to help actually. For FTEs for 2009-10, I am advised that the numbers are 204.6 FTEs, which compared to 2008-09, an estimated result of 214.8; and in 2007-08, it was 206.

Mr HAMILTON-SMITH: I move to the question of overseas offices. It is on page 1438 of Volume IV, section 11. There seems to have been an increase in operating expenses to maintain our overseas offices. Could the Premier explain to the committee why that increase in expenses has occurred and what the money has been used for?

The Hon. M.D. RANN: Net expenditure for the overseas offices was $3.391 million in 2008-09 compared to $2.266 million in 2007-08. The increase is due to increased costs associated with the full year operation in India, because India was being set up. We have a fantastic person in India heading a good team. His name is A.K. Tareen. He used to work for the federal government. He is an Australian citizen of Indian origins. I know that the universities are very thankful for his work because, when ministers come through, he organises big recruiting drives to recruit Indian students, as well as skilled migrants, as well as investment.

We have had spectacular exponential results. In fact, the growth in Indian students has been recognised nationally to the point where Indian students are now second to Chinese students. Of course, overseas students are now our fourth biggest export. I understand we now have about 30,000 overseas students compared to about 6,000 or 7,000 at the start of the decade. We are very pleased, as are people from the wine industry, engineering, environmental services and others, with the work done by A.K. Tareen in Chennai.

We have established an office in Chennai. The reason that we chose to establish an office in Chennai, which might seem unusual, is that others were located either in Mumbai or Bangalore. Of course, there is an Australian trade commissioner and also Consul General in Mumbai and the High Commission in Delhi. I know certainly Queensland is represented in Bangalore. We thought it was a good match. Of course, Tamil Nadu is now a sister state. It is a very large state and Chennai (its capital) is regarded as one of the rising giants of India industrially in areas of interest to our state. In fact, I think you will find that most people in the business community believe that it was a wise decision to go with Chennai to catch a rising tide.

Mr HAMILTON-SMITH: I move to the issue of consultants and contractors, which is covered on page 1437 of the same volume. Will the Premier list the consultants engaged and the purpose of the consultancy for each of the 15 consultancies over $50,000?

The Hon. M.D. RANN: Above $50,000, they are:

- Ernst & Young: provision of a strategic options analysis report for the Tonsley Park site and recommended structure for a business case; the development of a business continuity plan

that incorporates work done to date, the pandemic influenza response and IT disaster recovery.

- EconSearch: shift share analysis of regional growth/decline.
- Brian Hayes QC, Special Envoy to India: required to strengthen bilateral relations between South Australia and India in the areas of trade, investment, education, migration and tourism. Again, he is doing an outstanding job. I do not know anyone better connected in India than Brian Hayes QC.

Mrs Redmond interjecting:

The Hon. M.D. RANN: Of course, you would be aware that Mr Hayes QC was the head nationally of the Australia India Business Council some years ago. The list continues:

- Bruce Carter: provision of commercial and strategic advice in relation to the Olympic Dam expansion project.
- Indecs Markets: provision of economic advisory services for the preparation of the economic statement.
- Strategon Capital: development and delivery of workshop programs at metropolitan and regional locations, aimed at building business capability in workforce development.
- ACIL Tasman: report on priority services for industry development in South Australia via a knowledge intensive services research project assessing SA's service capability.
- Hudson Howells: Immigration SA On Arrival Services Housing Feasibility Study—to develop a feasible model for the delivery of a private and non-government accommodation service for newly arrived migrants to South Australia; cost/benefit analysis of major development proposals in Whyalla; and prepare a scope document for the development of a support system for delivery of inwards investment.
- Aurecon Australia: review of the operations of ICNSA in order to identify ways in which to improve the services and promotion of services to increase the opportunities for local businesses to generate business from major projects being undertaken in South Australia.
- AECOM Australia: mapping South Australia's potential marine energy zones; benchmarking review into industrial development in South Australia; involved in undertaking an examination of costs and relevant frameworks associated with developing industrial premises for occupation and operation. Obviously, that is a number of different things.
- Tourism Futures International: review of stages 2 and 3 of the development of the South Australian government's aviation strategy 2009-14.
- KPPM: organisational strategists that developed a scoping paper on the future small business development council work plan for the next two years; review of the manufacturing consultative council; review of existing MCC membership appointments as a result of the Government Reform Commission and DPC Circular No. 22; project management of regional profiles project involving a socioeconomic environmental analysis and review of regional profiles.
- Aspirion: advice on aviation industry attraction opportunities.
- KPMG: application security risk assessment of DTED's visa processing application; report on the effectiveness of the existing DTED small business programs; the development of IT Strategic Plan 2009-11; risk assessment of the migration website; assess the competitiveness of SA's residential, commercial and industrial land supply in comparison to the greater metro regions of other capital cities.
- TMP Worldwide: online and offline creative strategic services for careers promotion campaign, including advice on public relations strategies, project management, website design/scope and creative development of project.

I think that seems to be it. If the member does not mind, I will track back to the overseas offices. I mentioned India, but we also have offices in Dubai, Singapore, Shanghai and Jinan. In 2008-09, the commercial overseas office network directly facilitated in excess of $90 million in exports from South Australia; 27 South Australian delegations (including official ministerial-led missions) and

various participant groups for offshore trade exhibitions; the provision of commercial advice and/or market intelligence to more than 300 South Australian businesses and organisations; and numerous buyer/investor group inbound missions to South Australia.

In addition to those offices that have been long standing (although when we got in we got rid of, I think, one or two offices in Indonesia and the office in the United States, based on performance), during the year the South Australian government announced an extension of the overseas network into the emerging markets of Chile and Vietnam, which will take effect from April and August respectively: Santiago in Chile (I think that is co-located with our federal colleagues) and Ho Chi Minh City in Vietnam. The Hong Kong, Chile and Vietnam office services are delivered through service agreements with the Australian Trade Commission (also known as Austrade). Additionally the office of the Agent-General in London, covering the United Kingdom and Western Europe, also contributes to the state's trade, investment and migration targets. However, this office is administered and managed separately by the Department of the Premier and Cabinet.

Mr HAMILTON-SMITH: I refer to Volume IV, page 1421, 'Financial assistance grants'. I note audit's comment that 'some project managers were not providing the officer with sufficient and prompt information on the status of outstanding obligations'. I think this observation by the Auditor-General relates to $20 million in financial assistance grants paid in 2008-09 to organisations mainly for industry and regional development. The grant recipients must fulfil certain obligations specified in the grant agreements, and the auditor suggests that that process is not being followed there and makes the appropriate comment. Will the Premier explain to the committee what action has been taken to remedy that observation?

The Hon. M.D. RANN: Certainly. I guess this comes down, on financial assistance grants, to the issue of monitoring of obligations. The department recognises the importance of monitoring outstanding obligations and now reports on obligations outstanding for more than 60 days instead of 100 days (what it was before). So, a tightening up from 100 days to 60 days. Obligations outstanding greater than 60 days and the status of each obligation are reported to the budget and finance executive committee on a monthly basis. The department is addressing all outstanding obligations greater than 60 days and aims to clear all obligations outstanding for more than 60 days. The types of obligations overdue relate to the provision of progress reports or financial acquittals. Generally, these types of obligations do not relate to clawback provisions.

Mrs REDMOND: I want to ask some questions about the arts portfolio, and I refer to Volume I, page 38. Under the heading 'Internal controls' there is a statement: 'The audit identified some areas where internal controls, documentation of procedures and compliance with existing procedures could be improved.' It then details a whole string of areas where they could be improved. The first part of the question is: when does the minister expect that his department will, as recommended by audit, establish formal processes to ensure compliance with Treasurer's Instructions Nos 2 and 28?

The second part of the question is: what is the penalty to be imposed, given the failure to comply to date with Treasurer's Instructions, no matter what they are, given that this government sacked Kate Lennon for failure to comply with a Treasurer's Instruction?

The Hon. M.D. RANN: In responding, I would like to mention assistance being given to me by the new head of Arts SA, Alex Reid, who has just had her position confirmed, having been acting in it for some time. As I understand it, what the leader is referring to are some internal controls, and what the auditor identified and what the leader has mentioned are some areas where internal controls, documentation, procedures and compliance with existing procedures could be improved.

For the benefit of this committee and this house, these mainly relate to maintaining current policies and procedures for all areas, controls over vendor master file maintenance, controls for BASS EFT collections from agents and BASS event bill changes, returning appropriate payment delegations for large payments such as BASS settlements as required by TI8, and timely approval of the trust's charter performance statement and financial obligations. The Adelaide Festival Centre Trust (AFCT) has advised the Auditor-General that it will continue to review and update policies and procedures to ensure that information is accurate and that current processes are outlined.

The Festival Centre Trust will also establish and monitor a timetable for the regular review and update of all policies and procedures. Considerable progress has already been made towards updating existing policies and procedures and addressing gaps identified through the development of a financial management compliance program. Steps have already been or will be taken to

improve controls over vendor master file maintenance and BASS EFT collections and the timeliness of approvals. The trust is in discussion with the Auditor-General about controls for BASS event bill changes.

The trust has agreed to seek approval for its annual performance statement as soon as practicable following notification of its annual funding and the approval of its budget. The charter will be reviewed annually after the audited financial results are available. The minister and Treasurer will be notified about the charter at the same time as the actual results against the prior financial year's performance statements are reported.

The trust also intends to seek clarification from Treasury on the application of TI8 to payments for BASS settlements. These are transfers of promoter funds held in trust. Under approved contracts, box office takings are transferred to promoters' designated accounts on the completion of shows, net of any Adelaide Festival Centre fees or charges for services, as authorised by the relevant business areas.

Mrs REDMOND: Again I ask the Premier the question that I just asked, and I had already read all that information in response. The question was twofold: when does the Premier expect that these Treasurer's instructions will be complied with by this organisation, and why is it that this government saw fit to dismiss Kate Lennon for failure in a very minor way to obey a Treasurer's instruction and yet seems to ignore it on every other occasion for every other organisation?

The Hon. M.D. RANN: I think I just pointed out the time lines in terms of the obligations when the budget has been approved.

Mrs REDMOND: I give up. I ask the Premier about the statement of cash flows for the Adelaide Festival Centre Trust on page 42. I was a little puzzled reading that statement of cash flows, and maybe it is just because I am dumb, but the notes underneath indicate that the cash held includes $4.2 million held for promoters. I could not find a figure that represented that anywhere, and I assume from the table on page 42 that because it is held for promoters it is in effect held in trust and therefore does not appear in the books. Can the Premier confirm whether that is the case, and also explain the very last statement that cash flows from the SA government amounted to $13.5 million and are included in operating activities? The last sentence states:

> The trust is highly dependent on the SA government for funding both operating and investing activities.

I wanted an explanation of why that is the case given that my understanding was that when we passed legislation in this house specifically to enable the trust to get rid of the ownership of the building, the debt that went with it, and so on, that we would then find that the trust was self-sufficient. My understanding is that, in fact, the trust is able to manage its affairs. I was concerned when I read that last sentence, which said that the auditor found that:

> The trust is—

not was, but is—

> highly dependent on the SA government for funding both operating and investing activities.

The Hon. M.D. RANN: I will get a report for the honourable member. Some of the matters I did address in the previous reply, but I will get a fuller report.

The CHAIR: The time for this examination has concluded. We now proceed to the examination of the Minister for Transport, the Minister for Infrastructure and the Minister for Energy for 30 minutes. I remind members that normal committee rules apply, that is, people are required to stand to ask and answer questions, and questions must be about matters referenced by line in this year's Auditor-General's Report. The member for Morphett.

Dr McFETRIDGE: I refer to the Auditor-General's Report, Part B, Volume V, page 1467 relating to total remunerations. What are the seven positions listed in 2009 that attract remuneration over $160,000 and what do those people do? Also, who are the two at the top being paid $230,000; what are their roles?

The Hon. P.F. CONLON: If I understand the question, the honourable member wants to know who are the people who earn—

Dr McFETRIDGE: Not by name, by position.

The Hon. P.F. CONLON: Yes, who earn over $100,000; is that right?

Dr McFETRIDGE: Who earn over $160,000.

The Hon. P.F. CONLON: Seven people earn over $160,000. I will bring that information back for the honourable member. I imagine that they are the chief executive, the deputy chief executive and the various executive directors. I think there are five of those. No, there are 12 executive directors. Off the top of my head—but we will get the honourable member the detail—we are talking about the chief executive, the deputy chief executive, the general manager of TransAdelaide—I am sorry, these are the TransAdelaide positions. We will get that detail for the honourable member. Obviously, there is a general manager of TransAdelaide. There is a manager of operations, which is a new position. I will find out who the others are.

Just so we understand before we get off on some sort of criticism of people being paid too much at TransAdelaide, TransAdelaide is better funded under this government than it ever was before. It was set up for privatisation by the previous government. It became a place where redeployees were sent before it was corporatised as a vehicle to sell. Since coming into government there has been a transformation by us. The funding has been restored, and we are going to invest in rail in a way that we have not done before. However, before we go too far down the path of suggesting that these people might be paid too much, it is regrettable that the general manager, Bob Stobbe, who has done a terrific job since he has been there, is leaving to go to ETSA. That is because the private sector pays much more than we do.

I will give the answer now. They are: the general manager; the chief financial officer; the executive manager, safety; the executive manager, customs; the chief operations officer; the executive manager, infrastructure; and the executive manager, special projects. However, as I said, unless you want people who have less than the skills that you need for the organisation, they are the sort of salaries that need to be paid.

Dr McFETRIDGE: I am certainly not criticising their remuneration or the job they do. In fact, it is disappointing that Mr Stobbe is leaving, and it would be nice if we could match the private sector. I think I remember that if Mr Hook was paid at the same rate as the first rail commissioner he would be getting $1.5 million, and I do not think we are going to pay him that.

On the same reference, page 1467, the total TVSPs in 2009 amounted to nil. How many TVSPs does the department expect in 2009-10?

The Hon. P.F. CONLON: This is for the department of transport or TransAdelaide?

Dr McFETRIDGE: TransAdelaide.

The Hon. P.F. CONLON: We do not forecast any TVSPs, which is understandable, given the expansion program in TransAdelaide. In fact, I think we are training 20 new drivers as we speak, 10 of whom are women. So, while across government there are savings, given the massive investment of this government in public transport, TransAdelaide is not a place where we will need fewer people. It is a place where we will need more people.

Dr McFETRIDGE: I refer to the Auditor-General's Report, Part B, Volume V at page 1469—consultancies. The number of consultants has gone from 39 to 84. The cost has only increased by $128,000, which is remarkable. Can the minister give details about the types of consultants and how the government is able to get such value for money?

The Hon. P.F. CONLON: I will get the details, but most of those consultancies go to getting experts around, for example, asset management, which is an area where we see the need for improvement. Members will remember that in the last few years, and I think coincidental with Bob's appointment, we appointed an operations manager. I went to the station a few months after the appointment and they were very pleased to see an operations manager on the shop floor, so to speak. We have some experts looking at the various areas where we think we want to improve coincidentally with the massive rail revitalisation program. In regard to the details, I assume these are people who come in and go out rather than being long-term appointments, and we can get that for the member. I do not have it here.

Dr McFETRIDGE: I refer to the same volume at page 1475, remuneration commitments. The explanation is that these items relate to fixed term contracts, which are, understandably, financial commitments but not yet recognised as liabilities. The financial commitment has increased from $4.9 million to $14.3 million. The majority of these increases are accounted for by an increase in contractual commitments within the one to five year time frame. Can the minister tell the committee the number of contracts in existence which make up the $1.43 million total?

The Hon. P.F. CONLON: I would have to take that on notice. I do not have that level of detail with me.

Dr McFETRIDGE: Can the minister also let us know whether these contracts are mainly for outsourced work for departmental employees? That is all for TransAdelaide. Can I thank Mr Stobbe for his input into the state. He is a delightful person to have dealt with.

Minister, I refer to the same volume, page 1479. This is probably not quite groundhog day but deja vu or 'deja three'. Regarding the basis for a qualified auditor's opinion on commonwealth grants on pages 1478 and 1479, the report comments that there were certain inconsistencies in the accounting methods used and that one of the problems this has caused is an understatement of the department's operating income where the receipt of commonwealth grants is concerned. I think you have explained this before, minister, but you are obviously still having the disagreement with the Auditor-General on the way commonwealth grants are being reported.

The Hon. P.F. CONLON: It is not commonwealth grants: it is the particular $100 million. Again, we were offered it with 24 hours to go towards the end of a financial year and told by the commonwealth to accept it or not within 24 hours. I must put on the record that it is a much happier relationship with the commonwealth now, a much more cooperative one, and you would understand that as a minister responsible for road building, if the commonwealth offers you $100 million and tells you to work out whether or not you can take it 24 hours before the end of the financial year, then your tendency will be to take it if it is at all possible because it is $100 million spent on roadworks in the state.

At the time, we were told in an opinion from Treasury—and to be very fair to Treasury, it is a pretty heated time frame in which to offer an opinion—that in accounting standards, it could be accounted a certain way. The Auditor-General subsequently did not agree with that. So, what will happen is that, until such time as those moneys are fully expended—and can I say we were very happy that, from memory, the first expenditure of those funds where we expected to use the $100 million on the Sturt Highway only cost us $80 million, so we had $20 million to carry over and add to some other programs. I have to say it was mostly for the benefit of the member for Schubert's electorate and perhaps a little bit of the member for Stuart's electorate. Anyway, it is money well spent.

Until such time as that project is absolutely completed, the Auditor-General will continue to give a qualified audit on those accounts. It will be a number of years yet, but I am more than happy to provide you with the actual detail of those grants. We try to do everything the Auditor-General asks of us. That is what we do. We try to establish a relationship so that we understand what the Auditor-General requires and we try to do that. At the end of the day, I would rather be criticised by the Auditor-General and spend the commonwealth funds in South Australia than be lauded by the Auditor-General and leave the money in Canberra.

Dr McFETRIDGE: It just seems strange that we cannot satisfy the Auditor-General or that he has to change his—

The Hon. P.F. CONLON: I can satisfy the Auditor-General by not taking the money. That would have been satisfactory to everyone except the people who got the roads built.

Dr McFETRIDGE: No, I do not believe in giving the commonwealth its money back on anything. I refer to Volume V, page 1479, and that dear old favourite of ours, TRUMPS. The Auditor-General confirms that an appropriate standard of control was not in place over the last financial period and that audit is still unsure whether all transactions have been accurately reflected. Is the minister able to assure the house that these transactions are accurately reflected in the budget papers?

The Hon. P.F. CONLON: You have to understand that the Auditor-General looks back on the entirety of 2008-09 and you will note in the text of the Auditor-General's Report that he identifies that the department has implemented comprehensive and coordinated action to address those concerns. But the simple truth is that those concerns were addressed during the audit period. For the entirety of 2008-09 they were not in place and, if they were not in place for the entirety, therefore you get a qualified audit for that which relates to that proportion of 2008-09 where those things were not in place. What we are confident of now is that all is in place that should be and that everything being equal we will not be seeing any more reference to these matters in the Auditor-General's Report for 2009-10 because the entirety of that financial year would have seen those matters and those processes in place to satisfy the Auditor-General.

I note that in the Ombudsman's report on energy this year, for example, two of the energy firms introduced new billing systems and had their complaints go through the roof. A factor of new and complex software is that you tend to have teething problems and some process issues. I think

it has probably gone better than the private sector in terms of some of the private firms and their billing. But the matters were addressed and put in place, we believe, at present to the satisfaction of the Auditor-General, but we obviously do not get that answer until the Auditor-General's Office looks back on the year that will be concluded at the end of June next year.

Dr McFETRIDGE: I was helping a friend get their late husband's car registered the other day and I casually asked about TRUMPS and how it was getting on. The person said that they seem to fix half a dozen things and upset three things in the process, so let's hope we do get it sorted. On page 1480, the audit says it still has no assurance for the 2007-08 period that all payments received were recognised in TRUMPS, that the funds recognised were in fact received and banked, and that payments to third parties were correctly calculated. What planned action and committed resources have been dedicated to resolve these issues, minister?

The Hon. P.F. CONLON: Essentially, it is the same answer. The Auditor-General recognises that those resources have been committed and that the problems have been addressed. I do not have a time machine so I cannot really go back and fix things that have happened in the past. All we can do is fix them up at a point in time into the future and that is what has occurred and that is what the Auditor-General has recognised. It is fruitless to ask why we cannot go back and fix the ones before because we cannot because they have been and gone. It is the past.

It is just so gratuitous to come into the parliament, a serious place, examining the Auditor-General's Report and throw in a little alleged hearsay from some person working at Services SA on the performance of TRUMPS. It is pretty cheap, isn't it? Some unnamed person allegedly told the member for Morphett that it is no good. Some member, some person—

Mr Goldsworthy interjecting:

The Hon. P.F. CONLON: Modus operandi.

Mr Pengilly interjecting:

The Hon. P.F. CONLON: No. I tell the member for Finniss that the big difference is that when I was in opposition, I pursued your premier and got him because I was telling the truth. I was not hearing voices like the member for Morphett. I was not hearing voices.

The CHAIR: Order!

An honourable member: You said you didn't want to get him in the end.

The CHAIR: Order!

Dr McFETRIDGE: Yes, you're right: he didn't want him. He can't help himself this bloke, he really can't.

The CHAIR: Order!

Dr McFETRIDGE: Volume V, page 1484, the final paragraph states that the chief executive must approve the deferral of recreation leave balances when that balance is in excess of one year's entitlement. In prior years, audit has found that a number of employees had balances in excess of 150 hours and that situation remains. Is the minister aware of the total leave entitlements in monetary terms held by staff within the department?

The Hon. P.F. CONLON: Can you say that last bit again, please?

Dr McFETRIDGE: Is the minister aware of the total leave entitlements in monetary terms held by staff within the department in excess of 150 hours?

The Hon. P.F. CONLON: Your question is: do I know which staff in the department have leave entitlements in excess of 150 hours?

Dr McFETRIDGE: What is the total of them?

The Hon. P.F. CONLON: What is the total of them? I have to say that I did not think it would happen but he has got me. I do not know that. I do not know whether there has ever been a minister in the history of the department for transport who has known that but I tell you what: I will make sure that I get a note from the department. How many employees do we have in total across Energy and Infrastructure? There are 3,200. I will make sure that I find out to the person as up-to-date as I can who has more than 150 hours' leave. Can I say that some people who are extremely valuable find it hard to take leave. It has been the way of world as long as I recall it.

Mr Pengilly interjecting:

The Hon. P.F. CONLON: What's that, the member for Finniss? You reckon I should take more leave?

Mr Pengilly interjecting:

The Hon. P.F. CONLON: That's the nature of it. It is very hard. It is a good idea to get people off on leave and then, at the end of the day, it is often difficult. It is something that we try to manage and I will get that answer for you but you will have to forgive me for not knowing. I don't think anybody here knows that off the top of their head.

Dr McFETRIDGE: On page 1485, Volume V, audit has identified poor follow-up procedures of outstanding debtors and that the contract between the department and the debt collection agency has expired. What is the current balance of outstanding debts for DTEI?

The Hon. P.F. CONLON: Page 1518 of the Auditor-General's Report under placitum or item number or paragraph No. 25, 'Receivables', shows current receivables of $93,417,000 and non-current receivables of $401,000. I am not sure if that satisfies the question you have asked but that is the information available. We can provide you with the detail if it is really of interest to you.

Dr McFETRIDGE: On page 1487 the report states that TRUMPS was implemented without a formal sign-off report being presented to the steering committee and the chief executive. How does it occur that such an influential system was implemented without undergoing an appropriate approval process?

The Hon. P.F. CONLON: I think we just discussed this. I can assure you that the chief executive and I were both entirely aware of the 'go live' date because I asked a number of questions in the lead-up to it because you would remember that Western Australia introduced a like system with some dreadful consequences at the start-up.

The 'go live' date was very keenly on our mind. The project sponsor for TRUMPS was the executive director, Safety and Regulation Division, who also chaired the project steering committee. The executive director had the single point of accountability for the project outcomes. Where there were specific matters that should be brought to the attention of the chief executive, they were dealt with on an individual basis, but whether there is some issue about the formality of the sign off with the chief executive, I can give you an ironclad guarantee in this chamber that the chief executive and I were very conscious and aware of the 'go live' date. We discussed it a number of meetings in the lead-up, but the process that was used was to make the executive director of safety and regulation the responsible officer and to chair the project steering committee. While I assume the Auditor-General may have looked at the formality of the process, I can assure the Auditor-General and this parliament that the chief executive was very well aware of the 'go live' date and the significant dates leading to it and afterwards.

Dr McFETRIDGE: Further down the same reference page, it goes on to say that personnel in the department had excessive privileges presenting possibilities for unauthorised transactions, low integrity data and access to confidential data. I note the comment that resolution of all matters was expected in 2009-10. Where are we with that particular issue?

The Hon. P.F. CONLON: It is one of those matters that has been addressed during the timetable. Again I go back to the point that the Auditor-General looks back at the total time, that is, 1 July to 30 June 2008-09. So, for that period and until they were addressed during that period, those matters were still alive and still subject to the audit comment. Can I explain again, as I did last year—I think the member for Mitchell asked a question on this last year—the privilege we are talking about was not access to any confidential or any other information that the department held, but access to web pages; that is, as I understand it, the person had more access to it than they needed for the job they were doing, and if they got off on a frolic on their own they might change the look of one of our web pages, which it would seem to me to be a peculiar thing to do in any event, but that is what we are talking about.

The notion that there was any access to any information of a nature that we would be concerned about their having is simply not the case. The matter was raised by the Auditor-General. The controls were put in place. From memory, we are talking about software designers who work on some web pages getting access to web pages that perhaps they should not have or was not necessary for their job. There is no evidence that they ever used that privilege for anything, because, I have to say, you would have to be a complete nerd and very boring to want to do

something like that, I would have thought, but, then again, there are in nerds in this world—I have seen the program.

Dr McFETRIDGE: I refer to Volume V, page 1496, fees and charges. There has been a variation in fees and charges. Most of the revenue has gone up. Minister, will you be able to maintain that level of increase if, as was reported, you are cutting transport compliance officers at Murray Bridge?

The Hon. P.F. CONLON: I am not quite sure where one thing led to the other—cutting compliance officers at Murray Bridge and fees and charges increasing. I will set aside the bizarre comment about compliance officers. The truth is that fees and charges in this government are adjusted in most areas of government, including ours—with some exceptions which I can come back to—according to a formula created, I would guess, under the time of Rob Lucas being treasurer; that is, a parcel of matters are looked at, including CPI. I have a note that registration and licensing revenues are not related to compliance officers.

We are criticised for increasing fees on exactly the same basis that was created by the Liberal treasurer. I am sure you would have thought that it was appropriate then. We do not believe that absolutely everything you did was wrong, and we continue to use that. I do not know what association you can have between regulation and licensing revenues and compliance officers. What I can say is that we use the formula that you used, but, from memory, we adjusted some items in accordance with cost recovery in order to make sure that we can provide the services more promptly, which was a balance between subsidising those services and their not being available to people when they needed them, for example, vehicle inspection. Mostly we move things by the formula that was being used in the past.

A variation of 18 million in motor registrations was a result of an increase of 3.5 per cent for the 2008-09 financial year, which is consistent with the formula used across government for fees and charges. I do not know that anything happened that would not have happened every other year and, of course, compulsory third party is a matter for MAC and not the Department for Transport, Energy and Infrastructure.

The CHAIR: The time allocated for examination of matters relating to the Minister for Transport, Minister for Infrastructure and Minister for Energy having expired, we now move to examination of matters raised in the Auditor-General's Report in relation to the Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations. I remind members that the normal rules relating to a committee of the whole house apply and members must stand to ask and answer questions. All questions must be referenced by line in the Auditor-General's Report of June 2009.

Mr GRIFFITHS: I refer to Part C, page 12, specifically the comment towards the bottom of the page which refers to public sector wage increases and 2.5 per cent. Previously you have said that, if wage outcomes are limited to 2.5 per cent growth, the saving will be some $290 million of the $350 million that is targeted and required as part of the Sustainable Budget Commission in 2012-13. We know that $150 million of that target is in 2010-11, $250 million in 2011-12 and $350 million in 2012-13. If wage outcomes are kept to 2.5 per cent, will the Treasurer provide comment on the savings outcomes that will be achieved in 2010-11 and 2011-12?

The Hon. K.O. FOLEY: I have already made those comments public. I am not about to do the job of the opposition. What I have said is that we will not be able to demand a 2.5 per cent outcome. We will be seeking a 2.5 per cent outcome. Should we not be successful in 2.5 per cent, it will add to the savings task that will have to be obtained from non-wage areas. In terms of the potential savings, I think the honourable member outlined that in the question itself.

Mr GRIFFITHS: Certainly, the Sustainable Budget Commission total requirement savings for each of those financial years is well known, but my question relates to retaining budget outcomes to the 2.5 per cent and what portion of the $150 million and $250 million claims in those two years will be achieved?

The Hon. K.O. FOLEY: I have answered the question. I do not want to do the work of the opposition. I have said what my goal is and I have said what in quantum that will give us in relation to our savings requirement. Anything more than 2.5 will be an added component that the budget commission will have to find post the election.

Mr GRIFFITHS: The Treasurer has certainly commented on the fact that $290 million of the $350 million in 2012-13 is out there. Given that 2010-11 and 2011-12 results are important, I

want the parliament to be advised of the outcomes in relation to the $150 million and $250 million targets by keeping wage outcomes to 2.5 per cent.

The Hon. K.O. FOLEY: Parliament may be wanting that information—but think it through! Various wage agreements are coming up for negotiation. The timings vary and they have various classifications. I certainly do not have that information at hand. Secondly, I am not wanting to flag for the groups with which we will be negotiating anything more than what I have said publicly already in the budget. I will not give forensic information to either the honourable member or the various unions involved about what the breakup may be, but you can go back to the original answer that there is a quantum of $290 million in aggregate terms across all sectors.

The main one we are going for initially will be the Public Service Association. I am not sure exactly when that EB comes up, but I think it will be negotiated before the end of this year or it may drift into next year. If the honourable member's question is, 'What is the exact timing of when the savings will be allocated in each year,' it will depend on the cycle of the EBs, as and when they come through. I do not have that information here, and I do not intend to make information public as it relates to wage negotiations so that I do not in any way further complicate what is always a very sensitive issue for governments.

Mr GRIFFITHS: I appreciate that this is a sensitive issue because, with a public sector remuneration cost of some $6 billion in the current year, the total cost paid to about 90,000 people who work in the Public Service is an enormous issue. The Treasurer has flagged that part of the responsibility of the Sustainable Budget Commission is to identify these levels of savings. He has flagged the fact that $290 million in 2012-13 will be achieved through a particular method. I understand the timing of the different EBs and how they might impact upon that, but I would hope the Treasurer has information available to him that identifies what percentage of the savings of the $150 million and the $250 million components will be met by retaining outcomes to a 2.5 per cent wage increase.

The Hon. K.O. FOLEY: The honourable member is asking me to make assumptions about the timing of wage outcomes. It may well be—and it is highly probable —that some of the unions will not accept the hard line we have taken. They have redress to the Industrial Relations Commission—for example the teachers—and it is then in the hands of the commission as to the quantum and timing. Is your question, 'In what year will each of these savings be accruing?' Is that the question?

Mr GRIFFITHS: I will clarify it for the Treasurer's benefit. I understand the demands that have been put in place by you on the Sustainable Budget Commission. I understand your statement as part of the budget this year about the 2.5 per cent outcome. If you are able to provide a figure in 2012-13 of $290 million in savings, are you able to break down a figure for 2010-11 and 2011-12 as it relates to wage outcomes of 2.5 per cent—if they are achieved?

The Hon. K.O. FOLEY: I do not want to be too repetitive, but I have just said that that is not possible. What I have said is that, at the end of the period as we go through the cycle of all the outstanding EBs, if we can magically land them all at 2.5 per cent I am advised that there is a quantum saving of about $290 million. However, exactly when those outcomes will be achieved will obviously be determined when the EB is agreed to, and we cannot assume that all EBs will be landed at certain dates. Unions have a redress to the commission. The teachers dispute is now with the commission. We are paying interim payments, but the final timing of when new wages will be paid is subject to negotiation. So, I can make some assumptions—and, clearly, we will have done that in terms of our own internal budgeting—but I have no intention of making those figures public because, in my view—the deputy leader can smirk all he likes—

Mr Griffiths interjecting:

The Hon. K.O. FOLEY: I am sure the deputy leader is, but if you have ever been involved in such matters, it does not take a lot of genius to work it out. I do not want to flag to unions what I expect wage outcomes to be. The deputy leader can ask this question in as many ways as he likes, but I am not going to do his work for him, nor am I going to break up the timing of each EB and what its contribution to budget savings may be. It may well be that we land some unions at well under 2.5 per cent. We might land some unions at 2 per cent and we might land some unions at 3 per cent. Unfortunately, it is an incredibly complicated exercise and there are a lot of variables and assumptions. Whatever assumptions I make and present to you will only be thrown back at me if they are not achieved, and I do not intend to give the deputy leader ammunition or have my

Treasury officers undertaking an exercise which is purely hypothetical at this point in time and which is not of any value either to me or to the public at this stage.

Mr GRIFFITHS: The Treasurer makes many assumptions with respect to the basis on which I am asking the question. I have asked the question in exactly the same way every time. If there is some confusion, it is not in my mind, as to how I pose this issue to the Treasurer. I understand that there are variables in it and I understand that enterprise bargaining agreements finish on different dates. However, as I understand it, when an EB negotiation occurs, even if it takes some time after the current one that has expired, traditionally, there is a payment that is backdated to the expiry date. Therefore, my belief would be that Treasury and Finance has done the work to determine if it knows what the saving will be in 2013 and what it would be in 2010-11 and 2011-12. It is as simple as that.

The Hon. K.O. FOLEY: The deputy leader is showing his naivety and lack of experience, because it is not always a given that if a wage dispute goes to arbitration or goes to dispute it is automatically back paid. That is a risk that the bargaining parties take if they disagree. What I have attempted to do is put an aggregate number out there; that if we land all of them at 2.5 per cent, 290 of the 350 can be achieved from wages.

I am a realist: it is an unlikely scenario to get everyone down at 2.5 in this environment. I am hoping to get as many as I can at 2.5, and I have simply made it a very clear message to the Public Service unions that if they want to get a higher wage outcome than 2.5 they will have to expect that fewer public servants will be employed in government and there will be other cuts to make sure that the books balance. What I am saying to the deputy leader is that it is a difficult exercise—and I think not necessarily a meaningless exercise—and one that is simply based on assumptions.

I can give the deputy leader the schedule of EBs as and when they come up—that is not secret information—and he can do the mathematics himself. However, I would caution him about doing that because of all the variables. It may well be that, if the Liberal Party is successful next year, the deputy leader will be the one doing this exercise and he will have to work it through himself. It may well be that if I go public on these numbers I am making his job harder than it might otherwise need be. Whether the deputy leader likes the answer or whether he thinks I am confused, that is as much as I am going to say on the point.

Mr GRIFFITHS: I refer to Part A of the Auditor-General's Report, page 10, where it talks about the shared services savings task. We know that, as part of the Treasurer's presentation of the 2006-07 budget (which I believe was in September), the savings from the shared services program from this year was intended to be some $60 million per year and, certainly, the Auditor's report identifies that. However, the Under Treasurer told the Budget and Finance Committee on 27 July 2009 that shared services savings achieved would only be some $33 million for the forecast $60 million by 2013. The Under Treasurer told the committee: 'Because we realised that it was a high risk exercise we put in a savings shortfall contingency, so we have an offset in that.' Given that we have talked about the Sustainable Budget Commission and the fact that shared services, as one of your major initiatives, had an offset contingency in place and, indeed, similarly, for the Sustainable Budget Commission and the expectation of $750 million in savings, if that is unable to be achieved does the Treasurer have a contingency offset for that sum also?

The Hon. K.O. Foley: For what sum?

Mr GRIFFITHS: For the $750 million from the Sustainable Budget Commission.

The Hon. K.O. FOLEY: That is the reality; that is the figure. That figure may vary when it comes time for the Sustainable Budget Commission to commence its work, and that may be because revenues and expenses may have been stronger. The 750 number will be updated in the Mid-Year Budget Review, but at this stage we are tracking around that number. There is not a contingency in there. That will be the work of the budget commission to undertake, and it may choose to put a contingency in there and, hopefully, it will identify a lot more options. I would be looking for a menu of savings well in excess of 750, because I am a political realist, as I have been in all these exercises. One thing I have learnt is that you can get experts to do this, and the Treasury can do it, but they will also uncover a number of things that the government of the day, be it your government or my government, politically or for other reasons, may choose not to undertake. You would always want a menu in excess of $750 million. So, the issue of a contingency is not relevant until such time as you finalise exactly what items or suite you have chosen from the options put forward.

In terms of shared services, I have made it very clear that the savings have not been as quick as we had hoped. It is a very complex exercise. I am advised that we have landed $33 million worth of savings to date, and we have a contingency there of $20 million, but I am very confident that shared services savings will be at least the benchmark we have put down, and I would like to think it will be in excess of that over time. The reality with shared services is that every major government is doing it; every minor government is doing it; in your day local government was at it; and every major corporation is in the shared services space.

It is a sensible reform, and I am extremely excited about the future and the work that is being undertaken by the team at Shared Services so that we will develop a truly world class public sector shared services entity that will deliver good, solid, ongoing savings and give governments opportunities into the future to expand the scope of the work that Shared Services will undertake. It is a very sensible thing to do. These are not easy things to land, but I am confident enough to say that that once this is fully operational we will have the best public sector shared services model in Australia.

Mr GRIFFITHS: I ask a question that relates to part of the answer provided by the Treasurer when the said that as part of the Mid-Year Budget Review he would provide an update to the $750 million in the Sustainable Budget Commission. What does the Treasurer mean by that? Is that how it is tracking, or is it intended to be more than that? I am seeking clarification on the words he used.

The Hon. K.O. FOLEY: I do not know where you have developed your understanding of how budgets work, and I am trying to be as patient as I can, but things change. Things change from budget time to budget time, and what is budgeted and what is actual can change as a result of economic activity, negative or positive, and net expenses. I am saying that that is a figure that will be updated again as we see how things are tracking, and you will get that information at the time of the Mid-Year Budget Review.

What I am saying is that it is around that $750 million number. I have not seen anything that has suggested to me that there will be a wild swing on that number, but clearly the economy has performed better than expected but, on the down side, the health budget continues to be of great concern with the overspend that is occurring in health. One will probably counteract the other. At this stage, the $750 million figure is still the number we are working with and, should that figure in any way alter, it will be provided in the Mid-Year Budget Review.

Mr GRIFFITHS: I appreciate the answer from the Treasurer. My understanding is that several meetings of the Sustainable Budget Commission have taken place already, and the Treasurer confirmed that previously. Will the Treasurer confirm whether the terms of reference have been provided to the group and, given that savings are not intended to be achieved until 2010-11, what will be in place at the time of the Mid-Year Budget Review or indeed the election?

The CHAIR: I invite the minister to make a response, but it does not appear to relate to the Auditor-General's Report.

The Hon. K.O. FOLEY: It has nothing to do with the Auditor-General's Report, but I would not have expected that any of the questions would, to be honest.

Mr Griffiths interjecting:

The Hon. K.O. FOLEY: The member for Kavel. The savings task required—the bottom line result—does not alter. At this stage it is a figure of $750 million. I do not expect that number to be a major swing item; I think it will be around that number. I do not think we need worry that it will be anything less or greatly more than that. We will just see how the numbers land when I release the Mid-Year Budget Review. The Sustainable Budget Commission has had a number of meetings. At present I am writing out to all chief executive officers as we speak, wanting to get what we call a data set. You two have a chat, and when you have finished I will give an answer.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: If the guy asks a question I expect he would want me to answer it. I have written out to all chief executive officers asking for a data set of all their programs, their expenses on those programs, and the benefits of each of those programs. What the budget commission will need to do, in my view, is an exercise that should be undertaken on a regular basis, be it every eight or 10 years or whatever, to forensically look at the nature of programs we fund in government, what the outcomes of those programs are meant to be, whether they are being met and whether they are worthwhile.

One thing we will have to realise in government financing is that over time state governments cannot continue to fund all the activities that we have funded in the past, because we simply do not have sufficient income. Under the current system of funding of states it is simply a reality that there are some programs that we currently do in government that over the decades ahead will have to be either trimmed or abolished as we reprioritise what are the priorities of government. We only have a certain bucket of money to spend and, regardless of what we call inefficiencies, we continue to look for efficiency savings, but if you are going to take a meaningful cut to government outlays you have to look at programs.

There is no way to avoid that, and that is only going to get more and more significant as the years roll by, because health funding is running at about an 8 to 10 per cent compounding figure per year, if not slightly more, and we simply do not have that increase in revenue coming into our coffers. Regardless of what changes occur with health—the commonwealth government has outlined some things it may wish to do—the reality is that state governments, not just for this exercise but over time, should have a process of ongoing evaluation of the worthwhile value of certain projects and will have to find the political courage to cut some of those programs.

Mr GRIFFITHS: I want to seek clarification from the Treasurer on a point in that most recent answer when he talked about forensic reviews. I believe the Treasurer said, 'every eight years or so'. With the election in March 2006 and a delay of the budget presentation until September 2006, was not part of the justification for the delay in the budget presentation to undertake that level of review?

The Hon. K.O. FOLEY: No. What I have said previously is that the Greg Smith review was a blunt instrument whereby he was given a very short space of time in which to find some headline savings, some low-hanging fruit and some savings that were easily identified to deliver the budget outcomes for the period of this last Labor government which, up until the GFC, had seen our budget strongly in surplus. The exercise I undertook when I first came into government was a more forensic exercise than the Smith exercise. The work undertaken by Dean Brown and the Audit Commission of 1993 was a very worthwhile exercise, whereby you bring in some external people and objectively have a look at what you do as a government. It is all about varying degrees of how you undertake these exercises.

Given my experience as Treasurer now for eight years, I think it is worthwhile to have a more significant review of government outlays using external as well as internal expertise to do a thorough audit of the programs of government to get a more sustainable budget foundation going forward. The Greg Smith exercise was excellent. It has served a purpose for the past four years. What I am saying to the honourable member (regardless whether it is me or him as treasurer) is that the challenges for state finances for the next four years are far greater than they have been for the last four years, and that is not just because the boom has ended and all of that: it is because we are rapidly ageing.

We have had a massive under-investment in decades past—by both sides of politics—in public infrastructure all around the country, and we are seeing large outlays to restock our public capital. When I came into office, the last Liberal government was spending less than the depreciation of the value of our capital stock. I make no bones about it, and we can all play political ping pong across here, but I can tell members that the problems in health are frightening when one looks out 10, 15 and 20 years from where we are today—frightening—and the Australian community has not come to grips with how we are going to meet that. We are living longer, we have technological advancement, new drugs and new preventions.

This has been work done by Costello in the intergenerational report as it relates to pharmaceuticals; and the work that COAG and CAF have done demonstrates that, unless we can find a way to rebalance how we fund this, in 20 years health will consume, if not all, pretty close to all our state budget.

Mr GRIFFITHS: Treasurer, I certainly respect the fact that an ageing population extends to the early 2030s when the last of the baby boomers reach about 70. The crunch is from now until then. I understand that. I come back to the question I asked in regard to shared services (Part A, page 10). The Treasurer alluded in a previous answer to the projection of $60 million in savings and his very firm belief that it will in fact be achieved even though the Auditor-General's Report identifies shortfalls, and a significant one of about $7 million. Is the Treasurer able to identify a time when the full $60 million will be achievable?

The Hon. K.O. FOLEY: Not that at this stage, no.

Mr GRIFFITHS: Therefore, what work has been done to work to a time frame to ensure that, given the importance that it plays to the ongoing role of the budget, you get it to that $60 million?

The Hon. K.O. FOLEY: We are bedding down this system as quickly as we possibly can. We update the achievements of the shared services as they relate to savings each year. One of the difficulties with savings—as again you will experience if you become treasurer post the next election—is that identifying savings and capturing them to the bottom line are two different beasts. One of the things that you find in government is that we can identify savings and make savings, but then capturing those savings from the agencies becomes a different exercise again.

There is both internal pressures and friction about who should keep a saving, or whether that was our saving or your saving. Agencies are reluctant to pass on all savings—not all government agencies, it is just the dynamic of public administration. It is not an easy exercise. I would be confident that we will land the $60 million very soon, but I will not put a time line on that. For me it is about getting this right because this is an ongoing stream of savings. It is far more important than trying to put undue pressure on the entity to land those savings for the sake of one particular budget.

Mr GRIFFITHS: I refer to Part C, page 48, and the issue of targeted voluntary separation packages. The Treasurer advised the house in mid-October that some 1,150 of the 1,200 required for this financial year had been taken up. Of that number, how many have been taken up by people who were identified by the Commissioner for Public Employment as being one of the 419 people on the unattached list, the group of people who did not have specific roles in place?

The Hon. K.O. FOLEY: I understand that question was asked of the Hon. Jay Weatherill, the Minister Assisting the Premier in Cabinet Business and Public Sector Management. He took it on notice, so we will come back to the honourable member. My immediate answer would be that, in this particular tranche of FTEs, we have looked beyond the unattached list. We have looked for new positions and new savings. People who are on the unattached list would have been part of previous exercises. Whether or not numbers of those have taken up packages, the minister for public sector reform has offered to come back to the house with a more detailed answer on that.

The unattached list is a perennial problem for both sides of politics, because both sides of politics, unless the opposition is about to change, have a no retrenchment policy. That means that people get stuck on the unattached list. That is unfortunate and we are always looking at ways to reduce that but, as to whether or not any of these packages have gone to any of these particular people, I will have to defer to my colleague to come back with an answer.

Mr GRIFFITHS: I thank the Treasurer for that, and I certainly did ask the minister assisting the Premier in public sector employment that question also, and he has offered that information. However, can I seek clarification? Given that there is, according to the commissioner's figure provided in June, a $30 million cost in employing these 419 people, can the minister ensure that the answer provided identifies not only the number of those 419 who have accepted the TVSPs but, indeed, of the 419, how many were offered TVSPs?

The Hon. K.O. FOLEY: As I said, I would not be surprised if none were offered TVSPs because my expectation would be that they would be new positions that we have identified. But we have offered to come back with those particulars, and there may well have been some.

Mr GRIFFITHS: I refer to Part C at page 47. Again, there is some question in regard to the Sustainable Budget Commission and the $750 million. Can the minister provide some details on how he identifies that specific figure as being the savings target over that three year period?

The Hon. K.O. FOLEY: Sorry, can you ask that question again?

Mr GRIFFITHS: In regard to the $750 million Sustainable Budget Commission target, can you provide some information to the committee on how that figure was the targeted amount? What was the discussion that took place to identify that as being the target that you wanted to achieve which formed the basis of the decision?

The Hon. K.O. FOLEY: Honestly, I would have thought that is a pretty obvious answer. It is the deficit that we have in that year—the gap we have to close—as well as getting the net financial liabilities to revenue ratio into a band that is acceptable to the rating agencies. I would have made it very clear at the budget as to why the $750 million figure is there. It is a factor of the deficits that we are dealing with and projected to deal with, and also a factor of the net financial

liabilities to revenue ratios that we need to keep to to ensure that we maintain our AAA credit rating.

Mr GRIFFITHS: I refer to Part C at page 47 where table 8.2 for the 2008-09 financial year identifies the cumulative expectation of savings, which from 2006-07 through to 2009-10 is $276 million—2009-10 being not applicable, of course. For 2006-07 it was $223 million, for 2007-08 it was $45 million and for 2008-09 it was $8 million. Can the Treasurer update the committee on how much of that $76 million in savings has been achieved?

The Hon. K.O. FOLEY: As I said before, we have gone a long way to achieving the savings requirements and I do not really need to say much more about it.

Mr GRIFFITHS: Madam Chair, the Treasurer certainly talks about it. The Treasurer announces the savings requirements as part of the budget, but it is not my observation that the reports confirm what level of savings has been achieved.

The Hon. K.O. FOLEY: How can you substantiate that? Show me.

Mr GRIFFITHS: I am asking you to clarify—

The Hon. K.O. FOLEY: Show me how you can substantiate that statement that you have just made.

Mr GRIFFITHS: In the review that I have undertaken of Auditor-General's Reports—

The Hon. K.O. FOLEY: Then show me the data you are referring to.

Mr GRIFFITHS: I am asking you at table 8.2—

The Hon. K.O. FOLEY: No, show me the data.

Mr GRIFFITHS: I am asking you about table 8.2 at page 47—

The CHAIR: Order! Questions must relate to lines in the Auditor-General's Report. I understand that you are asking for information relating to the Auditor-General's Report.

Mr GRIFFITHS: I am, Madam Chair.

The CHAIR: The Treasurer also is able to say he is not able to provide the information at this stage. The Treasurer's answer is acceptable in terms of his ability to choose the way in which he answers.

The Hon. K.O. FOLEY: What I can say is this. I do not believe I have to defend my track record on achieving savings or achieving good budget outcomes, because they have been there for all to see. We have delivered, each and every year up until the last budget, strong budget surpluses. We delivered to this state a AAA credit rating. In my very first budget over the course of four years it was about $1.4 billion. It might have been $750 million—I do not have the exact figures of what was our savings in our first term of government. It was $750 million in the first four years and then I think $600 million or $700 million in the next four years. Whatever the number was—I do not have the exact figures here—I have driven this public sector on efficiency, savings and cuts well in excess of anything that former treasurer Lucas ever did, former treasurer Baker ever did and, certainly—

Mr Hamilton-Smith: What! For 1994, 1995 and 1996 you are saying you exceeded Baker's cuts to government spending?

The Hon. K.O. FOLEY: Well, I may not have exceeded Baker's cuts. I do not have them in front of me. That is a fair point—I may not have, and that is a big statement to make without having checked my notes. What I can tell you is that certainly Lucas never cut—if he did cut budget expenditure, it was a minuscule amount, in my view.

Ms Chapman: His was sensible in the first place.

The Hon. K.O. FOLEY: Was it, now? You ran budget deficits each and every year, even though you sold ETSA. Even though you sold ETSA, you could not balance your books. You were a hopeless outfit when it came to trying to manage the state's finances. What this Labor government has done in my tenure as Treasurer is deliver consistently strong and positive budget outcomes, and the nitpicking of shadow treasurer Lucas and the deputy leader over many years is really just diversionary tactics from the main game—that is, that we have delivered the vast bulk of savings that we have outlined; we have been upfront with those that we have reversed and have

not been able to achieve; and we are being incredibly upfront (more so than any other government that I can recall leading into a state election) in saying exactly what the savings target is and how we are going to go about achieving it. No other government has ever done that in the past, and I am very proud of our record as a government in delivering good budget outcomes.

Mr GRIFFITHS: I have a recollection of the Treasurer informing the house not that long ago that some 93 per cent of those savings were achieved, which I believe was in the Smith review, so I recognise that that commitment was given as to the level of savings. I thought my question was reasonable in that the Auditor-General's Report identifies announcements in regard to savings; therefore, my question is that, only of those announcements, what has been achieved?

The Hon. K.O. FOLEY: I have answered that and I am not going to go through detailed work to reconcile the exact number. What I can say is, which should give good comfort to the opposition because it gives good comfort to the broader financial community, is that Moody's and Standard & Poor's in a number of their public statements on this government's budgeting and reaffirming of our AAA rating have stated publicly that one of the reasons is our government's track record on delivering and achieving savings outcomes that we have identified and our ability to deliver strong, disciplined budgeting. The rating agencies have been confident that, in general, we have delivered the quantums that we have outlined that are necessary. They believe that we have continued to demonstrate good budgetary discipline and that is why they have reaffirmed our AAA credit rating as recently as only some months ago.

Mr GRIFFITHS: I refer to Part C, page 69 and table 11.5 at the top of the page regarding agencies and total additional payments that were made. My question is specifically about $159 million that was paid to SA Health in 2008-09 from a contingency sum. Is this the same amount that is referred to in health's overspend? The Under Treasurer told the Budget and Finance Committee meeting on 27 October that the total health overspend was some $154 million. Can the Treasurer confirm why there appears to be some discrepancy of $15 million?

The Hon. K.O. FOLEY: I will get an exact answer for you but my advice is that that relates to wage outcomes. Contingencies are held. In part, it is the overspend but contingency provisions, as explained on page 68 of the report, are held for employee entitlements, supplies and services, and plant and equipment that are included in the total appropriation purpose administered items for the Department of Treasury and Finance.

My guess would be—and we will get this checked—that a large component of that would be for wages which are held in contingency. We hold them in contingency because we do not have a line that says wages because that then telegraphs exactly what we have in our budget for wage outcomes, so it is held below the line in a Treasury contingency and then reported as an actual expenditure when the EB is resolved. Some of it would be the overspend but the bulk of it I would imagine would be the actual outcome of the wages which does not represent a blow-out. The wages contingency was always provisioned within the budget. To the extent to which we exceeded what we had in contingency, we will get that information for you.

Mr GRIFFITHS: As an extension to that question on that same area, I understand that the Department of Water, Land and Biodiversity Conservation had additional payments made of some $60 million. Given that it is a much smaller agency, I would be rather surprised if wages costs made up that $60 million. Could the Treasurer provide some information on that?

The Hon. K.O. FOLEY: Again, I will take it on notice. My guess would be that we quite often hold large amounts of money in contingency. Given it is water, it may well relate to money we held in contingency for some of the programs that we have expended in terms of water. It may well have been some of the money for irrigators or for purchasing of water or some commonwealth money perhaps. Given the large size of that number, it is obviously not wages. My guess is it would be a contingency that we would have taken for some of the water.

Again, what you would do in that situation is, if you cost a program for irrigators for the purchase of water or whatever we may do, we will come up with a sum of money. We will not hand over that money to the department. You hold it in a contingency and the department will receive that money as it acquits it in terms of the uptake of that program. It is a common feature of budgeting where we are not sure what the final call on a sum of money may be. It is simply held in contingency as a more prudent way to manage that money. I will come back to the house with an answer.

Mr HAMILTON-SMITH: I refer to page 1444 of Part B, Volume IV, dealing with accommodation. I understand that DTED will soon be moving from Terrace Towers to Hindmarsh Square. Is that correct?

The Hon. K.O. FOLEY: Yes.

Mr HAMILTON-SMITH: Could the Treasurer explain the figures on this page for operating lease commitments later than one year but no longer than five years that are forecast at $19.2 million in 2008-09? I am interested in which lease commitments are included in this figure. Firstly, why are you moving? Secondly, what will the lease commitment be at the new premises, what will it be at the old premises and is there any carryover or dead rent factor involved in the switch?

The Hon. K.O. FOLEY: In answer to that question, as I am sure the member would appreciate, whenever these leases come up we are confronted with a number of options. One is you re-lease the existing space as is or you re-lease it with a fit-out if it is an old building. We will come back with a detailed answer for you, but my recollection of that decision was that we valued net present value for a number of options which was staying where they are with a re-fit, because their tenure had ended. We looked at the value of that as against a number of other sites around the city. There were two or three options. My advice was that the final site that was chosen was the best option for us. It had a more workable floor plate for us and provided a better option for us. As it relates to exact figures, I will come back to the member with a detailed answer.

Ms CHAPMAN: My question relates to Part B, Volume IV, page 1358, and it details the description and concerns raised by the Auditor-General in respect of the matters outstanding which are now the subject of proceedings of the South Australian Water Corporation and United Water in the Supreme Court.

In the 2007 report of the Auditor-General, he raises a number of concerns about contracts being let where there have been no tender specifications and, as you told the parliament, there have been negotiations since 2006 to try to resolve this matter between SA Water and United Water in the sense of having some moneys paid back for their behaviour in misleading and deceptive conduct.

My specific question is: why did the government allow SA Water to grant United Water approval to tender for contracts without tender specifications as commented upon adversely by the Auditor-General in his 2007 report when at the same time it was accusing United Water of misleading and deceptive conduct in respect of its metropolitan outsourcing contract?

The Hon. K.O. FOLEY: As a lawyer, I would have thought the shadow attorney-general would realise that this is now a matter before the courts.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: No; it is a matter before—well, it might be. I would have thought that as shadow attorney-general, she would understand better than I that this matter is now in the courts.

Ms Chapman: You have made statements on this in the house.

The Hon. K.O. FOLEY: Prior to it going to court.

Ms Chapman interjecting:

The CHAIR: Order! Member for Bragg, please do not interrupt.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: My statements made on this matter were before the matter was before the courts.

Ms Chapman: Don't mislead the house.

The Hon. K.O. FOLEY: I'm sorry?

The CHAIR: The member for Bragg!

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Who issued proceedings?

Members interjecting:

The CHAIR: Order!

Ms Chapman interjecting:

The CHAIR: Order, member for Bragg!

The Hon. K.O. FOLEY: I am happy to defer to the legal brilliance of the member opposite and clarify that and, if I have given an inappropriate statement, it will be corrected. My recollection of events was in fact that I gave a statement saying that we would be serving a notice on United Water but had not done so at the stage that I gave the statement. Subsequent events were the serving of notice and legal proceedings commencing. That is my recollection of the series of events and I will get that checked if I have given incorrect information. As to the substance of the question, those matters are now subject to the proceedings currently—

Ms Chapman: I'm talking about other contracts.

The CHAIR: The member for Bragg has been warned.

Ms Chapman: It's nothing to do with these proceedings.

The Hon. K.O. FOLEY: It may be and that is why I will take the question on notice, and what I am able to answer outside of impacting on our case, but it may well be that the very reason that the contracts were awarded are subject to the actual contract itself and may well be matters that are now in dispute so I need to get—

Ms Chapman interjecting:

The CHAIR: Member for Bragg, I remind you that you have been warned and you are very close to a second warning.

The Hon. K.O. FOLEY: She has already had one earlier in the day so she has now had two.

Ms Chapman: So has the Attorney.

The Hon. K.O. FOLEY: Well, so be it, but I would have thought that the shadow attorney-general would be more aware than I of the dangers of damaging legal proceedings by making comments in the parliament or outside the parliament that may negatively impact on the state's case in relation to this matter. I will take full advice and guidance from crown law on this matter.

The CHAIR: The time for examination of matters relating to the Treasurer and Deputy Premier in his various portfolios has expired.

Progress reported; committee to sit again.

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4645.)

The Hon. R.B. SUCH (Fisher) (17:57): I was cut down in my prime; I will be very brief. The challenge in coming up with a management regime for urban trees is very difficult. It is a very complex issue. I believe the bill before us has the potential to be good or very good. I say 'potential' because the critical issue will be how it is finalised through regulation. I believe the intentions of the minister for planning (Hon. Paul Holloway) are appropriate and honourable, and I believe he will come up with a set of regulations which will protect trees that should be protected and allow trees to be removed that should not have been planted in the first place.

I just make a couple of points. Not all trees are equal. I also make the point that not all greenery is good. Some people planted inappropriate trees, whether or not they be native, for example, Tasmanian blue gum (eucalyptus globulus), too close to their house. Those trees should be able to be removed easily and with the least expense.

What we need to be protecting, as far as possible is, first, indigenous trees, particularly those endemic to a particular area; secondly, native trees, appropriate ones, not close to a house; and then thirdly, exotic trees. I am not a purist when it comes to the planting of trees but I think we should as far as possible take into account ecological aspects which the current provisions relating to trees do not do.

We need to look at the environmental aspects of the tree, the aesthetic aspects and so on and not simply the size, and I think what is in this bill is the potential for some good management of urban trees. It does not please everyone—you will never please everyone—but I think that, if the regulations are drawn up appropriately, we have the basis for good urban tree management and I support the bill.

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (17:59): I have very few concluding remarks other than to commend the member for Fisher for his comments. He was very much a mover of the original legislation. The intent of the bill that we have before us is to further strengthen the law and actually protect what are truly significant trees.

Bill read a second time.

Bill read a third time and passed.

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

AUDITOR-GENERAL'S REPORT

In committee (resumed on motion).

(Continued from page 4693.)

The ACTING CHAIR (Ms Breuer): We have consideration of the Auditor-General's Report in relation to the Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs.

Ms CHAPMAN: Attorney, the first matter I wish to bring to your attention and ask questions about relates to page 20, Part A: Audit Overview. This relates to dot point 5, removable computer media, and in particular I refer to the last paragraph on that page outlining the concerns of the Auditor-General in respect of what he describes as an 'incident' and in particular the loss of the USB memory stick, which is an item relevant to the proposed development and building of the Royal Adelaide Hospital. The reason I will be asking questions about it specifically is that the Crown Solicitor's Office has been called into this matter. As you will remember from questions in parliament, various ministers have answered a number of questions on this matter.

To refresh your memory, this was an incident which occurred in June, so it is relevant to the year in question and about which the Auditor-General has made some comment. This arises out of a USB stick that was lost on 2 June 2009. A number of questions were raised after minister Hill made a ministerial statement on 17 June 2009. Minister Foley provided answers to the parliament advising that the matter had been referred to the Crown Solicitor's Office, amongst other parties. The Crown Solicitor's report has now been received. First, have you read that report?

The Hon. M.J. ATKINSON: The Crown Solicitor's Office looks after dozens upon dozens of government agencies, and if I were to read every advice that the Crown Solicitor's Office provided to government agencies, I would sleep not 24/7. I see no reason as Attorney-General to poke my nose into Crown Solicitor's legal advice to the Minister for Health.

Ms CHAPMAN: Do I assume that you have not read the report?

The Hon. M.J. ATKINSON: Yes, that's right.

Ms CHAPMAN: Have you made any inquiry as to what explanation there was for a nine day delay in the information being received by the Department of Treasury and Finance and the Department of Health and the advice to their respective ministers?

The Hon. M.J. ATKINSON: Could the member for Bragg substantiate the nine day delay and refer to that in the Auditor-General's Report?

Ms CHAPMAN: At the bottom of page 20 the Auditor-General refers to 'an incident that has received recent attention'. At the end of the paragraph he says:

> Such an incident has the potential to weaken the integrity and competitive strength of the procurement process.

What we know from the information provided to the parliament to date, as confirmed by both the Minister for Health and the Treasurer, is that on 12 June 2009 they were informed about it. You

might recall the Treasurer expressed some displeasure at the nine day delay when he answered a question on 17 June.

The Hon. M.J. ATKINSON: Nine day delay by whom?

Ms CHAPMAN: His department and the Department of Health advising both him and the Minister for Health of what happened. The USB stick was lost on 2 June and it was reported to both the Department of Health and the Department of Treasury and Finance on 3 June. He said at the time that he had referred the matter to the Crown Solicitor's Office to make some inquiry in relation to a number of matters raised in the Auditor-General's Report, including the procurement process and the effect on it; and I do not want to get into that because that is a matter for those ministers. As the shadow attorney-general I am asking you whether you have made any inquiry as to the nine day delay.

The Hon. M.J. ATKINSON: I do not really understand the member for Bragg. We are on the Auditor-General's Report as it concerns departments for which the Attorney-General has responsibility. As I understand it, the member for Bragg's question is: why was there a nine day delay in the Department of Health informing the Minister for Health and the Treasurer about the missing USB stick with data regarding the tendering for the new Royal Adelaide Hospital? I do not understand why the member for Bragg is asking me to comment on that since I am not the line minister for the Department of Health.

Ms CHAPMAN: The reason is that your budget within the Crown Solicitor's Office, for which you can charge either the Department of Health or the Department of Treasury and Finance or both, is responsible to meet the legal costs if they use the services of the Crown Solicitor's Office. Of course, they conducted the inquiry and provided advice to the government. We understood from questioning of the Treasurer that it was about the integrity of the process and the risk to the tender process—this is the biggest single contract ever in the history of the state. Also, the information from the Treasurer was that the inquiry was also to cover the question of why there was such a delay in his being told and the Minister for Health being told by their respective departments.

You have not read the report—and I understand that. My question to you is whether you as Attorney-General—and legal costs might be incurred in dealing with the matter, tidying it up or otherwise—have made any inquiry as to why there was a nine day delay?

The Hon. M.J. ATKINSON: No, I have not made any inquiry as Attorney-General because the nine day delay—which the member for Bragg claims; and she may well be right—in the Department of Health reporting the missing USB stick to the Minister for Health and the Treasurer is not within my portfolio, is not within my remit. The Department of Health is not responsible to me.

Ms CHAPMAN: I now refer to Part B: Agency Audit Reports, Volume I. The Attorney-General's Department commences at page 91, and includes the budget and explanatory notes for the areas specifically under the control the Attorney, some of which have other ministers who have direct control in relation to gambling and the like. I am referring to the fund for legal services, which is an area of principal responsibility of the Attorney-General. In fact, I think in this year's budget it takes up $38.8 million of the budget to cover the costs of the Crown Solicitor's Office, the DPP and parliamentary counsel in the provision of legal services to the state. They all have different roles and the like.

When I was reading this, I was interested to note that the Crown Solicitor's Office far exceeds by some $2 million the provision of funding to the DPP's office. In any event, it is the legal services expense to which I refer. My first question is: how much has been spent and/or charged to whichever department for the time of the Crown Solicitor's Office and/or Solicitor-General or funding for the High Court challenge on the River Murray agreement in the subject year?

The Hon. M.J. ATKINSON: The member is from private practice and she would be familiar with billing units. The closest we get to billing units in the Crown Solicitor's Office is a program called LawMaster. If LawMaster can tell us how much time the Solicitor-General and the Crown Solicitor's Office have used on the River Murray High Court challenge, we will obtain that information for the member for Bragg. However, it may be unobtainable, because LawMaster may not reveal that figure.

Ms CHAPMAN: To clarify this, how much have you charged either the Premier's office or the Minister for the River Murray's office for the High Court challenge in the subject year?

The Hon. M.J. ATKINSON: The answer is the same. It would depend on whether the advice is chargeable or non-chargeable. I think you will find that most of the Crown Solicitor's Office work is non-chargeable and, if it is non-chargeable, it will not necessarily be recorded.

I should add that I take the view that the Crown Solicitor's Office is there for a whole of government purpose to give good and accurate legal advice to the government of the day to ensure that the government of the day's policy objectives are carried out by lawful means and to ensure that the government does not act unlawfully and that agencies do not come into legal conflict with one another. In fact, my friend the late Lyndon Owen, who worked in the Crown Solicitor's Office, used to say, 'For government, the Crown is mum and Treasury is dad.'

The Rann government has a policy of ensuring that the waters of the River Murray are used by the states in accordance with scientific criteria rather than political criteria. We want a whole of Murray-Darling Basin system of allocating water. We want a fair allocation of water to South Australia for the critical human needs of South Australians and for irrigation purposes and for environmental flows into the back waters and lagoons, Lake Alexandrina, Lake Albert and the Coorong.

The only reason the Rann government would be going to the High Court is to secure that objective. It is a legitimate objective, and we do not resile from instructing the Crown Solicitor's Office and the Solicitor-General to advise the government on how that is best done by the legal means available to us.

Ms CHAPMAN: I will come back to that in a moment, but I take it then that you are taking on notice that, if there is a way of identifying that or you have sent a bill to either of these departments, that information will be provided. I understand from your answer that you say otherwise the Crown Solicitor's Office may have done work without actually billing the respective departments on that, because it is a matter on which you are advising cabinet.

The Hon. M.J. ATKINSON: Shall I answer that? I think the member for Bragg's summary is correct.

Ms CHAPMAN: The Premier has announced he will get advice on this and has told parliament he has had advice on this issue. Why then has the High Court challenge not been lodged?

The Hon. M.J. ATKINSON: The papers for the High Court challenges have not yet been lodged, because we have not yet settled our claims and our pleadings. When we have done that, the member for Bragg will be among the first to know.

Ms CHAPMAN: So, what budget has been allocated in this financial year to proceed with the drafting or completion of that material for lodgement in the High Court? When do you expect to be lodging it?

The Hon. M.J. ATKINSON: The Solicitor-General and Crown Solicitor's Office advising the government on the best means of obtaining South Australia's fair share of River Murray water is core business for the Solicitor-General and the Crown Solicitor's Office. It is what they do, so there is not a budget or a specific allocation: it is their routine work, as it would have been under a Liberal government.

Mr Williams: Never!

The Hon. M.J. ATKINSON: The member for MacKillop interjects 'Never!' because I think over dinner he has had too much lemonade and the gas has affected him.

Ms CHAPMAN: Whilst it may be disorderly for my colleague the member for MacKillop to interject, it is totally improper of the Attorney-General to impugn the motives of the interjector.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: I acknowledge that, and he should ignore them. The statement he has just made is quite a reflection on the member for MacKillop, and I ask the Attorney-General to apologise.

The ACTING CHAIR (Ms Breuer): Attorney-General, I really cannot see how it is an issue when someone is accused of drinking too much lemonade. However, it appears to be a matter of great issue here, so perhaps the Attorney-General would like to apologise.

The Hon. M.J. ATKINSON: Does the member for MacKillop require me to withdraw the suggestion that over the dinner break he enjoyed lemonade?

Mr WILLIAMS: I can firmly inform the house that I had no lemonade at all with my dinner. I had a glass of very fine Coonawarra red wine from the Majella Estate, one of the better wine producers in my electorate, but for the Attorney-General to intimate that I had too much and that that caused me to interject that he will never put the case before the High Court is a nonsense, and the Attorney-General knows that.

The ACTING CHAIR: Would the Attorney-General like to apologise for accusing the member for MacKillop for having too much lemonade in the tea break?

The Hon. M.J. ATKINSON: Madam Acting Chair, I withdraw the calumny that the member for MacKillop has had too much lemonade and that the gas has affected him, and I substitute that he has drunk fine South-East wine.

Ms CHAPMAN: What is the answer?

The Hon. M.J. ATKINSON: The answer is that it is our firm and certain intention to lodge legal proceedings to obtain South Australia's fair share of Murray water, and, when we are ready to do that, we will make an announcement.

Ms CHAPMAN: Do I understand the situation then that you have not quite finished the papers for lodgment? Is it anticipated then that this will be lodged before the end of the calendar year?

The Hon. M.J. ATKINSON: The word 'anticipation' implies, I think, that something terrible is going to happen. Let us use a neutral term, such as 'expectation'. I know not whether the papers will be lodged by Christmas. What I can say is that it is our firm intention to obtain South Australia's fair share of River Murray water by legal means. As the member for Bragg well knows, sometimes the threat of legal proceedings is more effective than the legal proceedings themselves. We will do everything to advance the interests of South Australians in River Murray water using the resources of the Solicitor-General and the Crown Solicitor's Office—for them it is core business.

Ms CHAPMAN: Do I take it then, Mr Attorney, that there is no cap on this? As you say, it is the core business of the Solicitor-General (he is to be available to carry out cases as you would instruct, including to the High Court), and the crown solicitors do not have any budget upon which they are restricted to proceed with this, and that otherwise it is ready to go. The reason I ask this is because we have heard repeatedly in the parliament about the desperate plight of not only the River Murray but, in particular, the Lower Lakes and the concern that the Minister for the River Murray has expressed about the lack of security, although she gave some comfort today that there was a hopeful expectation that water for human and critical needs would be there.

We have heard the contribution by the minister for the environment and his concern for the Lower Lakes—birds, slumping banks, etc. We have heard from the minister for agriculture and the former minister about the plight of the food producers. We have heard umpteen statements about the urban dwellers in Adelaide in particular who rely on the water supply and the restrictions that they have faced. All these things are pressing major state issues, so quite clearly there has been a continuous message from the government (and we would agree) that there is still a situation whereby the eastern states are obviously considering their interests ahead of South Australia and that we are the trickle at the end.

I cannot think of any other more pressing issue. You say there is no cap, no financial restriction. I just cannot understand. Perhaps you could explain to me, Attorney, why this is not a priority and why these pleadings are not ready to go and being lodged?

The Hon. M.J. ATKINSON: The member for Bragg has not had the good fortune ever to serve in a government. If she had served in a government she would know how the Solicitor-General and his support staff work. She would know how the Crown Solicitor's Office works. I note that she made very serious reflections of a pejorative nature on members of the Crown Solicitor's Office recently, in particular those in the Government Investigations Office. I must say that I thank the Crown Solicitor for alerting his staff to the reflections made on them by the member for Bragg, and they can make their own judgment about how fair that criticism was.

However, again, in my opinion (and it is my opinion only), if the member for Bragg had experience of government, she would not be asking these questions, because representing the government in court, indeed, in the High Court, is the core business of the Solicitor-General and

the Crown Solicitor's Office. It is not for them to set a budget at the beginning of the year, because during the budget process they do not know what topics will be the subject of litigation or pre-litigation negotiations. They act on the instructions of the elected government. So it is not possible to say, 'This is the budget for the River Murray and when it runs out we won't do any more.' This is their core business. This is why these lawyers are on the payroll. It is what they expect to do when they come to the office in the morning.

Ms CHAPMAN: I have a point of order, Madam Chair.

The ACTING CHAIR (Ms Breuer): The member for Bragg.

Ms CHAPMAN: This might be very interesting but it is not the question I asked. The minister has explained that the Crown Solicitor's Office and the Solicitor-General, under their respective legislation, are there to carry out the business as instructed by the elected government, and that is true and I agree with it. My question is: why hasn't the elected government, with such a pressing issue for the state of South Australia, instructed them to get on with the High Court application and lodge it?

The Hon. M.J. ATKINSON: Madam Chair, that is to assume that, before the lodging of proceedings in the High Court against other states, the claim is fully formulated, and that is to assume that lodging is the best strategy. It may not be. The interests of the state of South Australia will be managed in the best interests of the state on the advice of our lawyers, and it may be that rushing into the High Court is not at this moment the best strategy. Moreover, there is a range of grounds on which proceedings may be issued. They may be issued under the constitution; they may be issued on the basis of common law riparian rights. They may be issued under specific legislation. When those matters are settled and when it is to the optimum advantage of the people of South Australia, proceedings will be instituted.

The member for Bragg, it seems to me, has not prepared a forensic examination of the Auditor-General's Report regarding the Attorney-General's Department and is merely trying to leverage off matters about which she has asked questions elsewhere.

Ms CHAPMAN: I have a point of order, Madam Acting Chair. Clearly, the Attorney-General is now reflecting on me, as the questioner, in relation to this and as to what work has been done on this matter. But his answer is pretty clear—they have done nothing, and they are clearly not going to.

My next question refers to page 226 of Volume I, about expenses of the Courts Administration Authority. Were any payments made during the 2008-09 year to the Western Australian government and/or Western Australian Supreme Court for Justice Kevin Martin in respect of Justice Martin being hired to hear the case in which you were involved, Mr Attorney, of Cannon v Atkinson?

The ACTING CHAIR: The Attorney. You have two minutes.

The Hon. M.J. ATKINSON: The members for Bragg and MacKillop just made an assertion that this state will not be issuing proceedings in the High Court.

Ms CHAPMAN: I have a point of order, Madam Acting Chair. I have been asking—

The ACTING CHAIR: What is your point of order?

Ms CHAPMAN: I have asked a question about what funds, if any, have been applied for the payment of a judge to come over in the defamation proceedings between Cannon and Atkinson. It is nothing to do with the High Court. If the member wants to give some personal explanation, he can do so under the rules; but in the meantime, I ask him to address the subject of the question.

The Hon. M.J. ATKINSON: The Courts Administration Authority, quite properly, made provisional arrangements for a judge from outside this jurisdiction to hear a dispute between a magistrate and me. I am not aware that any money was expended or paid in arranging for that judge to be on standby.

Ms Chapman: Will you take it on notice?

The Hon. M.J. ATKINSON: Well, the point is that Justice Martin never came to South Australia.

Ms CHAPMAN: Are you prepared to take it on notice?

The Hon. M.J. ATKINSON: Yes, I am prepared to take it on notice, but I suggest that either there was no cost incurred or that it is not a separate item in the Courts Administration Authority budget.

Progress reported; committee to sit again.

SERIOUS AND ORGANISED CRIME (UNEXPLAINED WEALTH) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 3, page 4, after line 11 [clause 3(1)]—Insert:

DPP means the Director of Public Prosecutions and includes a person acting in the position of Director of Public Prosecutions;

No. 2. Clause 6, page 5, line 34 [clause 6(1)]—After 'to the' insert:

DPP or the

No. 3. Clause 7, page 6, after line 16—Insert:

(2) In proceedings under this Act the Crown Solicitor acts as a model litigant for, and on behalf of, the State.

No. 4. Clause 9, page 6, lines 33 to 35 [clause 9(1)]—Delete subclause (1) and substitute:

(1) If the DPP reasonably suspects that a person has wealth that has not been lawfully acquired, the DPP may authorise the Crown Solicitor to make an application to the District Court under this section.

No. 5. Clause 12, page 8, line 38 [clause 12(1)(b)]—Delete 'Crown Solicitor' and substitute:

DPP

No. 6. Clause 12, page 9, line 1 [clause 12(2)]—Delete 'Crown Solicitor' and substitute:

DPP

No. 7. Clause 12, page 9, line 3 [clause 12(2)]—Delete 'Crown Solicitor' and substitute:

DPP

No. 8. Clause 12, page 9, line 9 [clause 12(2)(c)]—Delete 'Crown Solicitor' and substitute:

DPP

No. 9. Clause 12, page 9, line 15 [clause 12(3)]—Delete 'Crown Solicitor' and substitute:

DPP

No. 10. Clause 12, page 9, line 17 [clause 12(3)]—After 'Commissioner' insert:

of Police

No. 11. Clause 12, page 9, lines 18 to 28 [clause 12(4) to (6)]—Delete subclauses (4) to (6) inclusive

No. 12. Clause 34, page 19, line 31 [clause 34(2)]—After 'Attorney-General,' insert:

the DPP,

No. 13. New clause, page 20, after line 22—Insert:

36A—Authorisations by DPP

(1) An authorisation given by the DPP for the purposes of section 9 or section 12 lapses 3 years after the date on which it was given.

(2) In any proceedings—

(a) a certificate of the DPP certifying that the exercise of powers or functions specified in the certificate has been authorised in accordance with section 9 or section 12 is conclusive evidence of the matters so certified; and

(b) an apparently genuine document purporting to be a certificate of the DPP under this subsection is to be accepted in any proceedings as such a certificate in the absence of proof to the contrary.

(3) The DPP may not delegate any powers or functions of the DPP under section 9 or section 12.

No. 14. Clause 38, page 20, line 34 [clause 38(a)]—Delete 'Solicitor-General' and substitute:

DPP, the Crown Solicitor

No. 15. Clause 39, page 21, line 5 [clause 39(1)(a)]—Delete 'Crown Solicitor' and substitute:

DPP or the Crown Solicitor

No. 16. Clause 39, page 21, line 6 [clause 39(1)(b)]—Delete 'Crown Solicitor' and substitute:

DPP or the Crown Solicitor

No. 17. Clause 39, page 21, line 7 [clause 39(1)(b)]—Delete 'Crown Solicitor' and substitute:

DPP or the Crown Solicitor

No. 18. Clause 39, page 21, lines 10 and 11 [clause 39(2)]—Delete subclause (2) and substitute:

(2) Neither the DPP nor the Crown Solicitor are required to provide procedural fairness in exercising powers or performing functions under this Act.

No. 19. Clause 45, page 22, line 15 [clause 45(2)(b)]—After 'Attorney-General,' insert:

the DPP,

FAIR WORK (COMMONWEALTH POWERS) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (NATIONAL INDUSTRIAL RELATIONS SYSTEM) BILL

The Legislative Council agreed to the bill without any amendment.

MATTER OF PRIVILEGE

Ms CHAPMAN (Bragg) (20:05): Madam Acting Speaker, I rise to bring to your attention a matter of privilege and I refer to the following: immediately prior to the dinner break, the parliament was sitting in committee for consideration of the Auditor-General's Report. The Hon. Kevin Foley (Treasurer) was being questioned and I, in fact, raised a question to the Treasurer in respect of why the government had entered into contracts with United Water without tender specifications which had been the basis of comment by the Auditor-General in his 2007 report. The Treasurer declined to give an answer but did ultimately indicate that he would take on notice whether he was able to do so. In the course of his response, he said as follows:

As a lawyer, I would have thought the shadow attorney-general would realise that this is now a matter before the courts.

He then went on to say:

No; it is a matter before—well, it might be. I would have thought that as shadow attorney-general, she would understand better than I that this matter is now in the courts.

I then responded, 'You have made statements on this in the house.' The Treasurer responded, 'Prior to it going to court.' The chair declared, 'Order!' and said, 'Member for Bragg, please do not interrupt.' The Treasurer went on to say, 'My statements made on this matter were before the matter was before the courts.' I said, 'Don't mislead the house.' He said, 'I'm sorry?' and then inquired as to who issued proceedings and there was a general order on it.

The Treasurer, in the course of this transcript, indicated that he would check on a number of matters but he says here again, 'Subsequent events were the serving of notice and legal proceedings commencing,' all of which he claimed were after he had made statements both publicly and to this parliament.

I bring the Speaker's attention to the following: firstly, the Treasurer made a number of statements on ABC and FIVEaa radio on 1 September 2009 and 2 September 2009 on the outstanding issues between SA Water and United Water. He then made a ministerial statement to this house on 8 September 2009 in which his opening statement was:

On 31 August 2009, SA Water filed proceedings in the South Australian Supreme Court against United Water alleging misleading and deceptive conduct and a breach of contract.

This is a statement he made to the parliament, followed by statements to the media, all of which postdated the institution of the proceedings on his own admission in this ministerial statement to this parliament on that day.

I ask you, Mr Speaker, to investigate this matter as is your responsibility of course as to whether there is a prima facie case for further investigation as to the Treasurer's misleading of the house on this question of privilege. I am happy to provide a copy of the pleadings, a copy of the

ministerial statement, a copy of the transcript and of course a copy of what I have received from Hansard as the statement of the Treasurer immediately prior to the tea adjournment.

The SPEAKER: I will look at the member for Bragg's statement to the house and I am more than happy to look at any other material with which she wishes to furnish me. Just as a general point—and not to do with this specific matter of privilege—a matter of privilege has to be more than some inconsistency or error of fact. A matter of privilege involves a member, any member, be they a minister or otherwise, in some way deliberately furnishing the house with information so as to affect the deliberations of the house. I am not going to engage with the member for Bragg at the moment. I will look at her statement. That is just as a general principle. I will look at the statement of the member for Bragg and any other documentation she has, and I will try to come back to the house with a ruling before the house rises.

Ms CHAPMAN: In the course of documents to be provided, Mr Speaker—

The SPEAKER: I do not need to be provided—

Ms CHAPMAN: The statement of claim, do you want that as well?

The SPEAKER: If the member for Bragg needs to talk to me, perhaps she should just approach the chair.

Ms CHAPMAN: I am happy to do that, Mr Speaker.

PIKE RIVER CONSERVATION PARK

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) (20:11): I move:

That this house requests His Excellency the Governor to make a proclamation under section 30(2) of the National Parks and Wildlife Act 1972 excluding allotment 10 of Deposited Plan 72034, Hundred of Paringa, County of Alfred from the Pike River Conservation Park.

This is a simple matter which requires a resolution of both houses of parliament under the National Parks and Wildlife Act 1972. Pike River Conservation Park is 226 hectares in size and is located four kilometres south-east of Renmark adjacent to the township of Paringa. The park was constituted in 1979 to protect flood plain environments. The motion before the house seeks to remove a small allotment of land from the Pike River Conservation Park as it contains a privately tenanted residence which is considered inconsistent with the core operations of the park.

Following parliament's consideration of the excision of the small allotment of land, the government will be adding 62.52 hectares of land to the Pike River Conservation Park. The land that is to be added to the park represents the features of known significant wetland ecosystem. Including it in the Pike River Conservation Park will enable remnant vegetation to be protected by controlling weed invasion, introduced animals and unrestricted recreational use. The proposed addition contains river gum forest, black box woodland, chenopod shrubland and native grassland.

The additional land is scheduled to occur by the end of 2009, following parliament's consideration of the excision of land from the park. This addition will contribute to the 225,000 hectares of land that we will already have added to our park system since 2002. We have also added 24 new parks, reserves and wilderness protection areas to the state's protected areas system, which includes 950,000 hectares of land given a high level of protection under the Wilderness Protection Act. This is 13 times the area covered by the wilderness protection areas in 2002 when the Rann government came to office, when only 70,000 hectares were afforded such high protection. These are all important additions and play an integral role in our park system in strengthening habitat for our state's fauna and flora. I commend this motion to the house.

Mr WILLIAMS (MacKillop) (20:13): An interesting contribution by the minister in commending the legislation. I thought it was a motion, to be quite honest, but that is not a problem. The opposition will be supporting the motion, but I will take the opportunity to make a couple of comments. I was interested in the minister's contribution because his contribution did not explain the reason for the motion at all. It was about a completely different matter which was the addition of a small area to the Pike River Conservation Park, which has nothing to do with the motion before the house. It is interesting that these two matters come together because I think it gives us an insight into the culture of the department, and I want to talk a little about that because it has given me an opportunity to speak on a matter which has annoyed a couple of my constituents and me for

many years. It goes to the culture of this department, now DWLBC. It has had a number of iterations since I have been in this place.

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: Well, DEH. As I said, it has had a number of iterations and, by and large, it has been the same people making the same mistakes and giving the same excuses.

In this particular instance it seems that when the park was constituted—and the minister has just told the house it was constituted in 1979—inadvertently a residence was included within the constituted area of the park. Tonight in this place and, hopefully, this week in the other place the government will take appropriate action to remedy the mistake that was made 30 years ago. That seems to be the culture of this department: it makes mistakes and does not bother to remedy them.

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: Well, they are all the same people. I have a little bit of experience and let me say the culture exists in both departments. Let me explain.

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: No, it is not just your government. Listen to my explanation, minister. I am trying to encourage you to change the culture of the departments you administer. This has been going on since 1979. From memory there have been at least two Liberal governments between 1979 and today, and they did not remedy the situation either, possibly because the same people in whatever iteration of this department and its culture did not think it was important.

It is very important to the people concerned. Let me bring to the attention of the house a situation that occurred in my electorate. We have a Border Groundwater Sharing Agreement between Victoria and South Australia, which sets up specific conditions and obligations on an area of land extending 20 kilometres each side of the Victorian border, all the way from the coast, south of Mount Gambier to the River Murray. There are a number of zones and special management regimes occur throughout that area.

One of my constituents who lives north of Bordertown approached me some years ago and said, 'Mitch, when the department declared the Border Groundwater Sharing Agreement it lodged rack plans with the Surveyor-General and delineated this area of land that comes under the Border Groundwater Sharing Agreement and they got it wrong with respect to my farm.'

The upshot of it is that he was applying for a water licence and his application fell foul because of this mistake with the delineation of the 20 kilometre zone because it put his farm on the wrong side. It put him into a different water management area than that in which he should have been placed and, as a consequence, he fell foul of the authorities to get a water licence which he believed, I believed and, ultimately, the Supreme Court believed he should have got.

What happened in the first instance is that I approached my then colleague who happened to be the minister in a Liberal government and explained the situation to him. I think it was former minister Brindal. I said to him, 'All you have to do is come to the house, bring forward a motion, sort out the delineation of the Border Groundwater Sharing Agreement boundary in this area and the problem will be solved.' He came back to me some weeks later (it might even have been months), and said, 'No. The advice from the department is that that is far too difficult. This is an isolated case and it is really of no import to the state. We are not going to do anything about it.'

Meanwhile, my constituent was suffering. He went before the ERD Court, represented himself and won the case. The government took exception to that and took the matter to a higher court. Again, my constituent, who left school at the age of 14, represented himself and won the case. There had been a change of government in the meantime. I went to the then minister (Hon. John Hill) and pointed out the ridiculousness of the situation and said, 'Why don't you come to the house, amend the delineation of the border groundwater sharing area and fix this problem? Problem solved. My constituent will get his water licence and you won't have any further grief.' The answer came back again some months later, 'Sorry, the department is not interested. It does not want to do anything about it.' My constituent, as I mentioned a moment ago, subsequently won the case.

Officers from the department (and these are departmental officers, government officers) then approached my constituent and said, 'We are going to appeal this to the Supreme Court. We expect to win the case and we will seek costs and it will cost you.' They mentioned a substantial

amount of money, which was over $100,000. This was a simple farmer. It is my belief that the department tried to intimidate my constituent so that he would not contest the case.

At the end of the day he did contest the case and he won. In the meantime, I had been to the then minister (Hon. Gail Gago) and asked, 'What the hell is the government doing? Why are you doing this?' The answer came back, obviously from the department, 'There is an important principle at stake here and we want to establish the principle.' I have never been able to work out what the principle was that they tried to establish but, at the end of the day, after probably six or seven years, my constituent won the case in the Supreme Court. He got his water licence, which is what he had been fighting for all along.

To my knowledge, the department has never recommended to a minister that the fundamental error in the first instance be fixed up; that is, that it had got the delineation of the boundary wrong. It has blithely gone on through this whole process with this individual, at great expense to the taxpayer and to my constituent in this instance, and has caused a great amount of anguish. It has blithely said, 'It's not that important that we fix up the boundary.' My constituent was only interested in his water licence. It is really of no import to him, now that he has got that, where the boundary goes. However, it is an absolute nonsense that this department, the department that the minister administers, blithely goes ahead without any concern about mistakes once they have been pointed out and does not bother to remedy them. Tonight, we are about to remedy a mistake that occurred some 30 years ago.

I have not had the opportunity to speak to the person who resides on the small parcel of land that will be excised from the Pike River Conservation Park as a result of this motion, and I do not know what sort of anguish that resident has endured over that 30 year period. I hope it has not been great. However, the problem is that here we have a government department that just does not care. We have ministers (and I have cited at least three ministers in the example in my electorate) who have not had the gumption to walk up to the department and say, 'I want this fixed, and I want it fixed now.' All it would take is a minister to say, 'What is this nonsense about? Fix it.'

This is one of the problems we get with a bureaucracy that is not answerable to the parliament, when a minister of the government is willing to protect the mistakes of the bureaucracy. It is not what the members of the community, the citizens that we represent in this place, expect. It brings me no joy to stand in this place and speak of these matters. It is not my wish to denigrate the officers of the department. It is not my wont to do that.

Indeed, I do not blame the officers of the department, because the culture that has developed is as a result of governments which do not care. As I said, minister, this is not just your government. I was frustrated on this matter by one of the ministers when we were in government. As I pointed out, we were in government for at least two terms while this mistake was not addressed, and it just frustrates me and my constituents when we come up against this sort of bureaucratic bungling and intransigence and we cannot get these things resolved. That is what we are here for; that is why we are representing constituents: to make sure these matters are fixed up.

I do not know whether ministers from 1979 have been made aware of this matter but, if any of them have been aware of it, they should stand condemned for not doing something about it. I do not know how this matter came to his attention, but I congratulate this minister for bringing this matter before the house with this motion to sort it out. It ill behoves the minister to suggest that this is about adding further country to a park. This motion is not about that at all: it is about resolving a mistake of 30 years.

The opposition supports the motion to resolve that matter, but I am pleased that I have had the opportunity to bring to the attention of the house that this is not an isolated case and that there is a bureaucracy out there that does not seem to think it is important to resolve these matters. I want the message to go from this debate back to the department, whether it is the DWLBC or the environment department. It was some iteration of those two departments, because I do not think it was two departments at the time the mistake was made that affected my constituent.

I hope the message goes back to those departments to say that this is not good enough. When these anomalies come to light, the parliament expects that the minister of the day be appraised of them and advised to fix them up. I commend the motion to the house and hope that the other place also passes it so that we can fix this anomaly.

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) (20:28): I thank the honourable member for his support, not necessarily the churlish way in which he provided it, but nevertheless we will settle for the support. I must defend the officers of my agency. The honourable member could not work out which public servants he was cranky with, but generally I think he must have been bitten by a public servant when he was a small boy, because he does have a set against them which can only be described as something very deep in his psyche.

An honourable member: Historic.

The Hon. J.W. WEATHERILL: Historic; it is indeed. I defend my officers; they always provide me with the best of service, including very timely advice on questions I ask them. I think it is probably wrong to assume that this is somewhat of an error. What is happening is that this park is now extending in its size, and what has worked apparently satisfactorily for a period of time will be less than satisfactory when the larger park is created and the management arrangements for the flood plain environment are put in place. I commend the motion to the house.

Motion carried.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PROJECT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October 2009. Page 4366.)

Mr WILLIAMS (MacKillop) (20:30): I came to the house early this morning expecting that we would handle these matters before lunch, and here we are at 8.30 in the evening just kicking off with the Upper South-East Dryland Salinity and Flood Management (Extension of Project) Amendment Bill. I could, but I will not, hold the house for hours on this. What I will do is make some general comments, and I will direct members to the *Hansard* of Thursday 5 December 2002, page 2200. Thursday 5 December 2002 was the last day of the sitting of the parliament for the year 2002. There had been a change of government in March and, later in that year, the then minister (Hon. John Hill) introduced the Upper South East Dryland Salinity and Flood Management Bill, by dint of his argument, to enable the government to complete the Upper South-East drainage scheme.

I have, I believe, a very good knowledge of the Upper South-East drainage scheme and the drainage scheme in the other part of the South-East, the Mid and Lower South-East. I spoke extensively on that bill on 5 December 2002. Amongst other things, I pointed out that my family, my forebears, in, I think, 1867, were carried to the South-East by ship. They landed with a group of 100 men under the direction of the then surveyor-general George Goyder to start digging an extensive drainage system across the South-East. Those drainage works extended for about 100 years up until the early 1970s in the Mid and Lower South-East and changed the landscape incredibly.

In the mid to late 1970s, after much of the Upper South-East had been cleared in previous years and sown to lucerne, the accidental introduction of two pest species—the spotted alfalfa aphid and the lucerne flea—decimated those stands of lucerne, which had a huge impact on the Upper South-East of the state. What had occurred with the clearing of the landscape of the deep-rooted perennial plants, the mallee scrub, and that being replaced by lucerne meant there was not a huge change to the hydrological balance of the area (lucerne being also a deep-rooted perennial plant) and it maintained the water balance in the landscape.

With the demise of those stands of lucerne in the late 1970s it took very little time before the watertable in the area rose to within a very small distance—probably less than a metre—of the surface (sometimes it came right to the surface), bringing with it salts which had been mobilised through the saturation of the upper soil. During the summer months the moisture would evaporate leaving behind the salts at or near the surface causing salt scald and the problem which is known as dryland salinity. The landowners of that area obviously were most concerned. They had seen the demise of their lucerne. They had seen the carrying capacity of that land—which is basically land grazed by sheep, very productive grazing land, with a reasonably good rainfall, healthy country—be absolutely decimated.

That made it difficult to make a living because the living area obviously changed dramatically. Whereas a family could make a living off maybe a couple of thousand acres, suddenly, that was almost impossible and you would probably need five to 10 times that area to make a reasonable living because of the loss of production—simply because of the loss of lucerne.

Then, they saw the rising watertables were bringing dryland salinity that was going to further decimate the carrying capacity of the land and, in fact, turn the land into a waste land. There were many discussions held over a long period, culminating in a plan to create another drainage system, principally to lower the watertable.

I will not go through all the things I said about this back in 2002, but it is still my opinion that the drainage scheme was well conceived. It is absolutely essential to that landscape. The reality is we cannot go back. This is a productive part of the state; and I think the state's economy needs it to continue as a productive part of the state. A significant number of people make their living from it; and, in any case, it is impossible to go back to what was prior to the opening up of that country and the clearing of the native vegetation, notwithstanding part of the solution has involved replanting of native vegetation on significant areas.

Through a lot of negotiations, the drainage scheme was instituted. The then Liberal government and the member from whom I took over the seat of MacKillop, Dale Baker, negotiated with the local farming community to contribute to a scheme. Dale Baker negotiated with the commonwealth government and was certainly one of the primary architects of the Upper South-East drainage scheme. The scheme got underway under the auspices and powers of the South-East drainage act. I argued in 2002 that the powers that were conferred upon the minister by the Upper South East Dryland Salinity and Flood Management Act were not necessary. To this day I do not believe they were necessary, because a fair bit of the scheme was created without any of those powers.

By and large, what changed with the new act was that the parliament gave the government of the day powers to compulsorily acquire land, without compensation—something that was an anathema to me. As a consequence, I voted against the bill on 5 December 2002, along with my colleague the member for Stuart. I think we were the only two in this chamber who voted against the bill, and I still think we got it right.

It is interesting that the bill we now have before us tonight addresses a number of the matters that concerned me all those years ago. The bill recognises that the minister does not, indeed, have to hold freehold title to the land on which the drains will be constructed. I argued that at the time. I argued at the time that all the drains that have been dug in the Lower South-East, Mid South-East and, to that time, the Upper South-East, which were extensive, had been dug with the goodwill that existed between the government of the day and the landholders. There were a couple of sticking points, and I identified those in my contribution all those years ago. From memory, I think there were three points where there was some disagreement between the land-holders and the government. I think minister Hill went overboard with the legislation he brought before the house at that time, which was passed through this house and the other house and became law.

Minister Hill, among other things, instituted another levy on landholders and extracted many more millions of dollars from my constituents. He compulsorily acquired large tracts of land and said that that was necessary and the only way he could dig drains. Today, this minister brings to the house a bill which says we do not need to acquire the land compulsorily; instead, by statute, we can declare easements over the land. That would have been a much more sensible tack all those years ago.

The land that has been compulsorily acquired under this bill will be returned to the original landowner where the original landowner is still the owner/occupier of the land or, if the land has been transferred to another party, to that party/person. That is the way it should have been done in the first place, in my opinion. In fact, I do not believe that it was necessary to go that far. I am delighted that the government today has come to the realisation that it does not need to continue to acquire land compulsorily and that it can simply strike a statutory easement across the land where it needs to construct drains, and I fully support that.

I think that any government that is going to construct drains, even with the goodwill of the landholder, should obtain an easement across the land concerned to allow for the construction in the first instance and then for ongoing maintenance. Members may not realise that drains require ongoing maintenance. The South-East Water Conservation and Drainage Board's chief function is to maintain the drains in the Lower and Mid South-East. It is quite a job and it is ongoing in order to maintain the drain itself and the crossings and other structures on the drains. So, I support that part of the bill.

The bill does some other things. I must point out that the extension of the act by this bill will allow for the construction of the last of the series of drains which were planned to be constructed in the original scheme, as conceived way back in the early 1990s. The Bald Hill drain and the Wimpinmerit Flat on which drains will be constructed will complete the scheme. It is a pity that we have to do this now, and there have been significant delays. If my memory serves me correctly, in 2002 the original act was going to run for four years from 2002 to 2006. The minister told the parliament at that stage that in that four-year period he would have the scheme completed.

I remember going on local ABC Radio in Mount Gambier at the time suggesting to the local landholders that they were being duped and they would have been a lot better off if they had decided amongst themselves to form a cooperative in order to put the money that they were going to be forced to pay through levies into that cooperative and to construct the drains themselves across their own land. It would be cheaper and happen more quickly. I was derided by a couple of landholders for suggesting that. I stand by those remarks.

I think the scheme would have been completed many years ago at a small fraction of the cost if they had taken that advice from me at that time. But history shows that that was not the case. The government proceeded under the new act and history also shows that by 2006 we were still a long way from completing the drainage scheme. I suspect it was probably still minister Hill at that stage who brought a bill to the house to extend the act by a further three years. We find ourselves another three years down the road where we have run out of time again, because the principal act has a sunset clause in it. We find that three years later we still have not completed the scheme.

One has to continually ask: what on earth is going on? Some of these constituents of mine have been paying levies—not insubstantial amounts of money; we are talking hundreds of thousands of dollars paid by individuals—for well over 10 years, 12 or 13 years and, in the case of Wimpinmerit and Bald Hills, they still have not seen a sod of dirt turned, still have not seen one bit of improvement.

The Hon. S.W. Key: How many years have they paid?

Mr WILLIAMS: Probably 12 or 13 years.

The Hon. S.W. Key: So, in your government?

Mr WILLIAMS: Yes; it goes back into 1995, 1996. It is a long way back not to have seen anything for their money.

The Hon. S.W. Key: At least the current minister got some recent scientific information.

Mr WILLIAMS: Which told him exactly the same as the original EIS which suggested that it was imperative to dig the drains, but there has been a lot prevaricating. Let me say, I do not deny that there are some opponents to the drains. I have always been a strong supporter of the drainage scheme. I have lived next to drains and seen the operation of drainage in the Lower South-East all my life, as has my father and my grandfather and, for at least half his life, my great grandfather.

Can I say that the land I operate as a fifth generation farmer would not be suitable for agriculture of any form apart from raising ducks without some form of drainage in the Lower South-East. It is probably the most productive part of the state. The land around the Millicent district would be as productive as any part of South Australia. It is highly-prized land and as I drive from my home to Adelaide to attend the parliament, and I drive out of the Lower South-East, by the time I get to about Kingston, I start to see the country become dry. I assure you that around Millicent it is still verdant.

Mr Pengilly: The land of milk and honey.

Mr WILLIAMS: The land of milk and honey. It is still verdant.

Mr Kenyon interjecting:

Mr WILLIAMS: It is a lot better than Kangaroo Island, Tom. It is incredibly important to the state. I am digressing a little here but I have made the argument to many ministers over the years that a lot of the livestock that is produced in South Australia is slaughtered, value-added, in Victoria because historically we have been unable to keep meatworks operating for 12 months of the year.

If it were not for the Lower South-East and if it were not for the drainage scheme that allowed that to be a highly productive livestock area which produced stock well into the summer and through summer into the autumn, there would hardly be any abattoirs operating in South

Australia. That is a fact of life. I do digress but there are a lot of arguments for us doing a lot to improve the flow in the operation of abattoirs in South Australia to value-add to our livestock production systems.

I will get back to the bill before us. One of the things which this bill does and which the delay in the construction of the final drain in Bald Hill flat has done is condensed the idea that we should return some of the flows at least from the Mid South-East northwards to the Coorong. The minister, only today, talked in the house about the Lower Lakes and the Coorong and talked about the problems with the River Murray and the impact that has had on the Lower Lakes and the Coorong. I think that the Coorong has been more impacted by the drainage system in the South-East than the drought that we are currently seeing across the Murray-Darling Basin.

The Coorong does not necessarily rely on flows down the Murray, and at last some of the so-called environmental experts are starting to realise that the hypersalinity conditions in the southern lagoon of the Coorong have gone too far and are leading to the death of the Coorong. In my opinion, that is not caused by the lack of flows down the River Murray. It has been caused by the diversion of fresh water from the South-East for over 100 years away from the Coorong and into the sea along the coast, stretching from just north of the town of Kingston all the way down to south of Millicent, the outlet from Lake Bonney.

The REFLOWS project which will be incorporated into the Bald Hills flat, whereby waters principally in this case from the Bool Lagoon (which again is another icon environmental site in South Australia and which, I hasten to add, would not be there if it was not for the South Australian Field and Game Society, the duck hunters, who preserve that for duck hunting and who had more to do with maintaining wetlands in the south-east of the state and other parts of the state than any other environmental group), which traditionally ran to the north but which since I think 1972 and the completion of Drain M have run south to outfall into Lake George at Beachport and then through the Lake George outlet into the sea, will be diverted northwards through the old Bakers Range watercourse and through a floodway which will be created as part of the Bald Hills drain northwards eventually either through the Mandina marshes or through Cucunda and out the Tilley Swamp watercourse into the Morella Basin and eventually via Salt Creek into the southern basin of the Coorong.

In the conception of the Upper South-East scheme, I also need to add for the record that, when the deal was struck with the federal government to be a funding partner to the original scheme in the early to mid-1990s one of the conditions put on by the federal government was that no more than 40 gigalitres per year of fresh water would be put into the southern basin of the Coorong. I have always thought that that was a nonsense. I think many people are now realising that is a nonsense. In reality, we have probably never come within cooee of generating that amount of water out of the South-East in the meantime, so it has not been an issue, but it is something that needs to be renegotiated.

The minister might take this on board; that is, when the scheme is completed, I think it would be wise to renegotiate that condition with the commonwealth government so that, if we did have a couple of extremely wet years where a lot of fresh water was generated in the South-East, that could be pushed northwards and into the Coorong at a rate of greater than 40 gigalitres per year, and I think that and that alone would remedy the problems at least of the southern basin of the Coorong.

The REFLOWS project is one that I fully support. I think the vast majority of my constituents support that project. It is a wise move to turn around some of the floodwaters that are generated in the South-East and put them back to where they originally flowed into the Coorong to rehabilitate that to the world-class wetland that it is or should be. In a somewhat rambling way, I admit, I think I have given an overview of some of the history of the Upper South-East project. It disappoints me that it has taken so long to be completed.

In fact, I can tell the house that before I came to this place, probably in 1995, the then chairman of the South-East Water Conservation and Drainage Board, Michael McCourt, announced that he was resigning from that position. He was an elected landholder representative on the board. I rang him and expressed some interest in standing for election for that position. I asked him what the job entailed, how many hours a week or a month it would take of my time and he said to me—and I often remind him of this—'The Upper South-East scheme has taken a lot of work and a lot of time, but we have it pretty well under control and there should not be much work to do before it is completed because most of the hard work and heavy lifting has been done.' I suspect that was in 1995.

I put up my hand and was duly elected to the drainage board. I spent 12 months as an elected landholder member on that board and we discussed not much else other than the Upper South-East scheme. It was a great time and it is when I really learnt the intricacies of the scheme; I got a good understanding of the scheme. It frustrates me that it has taken so long to get to the position where we are today. Some 15 years later I can almost see the light at the end of the tunnel. Hopefully, with the passage of this bill and the extension of the principal act, the scheme will be completed.

I have a couple of issues with the bill. The land on which statutory easements will be created are known as category C project works corridors. New section 12C provides that easements will be created but does not provide that easements will necessarily be registered on the title. It does oblige the landowner and any subsequent landowner to the conditions of the easement.

I have some problems with that because a number of my constituents over the years have come to me, complaining that they cannot deal with their titles because, through the process of the land being acquired by the government, the department for its own reasons (which I do not understand) has taken the decision that it would not amend the titles until the scheme was completed, so land titles have had a strip of land for the purpose of constructing the drain vested in the minister in fee simple. They have been in that state without the title being tidied up, without its being registered on the title and the title being rewritten, so the landowner with the rest of the land cannot deal with that land, in some cases for seven or eight years.

Recently, I brought to the attention of the house a particular case where the land has changed hands twice yet they have not been able to settle the contract for the exchange of the land because the title had never been fixed up by the department, and the title holder, therefore, could not transfer the title. One gentleman, who is no longer a constituent of mine because he lives in New South Wales, sold his property, it was onsold again and he was still waiting for the original payment. From memory in the order of $700,000 was outstanding to this landholder. He could not settle because of the intransigence of the department.

The minister in the earlier matter wondered why I was making comments about the culture of departments under his control. Some of my constituents suffer greatly while people in the department who are making decisions take home their weekly pay, get on with their life and are unaffected. However, I can tell the house that it greatly affects some of my constituents. That is why I tell the story of this particular person where a parcel of land ostensibly had changed hands twice but had never been able to be settled. I think that is outrageous. That is why I make the point that I think it is unfortunate that this bill has a clause that suggests that a statutory easement could be placed on a piece of land but it need not be registered on the title. I have some concerns about that.

I note that one part of the bill (I think it is new section 12A) provides that the land which was vested in the minister or the land which was compulsorily acquired will be revested back into the name of the original landholder, or a subsequent landholder if it had changed hands in the meantime. I applaud that. I told the house earlier that I did not support the original bill. Along with my colleagues, I will be supporting this bill, because we are stuck with the principal act, but I think this improves it somewhat and remedies some of the problems that I had with the original legislation.

Also, new sections 12A(10)(a) and (b) (principally new subsection (b)), provide that an easement can be registered in a category B corridor on the application of the minister. Again I ask: will the minister make such application in every case? If he does not, we will end up with possibly a significant number of titles on which there is an easement but it is not registered. I think that that clause should state that the registrar must register or note the easement on the application of the minister and the minister shall make application, rather than giving the minister discretion not to make application. I think that is an absurd situation and it will only create problems into the future.

Not only does the bill extend the time of the principal act but it also revests that land that was compulsorily acquired under the original act back with the landowner. I applaud and support that. It also makes provision for a category C corridor. I have talked about the reflows to return flows of relatively fresh water northwards to the Coorong through the REFLOWS project, and this act gives the power to allow that to happen.

I reiterate the comments I made back in 2002. I do not know that those powers are necessarily needed but, obviously, the culture of the department is that it wants to work under this

act and not use the powers that it would have under other acts—principally, the South-East drainage act, which I believe would give it all the powers it needs. In fact, about half the scheme was constructed under those powers. Recognising what has happened over recent years, I will also support the amendments that provide the powers to create the REFLOWS project.

Clause 12 of the bill causes me some concern on behalf of my constituents. It is probably important to keep livestock away from drains. I earlier talked about maintenance of drains. If you have livestock climbing in and out of drains (particularly cattle but also sheep), as they will, it creates damage to the drains. The drains by and large have been fenced, and I think that is a sensible thing to do.

Clause 12, which amends section 21, gives the minister the power to require the owner of land where a statutory easement is situated to carry out specified fencing work. To my knowledge, the fencing that has been carried out on the Upper South-East drainage scheme to date has been carried out of the cost of the scheme. It seems now that it will be carried out under the direction of the minister by the land owner. Subsection (2c) stipulates that the minister would pay for one half of the reasonable costs of the work associated with that fencing. For the life of me, I do not understand why in this case the landholder should be subjected to paying for half the cost of the fencing. He or she has been levied long, hard and highly, year in, year out, for probably 13 years or more in the scheme.

To the best of my knowledge, those landholders who have already received the benefit of having those drains constructed through or adjacent to their properties and have had the benefit of those drainage works for a considerable time now were not obliged to pay for the fencing on top of contributing to the scheme through their levies, whereas those in the Bald Hill and Wimpinmerit areas look as if they will be paying for half the fencing. That sort of burden should not be borne by those landholders. It smacks of inequity, where they will be treated differently from those who have already had the drains constructed in their area. Not only is it seen that they will be paying more, but also they have waited 10 years or longer to get the benefits of the drains.

I think I have made this comment many years ago: I implore the government to get on with it, complete the scheme and put it to bed. As I said, there are some detractors in the South-East. The delays have only fomented arguments amongst some of my constituents over this. The reality is that through his department the minister has carried out surveys and covered his back in every way, and in every case the results of the surveys, discussions and consultations have said: get on with it; get it completed.

The other thing I will repeat and I have said in this place many times with regard to the Upper South-East scheme is that we have been very fortunate in one respect in that we have had a series of dry years. None of us in the South-East have enjoyed the dry years and particularly their extending for longer than we would like to think, at least 12 or 13 years. If we had not had those dry years—and the drainage scheme obviously has not been completed—I believe we would be suffering an environmental disaster in those areas where the drains have not been constructed.

They are essential; they are about the only option open to us to save from huge degradation large tracts of the Upper South-East country that is full of salt and, if we do not manage the hydrogeological balance, we will be devastated; the surface will become a waste land. Again, I urge the minister to get on with it and get it completed. God forbid that we are back here in another three years debating whether we extend the principal act again.

Mr PEDERICK (Hammond) (21:09): I, too, rise to support the bill. I note the comments by the member for MacKillop and acknowledge his extensive history in the South-East over five generations and his broad knowledge of events that have happened in the South-East over time. The Upper South-East project is a drainage system to manage the dryland salinity, to manage water logging and the degradation of ecosystems in the Upper South-East. The Upper South-East can be defined for this project from somewhere around Lucindale in the south, Salt Creek in the north and Padthaway to the west. The project was commenced in the 1990s. It received legislative effect in 2002 through the Upper South East Dryland Salinity and Flood Management Act 2002, which was last amended in 2006.

This bill we are debating tonight seeks a further three-year extension to the act to 19 December 2012. This will facilitate reflows within the drainage system which will result in partially redirecting historic environmental flows in the South-East and, hopefully, flow these into the Coorong. The bill will also provide for a regime for accessing easements through people's properties.

Due to recommendations made by the Natural Resources Management Committee in its 2007-08 annual report on the act two reviews were undertaken. The first was an independent review of the environmental implications of constructing or not constructing the proposed Bald Hill Drain, and the second was an independent review of community perspectives of the Bald Hill Drain and the REFLOWS project.

The result of these reviews was that there was a need to continue the project as degradation would occur to those drains already established, and there was generally broad support for this to occur. As the member for MacKillop indicated, there is some opposition to these drains, but historically drainage in the South-East has opened up thousands of acres of country in that area. I know that the McCourt family—down at Woakwine near Beachport—opened up the Woakwine Cutting many years ago—I think it was with a D6 bulldozer and a small scraper.

Mr Kenyon: Why did they use a small bulldozer?

Mr PEDERICK: Because that is all they had. That was a big bulldozer back then. I think the member for Newland would be wise to go down and have a look at the Woakwine Cutting and look at what was achieved many years ago with the equipment that was available at the time. It was a massive undertaking to drag out thousands of tonnes of material to open up property to make it productive. That was probably the initial drain in the South-East; and certainly in more recent times, up towards the Kingston/Salt Creek area, Tom Brinkworth has opened up major drainage systems in his own right. I went on a public tour of that system, and that was quite a different operation to what the McCourt family had completed at the Woakwine Cutting many years earlier. Tom and his staff opened it up with massive excavators which helped drain many thousands of acres as well.

The South-East, as the member for MacKillop indicated, certainly has not had the wet years it historically has had in the past. I have certainly been involved there over time. There was a period in the early to mid-1980s to the mid-1990s when I was doing seasonal work down at Lucindale and I noticed a lot of empty drains. Certainly it is country that will get wet. The heavy rains will fall again in the South-East and these drains for this project will be absolutely vital in making sure that tens of thousands of acres, or hectares, whichever way you like, of country in the South-East can be kept in valuable production. It is good country. It has high stocking rates. It is very good grazing country for both cattle and sheep. Many thousands of head of cattle and sheep are bred in the area.

So, let us hope that this work is completed so we do not have to be in this place in three years' time moving forward with another bill. Let us get the action ahead, because it will get wet and we need to keep this country productive. I commend the bill.

The Hon. G.M. GUNN (Stuart) (21:15): I have had the pleasure of being involved with the parliamentary Natural Resources Committee which considered this matter in great detail and took a great deal of evidence, and I think anyone who objectively looks at the role the committee played would have to say it was very fair and took into account varied points of view. The committee went and looked, and ensured that there was a proper review of the process. At the end of the day, I am of the view that the minister made the right decision in relation to this matter. No-one could say that the people involved did not get the opportunity to state their case, some of them at great length. A decision had to be made and I believe the right decision was made, even though there are still some people who are unhappy. There was a lot of money involved and you cannot half finish a project. It had to be finished so everyone would get the benefit of it.

I do not profess to be an expert in this field, but I believe from the evidence we took the correct decision was made and, obviously, the minister was given the appropriate advice by his department after proper analysis. In particular, I thought the evidence given by one of the ladies in the department in the South-East was exceptionally good and very professional, and she had given a great deal of consideration to it. Therefore, I am pleased to support the legislation.

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) (21:16): I thank honourable members for their contribution. In particular, taking the most recent contribution by the member for Stuart, of course there was a pause in this project for the Natural Resources Committee to make recommendations, and I think we had already resolved to consider some of the environmental effects. We were in the middle of that very long drought and there was some concern that the original justification for the drains might not still be available.

However, after the careful analysis that was undertaken and deep discussions with the community, we received the advice that allowed us to make the decision to proceed.

The most recent rains in the South-East (which fortunately has enjoyed an above-average season for the first time in some considerable time) demonstrated the facility of the re-engineering works of the drains. It gives us great comfort that the re-engineering of the landscape to replicate its natural flows through the reflow project back into the Coorong will, in fact, succeed, because we were pleased to be able to deliver 14 gigalitres of water into the southern lagoon of the Coorong.

I must tell members this anecdote about the farmers in the Upper South-East. They said that it is the Labor ministers that keep making all the good decisions, and they reeled them off. They said Lenehan, Hill and Gago, and they said, 'Are you going to be the next one?' It was a very powerful argument, but I had to say to them in response, 'Why is it, if we are so good to you, that we only poll less than 20 per cent in this booth?' They thought that was very funny.

Mr Williams interjecting:

The Hon. J.W. WEATHERILL: Exactly. They were very good.

Mr Williams interjecting:

The Hon. J.W. WEATHERILL: They certainly were. However, we were not motivated by our electoral fortunes down there. We were motivated by getting the right result for the environment and the broader community. I thank all members for their contribution to this debate and commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

Mr WILLIAMS: Minister, on my copy of the bill—and I hope it is the same as you have because I have been caught out by this before—clause 8 inserts new sections 12A, 12B and 12C. I refer specifically to new section 12A(10)(b) which provides:

> (10) The Registrar-General—
>
> (b) must, on application by the Minister, register or note an easement in favour of the Minister under this section on any relevant certificate of title or against any land (without the need to obtain any consent or approval);

Minister, is it the intent that you will make application for the easement to be registered in every case?

The Hon. J.W. WEATHERILL: The answer to the question is yes in circumstances where it affects other landholders. In some circumstances, we will be the landholder, so it will not be necessary in those circumstances.

Mr WILLIAMS: I am pleased to hear that. Where clause 8 inserts new section 12C to do with statutory easements, subclause (1) paragraph (c) deals with the installation of a statutory easement. This refers to category C projects works, which is the reflows area. It provides that the easement:

> will bind the owner from time to time of the relevant land even if not registered on the original certificate for the land or on the duplicate certificate under the Real Property Act 1886 or, in the case of Crown land, even if not registered, recorded or endorsed in relation to the land (including an owner who takes the land on a genuine basis for valuable consideration in a situation where the easement has not been registered, recorded or endorsed) and will bind any other person who takes possession of the land (on any basis and at any time);

Minister, it seems in this situation that we are going to establish a statutory clause and there may be cases where they are not registered in regard to category C land. Is that the case or am I misreading the clause?

The Hon. J.W. WEATHERILL: I think the nature of the scheme is that we have the power to register and, as you have just heard, it is our policy to do that. But, if for some reason we did not do that, this provides a degree of protection that means that we are still validly able to take the steps that we need to take.

Mr WILLIAMS: I am pleased to hear that it is the intent that the easements will be registered. Comments I made earlier in the evening in regard to the other matter apply here. I would hate to think that we are making law that allows that culture of mistakes to be papered over. I do not know that it is good law to say that, if there is an omission, it does not really matter and we can go on with business as usual. I think if there is an omission, there should be an obligation that the parliament or the minister and the administering authority correct the omission at their earliest convenience. However, I am pleased to hear that it is the intent, and I hope that the intent is carried out without omission.

The Hon. J.W. WEATHERILL: In some circumstances, such as now, for instance, we might want to press ahead with the process of the work so we will have had the contractual agreements to permit us to do that. However, the registration process might take a little longer, so there might be a small hiatus between the time of commencing works and the registration of the easement, although it is our intention to in fact register the easement.

Mr WILLIAMS: I accept the minister's explanation but notwithstanding that, I have some issues with the parliament transferring the risk to the landowner and away from the government. I really do think that it makes for bad legislation. I take your point and I understand the circumstances that you have explained.

I accept that but, as the minister well knows, I have had this issue with landholders in my electorate who have waited for years and years to transfer titles because the department has not been of a mind to tidy up the titles as it has been going through the process and that has caused great anxiety and, in some cases at least, significant detriment to some of my constituents. That is why I think it is unfair of the government to transfer the risk of an omission or a failure to do what was intended to be done from the government to the landholder.

Clause passed.

Clauses 9 to 11 passed.

Clause 12.

Mr WILLIAMS: I raised this in my second reading speech. This is about fencing. If I am wrong I am sure the minister will correct me, but it is my understanding that, to date under the scheme, the drains have largely been fenced and the fencing has been an added cost to the scheme. I pointed out in my second reading contribution that landholders have been paying a levy, and those landholders, particularly in zone A where the drains have already been constructed either through their properties or very close to their properties, paid their levy at the appropriate rate for zone A and the scheme constructed the drain and fenced the drain.

It seems that, under the provisions of this bill, in the Bald Hills and Wimpinmerit areas, where the construction will be done in accordance with what we are (I hope) passing here tonight, these landholders will be subjected to paying not only the levy, which they have been paying year in and year out for many years, but also for half the cost of the fence. Is that actually the case and, if so, why is that the case?

The Hon. J.W. WEATHERILL: No, with respect to fencing, it is not our intention to charge landholders for half the cost of the initial fencing. The provision really is there to enable us to deal with questions of the replacement or maintenance of existing fencing or some other arrangement that we might enter into with the landholder.

Clause passed.

Remaining clauses (13 to 16), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

MATTER OF PRIVILEGE

The SPEAKER (21:30): I refer to the matter raised by the member for Bragg earlier this evening in which she asserts that the Treasurer has misled the house in his answers to a question from the member during the consideration of the Auditor-General's Report. The subject of the member's allegation is that the Treasurer, in declining to answer a question from the member because the matters raised by the member's question were matters before the Supreme Court, has deliberately misled the house.

The member for Bragg alleges that the Treasurer had, in the recent past, made comment both in the house and to the media in relation to the matter after the institution of the court proceedings. Any inconsistency between the statements made by the Treasurer in the recent past and his reluctance to provide an answer now is not in itself a matter of privilege. The chair cannot compel a minister to provide an answer to a question, even if there is a record of the minister previously addressing the same matters in the house. In matters of sub judice, which from the *Hansard* record appears to be a factor in the reluctance of the Treasurer to answer, the house has traditionally relied on the knowledge of the minister in relation to the status of the legal proceedings.

Therefore, I can find no basis for giving precedence which would enable the member for Bragg or any other member to pursue this matter immediately as a matter of privilege. It cannot 'generally be regarded as tending to impede or obstruct the house in the discharge of its duties'. However, my ruling does not prevent the member for Bragg or any other member from pursuing the matter by way of substantive motion.

TRUANCY

Mr PISONI (Unley) (21:32): I seek leave to make a personal explanation.

Leave granted.

Mr PISONI: Today in question time I asked the Minister for Education whether she could name who she has consulted in relation to truancy and changes to the education act. I then went on to quote exactly what the minister had said on radio on the Leon Byner show on FIVEaa this very morning. The minister then went on in answer to my question to say that it is very easy to misquote someone and imply that something horrendous has happened. Sir, I would like to read into the *Hansard* the 25 minute interview or, if you like, I can read the highlighted relevant sections. I do not want to be accused of selectively highlighting or selectively quoting the minister, but the minister did make the claim in the parliament that I had misquoted her for political gain. She then used that claim not to answer the question. I would like, at the very least, to read the relevant sections of the radio interview. Leon Byner says:

> Minister Lomax-Smith, thanks for joining us today. I'm a little bit confused about all this because if you are right, Minister, that there is a problem with the law Michael Atkinson wasn't aware of it two weeks ago...secondly, we now find that there is a problem with the law, why has it taken seven years to deal with it?

The minister then says:

> Well, I have to say that this legal process has been the same for many years...over the last 25 years we have struggled in those rare cases, where a parent is totally uncooperative, to get any kind of prosecution.

She then goes on to say:

> I think this has been an issue that we've addressed this year. The way we change the law is not just to have an idea and go into Parliament the next day, that's not fair on anyone...what we've done with this particular legislative change—

and I stress 'this particular legislative change'—

> is we've spent several months consulting with the sectors because we have to involve the non-government sectors as well; talking to parents, talking to teachers...we've reached the stage now where our proposed Bill, based on that consultation, is being drafted...

Then there is more banter between Mr Byner and the minister. Isobel Redmond, Leader of the Opposition, is then asked to contribute to the debate.

The SPEAKER: Order! I think the member for Unley has given the quote from which he was drawing.

Mr PISONI: No, I haven't, sir.

The SPEAKER: Can you get to it, otherwise I will withdraw leave.

Mr PISONI: In response to the Leader of the Opposition, the minister said:

> I have to say that I'm a great supporter of the notion of talking to people and consulting. We've had this bill in the planning, we've been out to consultation.

I seek an apology for that—

The SPEAKER: Order! That is not orderly. You have made your personal explanation. It is not orderly to make any demand for an apology or otherwise.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MINTABIE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September 2009. Page 4074.)

Dr McFETRIDGE (Morphett) (21:36): Aboriginal affairs can be a series of highs and lows. During Reconciliation Week, when addressing a function, the Premier said that Aboriginal affairs is often three steps forward and two steps backwards. Certainly today has been an historic day in this place. This morning we saw the passing of the Maralinga Tjarutja land rights bill, with the hand back of section 400. It was a great pleasure for me to be a part of that occasion, and to have the traditional owners of Maralinga Tjarutja here today was a special part of that occasion.

Aboriginal people, whether Anangu Maralinga Tjarutja or Anangu Pitjantjatjara Yankunytjatjara, have a very close affinity to their land. As I said this morning, being taken to a sacred site, a men's special site, is almost like a religious experience—the emotion is palpable—and to understand the connection between the land and the people is difficult for many people. I have had the privilege to be associated with Aboriginal people for well over 30 years, particularly in the past eight years in this place.

Because of that association, I sometimes put positions that do not always meet with those of my colleagues in this place. The Anangu Pitjantjatjara Yankunytjatjara Land Rights (Mintabie) Amendment Bill 2009 is a bill on which there is a range of opinions, and in this case my opinion differs from that of my colleagues. I inform the house that the Liberal Party will not be supporting this bill.

Having said that, I put on the record a number of pieces of information, some history about the Anangu Pitjantjatjara Yankunytjatjara, the handover of their land, what their land means to them, some history on Mintabie and the effect of grog, marijuana and petrol on Aboriginal people in rural and remote communities. Certainly on the APY lands it has been a significant issue.

On 23 October 1980 the then premier, David Tonkin, introduced the Pitjantjatjara Lands Rights Bill, which has been amended a number of times since then and is now the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act. On 23 October 1980 David Tonkin said:

> Members will be aware that, at a simple, but memorable ceremony on 2 October this year, Mr Pantju Thompson on behalf of the Pitjantjatjara Council and I on behalf of the South Australian government signed a document indicating that a Pitjantjatjara Land Rights Bill had been agreed between the parties and was to be introduced by the government into this parliament. That ceremony brought to an end many months of detailed negotiations on the contents of a Land Rights Bill between the Government, representing the people of South Australia, and the Pitjantjatjara Council, representing the tribal Aborigines that are traditional owners of the lands in the North-West of the State, to be vested by the Bill.
>
> The fact that the agreement has been reached on such a potentially difficult question has been hailed in many quarters. We believe that the main significance of this agreement is in three parts. First, the tribes that comprise the Pitjantjatjara for the purposes of this Bill are given the means to protect and preserve their culture. In this regard, it was clearly demonstrated during the negotiations that this culture is still largely intact. Secondly, it demonstrates that only representatives of the Government and the Pitjantjatjara Council were able to sit around the conference table and resolve a great range of matters related to the transfer of land to the Pitjantjatjara people and its subsequent management. Thirdly, it demonstrates that with respect to exploration and mining on these lands, with which the Pitjantjatjara have a traditional association, clear guidelines can be established to achieve the proper balance between their interests, and those of the entire South Australian community. In other words, we believe we have demonstrated that a willingness to talk, accompanied by an ample fund of patience, can lead to a solution of even the most intractable problems that exist between the Aboriginal and European communities in this state and, indeed, this nation.

That was David Tonkin introducing the Pitjantjatjara Land Rights Bill on 23 October 1980. The Maralinga Tjarutja bill of today was a similar event, with many years of negotiations but, certainly, the Maralinga Tjarutja have the legacy of that toxic land that they have to deal with for many years to come. David Tonkin continued:

> One aspect of mining that has received special attention in the Bill is the opal mining currently taking place at Mintabie. Mintabie is situated on Granite Downs and is thus part of the lands to be granted by the Bill.
>
> It also happens to be close to some especially important and sensitive areas, from the Pitjantjatjara point of view. It is intended that the opal miners, operators of legitimate businesses on the field and their families will have virtually unfettered rights of access to the field. Other persons with genuine reasons for being on the field will be subject to a notification procedure, which is not expected to interfere greatly with their freedom of movement. All other persons will be required to obtain permission to enter the lands under the provisions described earlier. It is intended that Mintabie be proclaimed as a precious stones field at an early date. This will ensure that all the

supervision, controls and protection applicable to precious stones fields under the Mining Act are available at the Mintabie field.

In addition, the Bill contains provisions designed to minimise social friction between the white and the Aboriginal communities and, in fact, to encourage communication between them. A Magistrates Court will be given a discretion to prohibit individuals from remaining on the field if certain offences are committed. The Bill establishes a Mintabie Consultative Committee comprising of the miners, the Government and Anangu Pitjantjatjaraku. A representative of Anangu Pitjantjatjaraku will chair its meetings. Its role will be to advise the Government in relation to the management of the field and to provide a form of consultation between all major groups having an interest in the field.

In order to protect present occupiers of residences and business premises on the field, the Bill provides for the period of notice that must be given to terminate occupancy rights, the compensation that Anangu Pitjantjatjara must pay if occupancy rights are terminated, and for rents for such allotments to be related to the rates of rental fixed by the Crown in comparable situations. With regard to the power to terminate rights of occupancy, the Pitjantjatjara have undertaken that these powers will not be used vexatiously or capriciously. This commitment is contained in a letter dated 2 October 1980, which I will cite for the information of honourable members. The undertaking is given to the Attorney-General, as follows:

'I refer to our discussions this morning with respect to the intentions of the Pitjantjatjara in exercising their powers under clause 28 of the bill.

I am instructed to undertake that this is not the intention of the Pitjantjatjara to exercise the powers vexatiously or capriciously.

The Pitjantjatjara do not have any intention presently to exercise their rights under clause 28 against persons lawfully in occupation of residential or business premises who act in accordance with the provisions of the Bill.

Yours sincerely,

Pantju Thompson, Chairman, Pitjantjatjara Council.'

We are also assured by the Pitjantjatjara that they will consider favourably any applications from individual opal miners to prospect and mine in certain areas to the south-west of the present field. The Bill provides that, in relation to such activities, no financial compensation is payable to Anangu Pitjantjatjaraku.

We believe that, given goodwill on the part of the Mintabie miners and Anangu Pitjantjatjaraku, these provisions will work satisfactorily. There is already evidence of sufficient goodwill in moves for discussions between the Pitjantjatjara council and the Mintabie Progress Association as to these clauses of the Bill.

That was David Tonkin on 23 October 1980 when he introduced the Pitjantjatjara land rights bill, and we can see right back then that the goodwill and good intentions were there on behalf of the government of the day, on behalf of the Pitjantjatjara peoples and on behalf of the Mintabie miners. The situation has gone along for many years. At that time a lease was signed with the government for 21 years, and that expired in 2001-02 and has been continued on an irregular basis since then. The lease was to the government, and licences were then issued to the various miners and business occupiers on the lands on a yearly basis.

There have been a considerable number of issues between the residents of Mintabie, the miners of Mintabie and the Anangu Pitjantjatjara Yankunytjatjara over the years, and these issues, such as the selling of petrol and drugs and the abuse of the book-up or use of PIN numbers to secure debit cards at the stores there, have become notorious.

The issues that the Pitjantjatjara have had to face have come to the point now where they have asked the government to amend the bill to rewrite the lease, and the negotiations are still under way with the lease. The lease has not been finished yet. There are still concerns—the latest last week—about what will be in the lease. The Pitjantjatjara do want to control the stores at Mintabie and on the lands to sell good food. The Mai wiru policy is something they have been driving very hard, because they are conscious that good nutrition is a vital part of their future, not just of adults but particularly of the children.

What we have today is this bill, which will change the relationship between APY and the people of Mintabie. There are some restrictions there, which I have some issues with. I think it is quite an onerous change that people cannot have a drink in their own home if they are able to do it in a responsible fashion, but the fact is that a lot of grog has been sold through Mintabie and caused a lot of devastation on the APY lands, and the need to control that is something that needs to be emphasised.

Having said that, there is an opportunity for the APY to introduce by-laws at a later stage to allow people to have access to alcohol in their own homes. The APY are not stupid; they are not just being arrogant here and saying this has to stop today. What they want is the relationship to

continue but not the damage to continue, so they are using this piece of legislation as the first step in what could be a very profitable and fruitful long-term relationship for the people at Mintabie.

Mintabie has changed, and I will read some more information about Mintabie from the UnitingCare Wesley's Paper Tracker. I thank Mr Jonathan Nicholls, the former secretary of the Aboriginal Lands Parliamentary Standing Committee, who is now working for UnitingCare Wesley. Jonathan is a very knowledgeable and honest man in putting down the truth. He is not rewriting history in any way; here he is putting down the facts about what has been happening at Mintabie and its history in the Paper Tracker. I recommend the UnitingCare Wesley Anangu Lands Paper Tracker website to everybody. Lots of issues are discussed there, and how they have been dealt with and not dealt with have been laid out in a very cogent fashion.

The bill we have today, as I said, seeks to control grog, petrol, the sale of motor cars and book-up and it is doing this by various means. The reasons for that will hopefully become clear as we go through. Some of my colleagues still have distinct concerns about the way this is being done, and the party position is that we will not be supporting the bill. The information on the Paper Tracker does give a good history of Mintabie, and I will read that into *Hansard* because it is something I want everyone to be aware of. The article states:

The establishment of Mintabie and the APY Land Rights Act.

In 1981, Anangu won the inalienable freehold title to the APY Lands. This victory came at the end of protracted and often bitter negotiations. As part of those negotiations Anangu agreed to lease back to the Crown the small parcel of land on which the township of Mintabie sits.

When Anangu began their struggle for land rights in 1976, very little prospecting was being conducted at Mintabie. As things turned out, the push for land rights coincided with a rush on opal exploration. Consequently, by the time the South Australian Parliament began to seriously consider granting land rights to Anangu, a growing number of opal miners were setting up operations around Mintabie.

In November 1978, a Labor Government introduced a Bill to establish Pitjantjatjara land rights. Before long, a group of miners from Mintabie had expressed their strong opposition to the Bill. They warned that the proposed legislation would:

> 'act against future opal prospecting and mining...tend to hinder any other industry set up by people other than Aboriginals... [and] give no real benefit to the Aboriginals but...cause plenty of friction with the rest of the population.'

The Bill was still before Parliament when a State Election was called. After the election, Anangu entered into a fresh round of negotiations with the newly-elected Liberal Government. Those negotiations concluded on 2 October 1980, when the Pitjantjatjara Council—acting for all Anangu—formally reached an agreement with the Government on the provisions of a new Bill.

Introduced into Parliament on 23 October 1980, the "Pitjantjatjara Land Rights Bill 1980" proposed granting Anangu title to a large area of land including the township of Mintabie. At the same time, the Bill recognised that opal mining would continue at Mintabie and included provisions to control that activity. Certain occupancy rights were to be provided to prospectors but these would be balanced with processes that Anangu could use, if necessary, to have someone evicted from Mintabie.

On 25 November 1980, the Bill was referred to a Select Committee. In the course of its work the Committee visited both Mintabie and the Anangu community of Iwantja.

The other name for that is Indulkana, which is about 10 kilometres, I think, from Mintabie. The article continues:

In a written submission to the Select Committee, the Pitjantjatjara Council explained that while it did "not wish to interfere with any person who wishes to mine, conduct business or otherwise live at or visit Mintabie lawfully," it had serious concerns about "sly grog selling" [and this is in 1980]:

The difficulties associated with Mintabie are deep-rooted ones. For a long time, the community there has been under little control from the Government, either through the Police or the Mines Department. ... The main problem in the past has been sly grog selling which has continued unchecked as recently as last week.

This Paper Tracker article was written a couple months ago. It continues:

As a result of unlimited access to take-away liquor, many Pitjantjatjara and Yankunytjatjara people have been subjected to acute social dislocation. One of their men was shot-gunned to death, others killed in road accidents and many involved in lesser violence. ...the Bill must include the [Mintabie Precious Stone] Field under title to enable integrated rules for protection of the lands to apply and ... long-awaited social controls [to] be enforced.

In contrast, the opal miners of Mintabie - and also some from Coober Pedy - opposed the Bill, sometimes vehemently:

> 'it is absolutely essential that the area ... of the Mintabie Precious Stones Field be excised from the Act! [they say]...if the politicians of South Australia ignore this request, then they must be held fully responsible for any confrontation - and possibly even bloodshed - that would almost certainly follow.'

After extensive discussions with both the Pitjantjatjara Council and the Mintabie Progress Association, the Parliamentary Select Committee recommended that the area of land covering the township of Mintabie be included in the grant of land to Anangu but would be leased back to the Crown for a period of 21 years. Such an arrangement would enable the Crown to "issue Annual Licenses to persons entering... and wishing to reside" at Mintabie.

The Committee tabled its report on 3 March 1981 and the Bill proceeded through Parliament.

On 2 October 1981, the Pitjantjatjara Land Rights Act 1981 came into operation. On that day, under Section 28(2) of the Act, the township of Mintabie was "deemed to have been leased by Anangu Pitjantjatjara Yankunytjatjara to the Crown for a term of twenty-one years."

Mintabie and the operation of the Act.

The Act of Parliament under which Anangu won title to their traditional lands also sets out the conditions under which any person (and certain classes of person) can enter the APY Lands. Aside from Anangu, most people who want to visit or live on the Lands have to obtain a permit from the land-holding body, Anangu Pitjantjatjara Yankunytjatjara (APY). However, under special provisions included in the Act, certain people do not have to obtain a permit if they want to visit or live at Mintabie. This is the case for:

- anyone holding a precious stone prospecting permit;
- anyone conducting a lawful business at Mintabie;
- the spouse, parents and children of anyone holding a prospecting permit or carrying on a lawful business at Mintabie;
- someone who has come to Mintabie 'to transact lawful business' with one of the above persons (if that business cannot be 'reasonably transacted from a place outside' the APY Lands).

In addition, under the Act, anyone who is granted a special provision is permitted the use of the access roads in and out of Mintabie.

As a balance to these special provisions, the Act establishes a process whereby individuals can be barred from visiting or living at Mintabie. The process makes it possible for Anangu, through APY, to apply for a court order to have someone banned or evicted from Mintabie if they have been convicted of:

- larceny;
- an offence of a sexual nature;
- an offence involving violence or a breach of the peace;
- an offence involving the unlawful sale of a motor vehicle;
- an offence involving the unlawful sale of liquor or a regulated substance.

APY can also apply for a court order against someone who has committed an offence 'involving wilful interference with an Aboriginal sacred site' or who has 'acted in a manner prejudicial to the welfare of an Aboriginal individual or group.'

Finally, the Act provides for the establishment of the 'Mintabie Consultative Committee', whose main role is to provide 'advice to the Minister of Mines and Energy on matters related to the administration of the Mintabie precious stones field.' The five-member committee consists of two Anangu, a police officer, a Ministerial representative and a representative of the Mintabie Progress Association. Under the Act, the Committee can, like APY, apply for a court order to be issued against a person to prevent them from visiting or living at Mintabie.

All of these statutory provisions were an attempt by Parliament to strike the right balance between the needs of a relatively small group of opal miners and the needs of Anangu on whose traditional lands the miners wanted to work.

The effectiveness of any Act of Parliament, however, depends on the extent to which the government of the day ensures statutory provisions are enacted and enforced. In the case of Mintabie, things have been allowed to slide.

For example, in September 2004, the Department of Primary Industries and Resources SA reported that the Mintabie Consultative Committee had only held one meeting in the previous six years and that 'the whole membership of this Committee has currently expired.' The Department also reported that it could 'find no records' of any persons having been excluded from Mintabie over the previous 20 years.

Mintabie as a source for alcohol and drugs

Despite long periods of government inattention, Anangu have repeatedly highlighted the negative impacts that certain individuals and businesses operating out of Mintabie have on their lives. This has included raising their concerns with representatives of the South Australian Parliament.

In October 1987, APY advised a group of parliamentarians visiting the Lands that alcohol had become a major problem for Anangu communities and that a significant amount was being brought illegally on to the Lands through Mintabie. On that occasion, Anangu called for South Australia Police 'to pay greater attention in Mintabie to the sale of alcohol to Aborigines.'

In 1988, after visiting Anangu communities and Mintabie, a Parliamentary Committee reported that it had also been 'advised of "grog running" by persons apparently using Mintabie as the source of supplies and then selling the alcohol at inflated prices to Aboriginal people.' The Committee recommended 'that the matter of alcohol distribution from the Mintabie area be investigated urgently by the Police.'

More than a decade later, significant problems remained. In 2002, in a written submission to a parliamentary inquiry, Iwantja Council alleged that many people at Mintabie were involved in 'selling sly grog to Anangu.' The submission continued:

> So much grog is stored in houses [at Mintabie] that people break in to gain access to it, what follows ends in violence and as proved recently a murder resulted directly from the stored alcohol. In recent times the sale of marijuana has reached an epidemic. This is coming from Mintabie as well. The reason it continues is that the people have to be caught in the act, an almost impossible task as the Marla police are some 40 kilometres away.

A month after Iwantja made these allegations, South Australia Police...confirmed Mintabie as the source for a significant amount of the drugs and alcohol coming on to the APY Lands. On that occasion, SAPOL also reported that it had 'recently found buried at Mintabie a large container set up with hydroponic gear that [had] been the source of cannabis for much of the lands for the past couple of years.'

I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 22:00 the house adjourned until Wednesday 18 November 2009 at 11:00.