

HOUSE OF ASSEMBLY**Wednesday 9 February 2011**

The **SPEAKER (Hon. L.R. Breuer)** took the chair at 11:01 and read prayers.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (11:02): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

PUBLIC WORKS COMMITTEE: BURNSIDE PRIMARY SCHOOL REDEVELOPMENT

Mrs VLAHOS (Taylor) (11:04): I move:

That the 387th report of the committee, entitled Burnside Primary School Redevelopment, be noted.

The current project involves the redevelopment of the Burnside Primary School at an estimated cost of \$6.8 million excluding GST. The Burnside Primary School site is an area of about 2.25 hectares and is bordered by five roads in the area of Burnside.

The school consists of solid construction that was started in 1907 and continued through to 1970, with the addition of five Demac transportable buildings in 1974 and metal transportable buildings that arrived on site between 1995 and 2007.

The Department of Education and Children's Services commissioned a feasibility study of the Burnside Primary School in 2008 through DTEI to consider increasing school numbers and the current accommodation on that site to approximately 680 students in the near future.

The redevelopment provisions include: a new two-storey building comprising 10 general learning areas, two serviced learning areas, withdrawal areas and teacher prep and learning commons; improved outdoor open space and play areas following the demolition of six transportable buildings, five of which are asbestos clad; a new grassed playing area (a new oval for children to recreate); increased staff car parking with improved safety; and improved staff and student circulation.

Temporary fencing will be erected to define the contractor's compound and deny access by both students and staff during the course of construction, ensuring the safety of all people at the site. However, there will be times where there will be a crossover between contractors and staff, and the adequate safety provisions will ensure that no injuries occur.

The project is proposed to be staged as follows: stage 1, construction of a new building and associated site works; stage 2, demolition of transportable buildings and site works for relocation of transportable buildings; stage 3, relocate transportable buildings from proposed grassed playing area; and stage 4, site works for new hard-play courts and a new oval. It is anticipated that there will be no change in the recurrent cost of the school's operation as a result of this redevelopment.

Three options were considered in the development of this project. A 'do nothing' option was discounted primarily due to the current need to improve the learning environment for these people and replace ageing infrastructure. The construction of a completely new school would be the highest cost alternative to major works. A total new facility was not considered, as existing solid construction buildings were in good condition but not sufficient in space to accommodate total enrolments once the dilapidated transportable buildings were demolished.

The preferred option is to redevelop the current site to provide an appropriate learning and educational facility for up to 700 students in a purpose-built facility that represents contemporary requirements. Construction was expected to commence in December 2010 and will be completed in about June 2012.

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

Mr PENGILLY (Finniss) (11:08): The opposition supports this project and, indeed, supported it in the committee. I congratulate the member for Taylor on being appointed the new Presiding Member of the Public Works Committee. We had our first meeting this morning, and it went swimmingly.

Mr Whetstone: Was it an improvement?

Mr PENGILLY: A vast improvement, quite frankly. Back to the project, the reality is—

An honourable member: The class of 2010.

Mr PENGILLY: I need protection, Madam Speaker. This \$6.8 million project will enhance no end the Burnside Primary School. Redevelopment is badly needed. It is something for which they have been waiting a long time. This \$6.8 million—nearly \$7 million—does not go very far. It is of concern to me that, whenever we spend public moneys on projects in schools and other instrumentalities around the state, I do not think the government gets a good deal. I think we are invariably screwed by those who want to do the work—without naming anybody—and by the loadings that are put on these projects. I am sure the Speaker understands that, in the country, enormous loadings that are put on projects inhibit the things that could be done if that money was not demanded just to carry out the job.

I am pleased and I know the member for Bragg is pleased—and I suspect she will have a few words to say when I sit down in a very short time—that the project is due to be completed in 2012. I will be watching, as I know other members of the committee will be watching, the progress reports that come through the Public Works Committee, which I point out is the best committee in the parliament and the one that works harder than any other. Once again, we do support this project and want to get on with it.

Ms CHAPMAN (Bragg) (11:10): I rise to speak in respect of the report of the Public Works Committee on the project for the redevelopment of part of the Burnside Primary School. This school has a history of over 100 years of provision of services for the education of children in South Australia. It has a very proud history, and as we embark on the 175th year of the state of South Australia this year, doubtless, like many other educational institutions, it will stand proudly when its record is celebrated.

The government's decision in the 2009 budget to progress the capital works program for this school came via the usual process. It is not some gift from heaven as far as moneys go. The schools line up and are orderly processed. Obviously, where there is major damage to schools, for example, they advance to the head of the list, and sometimes there is a new factor that results in advancing one project before another. However, this school has waited patiently and it has waited in circumstances where it has had continued increased enrolments. It is a school which is zoned and it has a 20 to 30 waiting list at any one time. It is very popular; it provides a very high standard of education; and, not surprisingly, it is highly acclaimed as a public educational institution in the state, and so it must be maintained.

In recent years, this school has had to work through difficult aspects in relation to having a totally inadequate playing area for the children. It developed a playground proposal with the local council using community funds to share a playground facility, and as this site is to be used for many other activities out of school hours in the local community, it is very important that this development occurs. So, it is not only the new two-storey building for 10 new essentially classrooms and learning areas (as we now call them), some service learning areas and teacher preparation rooms and the like, but a very significant outdoor open space, including the new oval. Some of this will be acquired using the extra space created by the demolition of transportable buildings, as the new chair of the committee indicated in her presentation. May I add my congratulations to her on her appointment to that role.

This school, while waiting, has had to deal with issues such as contaminated soil which was brought in under a government project and which, ultimately, was identified and removed at very significant cost. The school had to go through the agonising process of prevailing upon the hierarchy in the education department to make sure that the situation was remedied and remediated. This was at considerable expense in time and money for the school, and it should not have happened. This is a school which excels in its delivery of a service to the state and to be impeded by inadequate provision—or, when it has had provision, inadequate remedial work done when that has been deficient—is just simply not on.

I am pleased that the school is finally going to advance this project. However, I bring to the attention of the chair, particularly as she is new in the job, that when the department presents its submissions to you—largely, as is often the case, the committee relies on the facts and evidence presented in the department's reports—that you receive them on the basis that there will be some scrutiny. That is important not just because even government departments make mistakes but sometimes they have an interest in presenting a certain position. That is why I bring to the attention of the committee, particularly the chair, that in this instance the Department of Education and Children's Services presented in its submission a summary of the enrolments at the school.

This is important, because obviously when the committee is considering a multimillion dollar development of school classrooms and facilities at the school, they need to know whether the school, in fact, is one which is continuing to increase or decrease its enrolments. What I would suggest is not error here—that is, an accidental one—but a partisan presentation of information which does not reflect the actual position. In this instance, page 4 of their submission, which is attached to the report for members to review, under Actual Enrolments, states to the committee:

Based on the enrolment history of the school over an extended period, and projected enrolment demands, the enrolment trend indicates a potential decrease in enrolments.

The table below provides the enrolment history for 2009 to 2013 (recorded by the DECS statistician from the DECS annual student consensus mid year). The enrolments for 2010 are based on student numbers as at February 2010 and provided by DECS Statistician Data Management. The projected enrolments for 2010, 2011, 2012 and 2013 show a slight downward trend.

And then it actually identifies them, leading from 2009, with 707, to 2013, with 671. The situation, however, is that, as the school's annual report for 2009 discloses, it depends on when enrolment data is taken and whether it is actual enrolment or the enrolment that has been received on application. Here is what the annual report of the school tells us under enrolments:

The total December enrolments were 754 students. 13 per cent of students from Non-English-Speaking Backgrounds...8 per cent were eligible for School Card...officially recognised by DECS guidance officers [for] learning disabilities.

Enrolment pressure is continuing with many families from outside the zone, requesting student enrolment into the school.

December enrolments in the past 5 years is shown below.

This is what it states: '2009, 754; 2008, 745; 2007, 755; 2006, 785; 2005, 718.' What that shows is obviously a significant increase. It is actually affected by the zoning aspect as well. It states:

For 2010 the school expects to start with a total of 695 students building to [approximately] 750 in December 2010.

So I think it is entirely a misrepresentation to present this material from the department to suggest that in the 2010 year the figure will be 697 students when, in fact, the 695 will be what it starts with, but it will end up with 750 by December. That is at best identifying and extracting relevant data that suits their purpose; at worst, it is a direct misrepresentation of what the position is. The consequential conclusion that was presented to the committee is that there is a declining enrolment proposed for the future of this school.

The reason that is so important is that if the committee were to receive evidence that the enrolment was going to increase it would be surely asking questions as to what other services this school may need in the provision and whether the classroom proposals of an extra 10, for example, are going to be adequate and what time frame will be needed to enhance further school classroom capacity again.

I do ask the committee in future to be very clear that the information it receives may be inaccurate, it may be accidental, it may be deliberate, but for whatever reason it is very important that, when it receives this information on any development, particularly on school developments, whether it is a hospital, the number of bed facilities that are going to be there, people who are accessing the service, or whatever the public work is—the information it receives from the department is accurate. It also, I think, would help if, unlike the department, the committee actually asked the school. Why not send a notice to the school to say, 'An application has come before us to approve funding. Is there any information you would like to present?' or, 'Here's a copy of what the department is telling us. Is there anything extra that you would like to present?'

It is true that we get invited, as the local member, but I would like to place on the record my concern that, although on a number of occasions I have appeared before committees in this

parliament, including the Public Works Committee, sometimes the notice is so late that it is impossible to be able to obtain the information necessary to present. So, I think, for future projects, there should be a direct invitation to those who are affected, in this case the school council.

Motion carried.

PUGLIA

Mr HAMILTON-SMITH (Waite) (11:20): I move:

That the Economic and Finance Committee inquire into the government's investments and activities in Italy and in particular, the investments and activities in the region of Puglia and that the committee report to the house—

- (a) the total value of all expenditure across the whole of government linked to Puglia;
- (b) whether the memorandum of understanding signed between the state government and the region of Puglia has been properly implemented; and
- (c) what value South Australian taxpayers have received from the investment.

The entire matter of the government's investments in Puglia needs to be referred to the Economic and Finance Committee so that the facts can be established. The parliament heard at length last year of the extent to which the Premier and his minister had gone to Italy and splashed millions of taxpayers' money about on questionable investments. The parliament, and the public, heard how, over a period of time, this pet project of the Premier's had attracted so much of the taxpayers' money and attention for so little reward. The question was put as to why this was so.

So many unanswered questions regarding the total amount that has been spent in Puglia remain on the table. The only way to get to the bottom of it would be for this entire matter to be referred to the Economic and Finance Committee so that the Auditor-General and various departments can be called and we can add up the bill, because the bill will be many millions of dollars.

Now, why is that so? If the Premier, Mr Rann, had come clean about the money he had been socking away in Puglia and any benefits, if there are in fact any of substance, delivered to South Australian businesses and taxpayers as a result of the relationship, we would not be here debating this motion. Out there in the business community this is something that is now a matter of jokes and ridicule.

At the very time that the Premier and his government are slashing the Department of Trade and Economic Development to the bone, closing country hospitals, cutting back education, making life tougher for some of those most in need in our community and sacking public servants, over in the corner we have been quietly socking away millions of dollars in Puglia.

Last September, we had a budget that cut funding, as I mentioned, to all of those South Australian institutions and community groups that were in such need. The government told us that there was a financial crisis going on, that there was no money for this and no money for that, that there had been pain and that it had had to make some tough decisions. Well, there was one string of tough decisions they were not prepared to make and that was to cut back the waste in this little pocket tucked away on the other side of the world called Puglia.

Then we found out that the Premier owns a holiday house there. We found out that there are family connections there and that this is a destination that he likes to go to. We found out a whole lot of things that raise concerns about this government's priorities and the probity of how things are managed. Some might describe it as nepotism if you go to some favoured part of the world and, using taxpayers' money, throw out the riches of the state of South Australia on favours and festivals in this remote part of the world in order to build your profile there and make it seem that you are a very important person.

Some might see it that way. I have to say that, in the absence of any tangible benefits to South Australia from the investment, I think that people who might see it as a form of nepotism may have some substance to the argument because the government has stunningly failed to convince the public, the media or the parliament that there were any other benefits to this waste of money, other than some sort of a 'feel good' exercise.

Let me just run over some of the things that have come to light as a result of this farrago. There was the Premier's signing of a memorandum of understanding in May 2007, in Puglia, but no disclosure of the full costs linked to that memorandum of understanding. There was a press release on 12 February 2008; visits not only by the Premier but the member for Norwood at the time,

Ms Vinnie Ciccarello; and travel reports on visits from 9 to 17 May. Then there was the Terra II Film Festival opened by the Premier—again, the full cost not disclosed; and the hosting of a 30-person delegation from Puglia, led by Professor Marco Barbieri, in February 2008—again, the full cost not disclosed.

Then, the former member for Norwood's visits to Puglia at the request and, I presume, instigation of the Premier; further memorandums of understanding (16 meetings around Puglia)—again, the full cost not disclosed; and official dinners with representatives from the regional government and local industry, between 9 and 17 May 2007—again, the full costs not disclosed.

Then, of course, the Fiera del Levante, the big party in Puglia, between 7 and 14 September 2007—again, the full costs not disclosed; money soaked away from the trade and development department, out of programs to help small business, programs to help business migration and programs to promote innovation and manufacturing—all soaked away into Puglia, year after year, hundreds of thousands of dollars, only extracted under questioning from the minister by me during budget estimates to be revealed to the public for the first time.

Then, of course, dinners relating to Fiera del Levante, all the little frills and parties that go around these festivals, with senior government and business leaders and university leaders. Sure, very entertaining nights, with drinks afterwards—all paid for by the hardworking taxpayers of South Australia and for what benefit? Then the handover of donations (\$10,000 worth of books, movies and other resources) on 10 September 2007—again, the full costs not disclosed. Plenty of press releases about gifts of Australian culture to Italy, but the full costs not disclosed. Again, more subsequent attendances at Fiera del Levante, the big party.

Then, of course, we had the Minister for Aboriginal Affairs and Reconciliation, Ms Portolesi, on her sojourns to Fiera del Levante and Puglia—official welcomes, lunches, cocktail parties. Oh, it must have been fun! Again, the full costs not disclosed.

Then, of course, as part of this conga line of ministers and Labor members going off to Puglia for the party, we had the Hon. Carmel Zollo MLC from the upper house—off she goes to Fiera del Levante, from 11 to 22 September 2009. A wonderful trip! Full cost, not disclosed. Official lunches. Oh, those official lunches; oh, the Italian food, the Italian wine and the cheeses; all paid for by the South Australian taxpayers. Oh, what a wonderful affair. Again, the full cost not disclosed. SA Brilliant Blend, the cocktail party in Puglia on 14 September; full costs not disclosed.

Then, we ought to get the SA Film Corporation in on this as well—we would not want it to miss out, would we—a taxpayer-funded trip to Puglia following the Cannes Film Festival. In my second life, I want to be employed by the South Australian Film Corporation. We would all love to go to Cannes, with cocktails afterwards in Puglia; wouldn't it be lovely. We could bring the former treasurer Kevin Foley with us for entertainment! We could have all these people with us. It would be a wonderful thing, off we would go. South Australian taxpayers are a generous lot, are they not?

Like the Prince of Camelot, over he galloped into Puglia, throwing out the jewels and the cash, throwing out the money, puffing out his chest, with feathers in his hat, 'Aren't I important?', the Prince of Puglia, the prince from Camelot by the Torrens back here in Adelaide. Meanwhile, back here in Camelot, people with disabilities struggle for wheelchairs and equipment to help them with their needs; back here in Camelot, the poor residents of Ardrossan and various other places struggle to get medical care and small schools in the country are having their funding cut and struggling to survive. Back here in Camelot, South Australian businesses are struggling, exports have declined and are not even back to 2002 levels, and we have the highest taxes in the country.

They have lived through the biggest boom the country has even seen, but, in the meantime, our share of the national export cake has continued to decline from something like 7.2 per cent to a little over 4 per cent. Unemployment is climbing back to record levels back here in Camelot, but he is over there in Puglia, shining in his armour, on his horse dispensing the riches of the state taxpayers of South Australia to the good citizens of Puglia. It is like a plot out some sort of Italian spaghetti movie.

We are pleased to hear that we will have this bloke, the Premier, until 2014 and beyond. It is a bit like Buzz Lightyear; my son has Buzz Lightyear, and do you know what his saying is? It is 'Infinity and beyond!' We will have Mike Rann for 'Infinity and beyond!', like Buzz Lightyear. I guess that means we will have Puglia for 'Infinity and beyond!', because what has he done about cancelling it? Absolutely nothing.

I am the shadow minister for the Department of Trade and Economic Development and I ask silly questions like, 'What are you doing to help small businesses? What are you doing to help farmers? What are you doing to grow our exports?' Do you know what answers I get back? 'Well, it's very important that we go to Puglia for the SA Brilliant Blend cocktail party.' I wonder who is going this year?

Of course, we try to ascertain how much is being spent by trade and economic development, how much is being spent by the education department, how much is being spent by the Premier's department—another little pocket of money—to send officials off to Puglia, but we cannot get straight answers. If we added it all up, it would be millions of dollars over a series of years. They are involved in a spectacular cover-up to conceal from the people of South Australia the true cost of this utter farrago in the home province where the Premier has family connections and where he has a holiday house.

Is the retirement plan of Buzz Lightyear a job as our ambassador to London or somewhere, with a holiday home in Puglia? Is that the plan? 'Just in case "Infinity and beyond" doesn't come off, I will get myself a plum overseas posting, ambassador to Italy or something, and I will have the holiday house in Puglia. By that time, I will have spent so much of the taxpayers' money promoting myself as some sort of a hobnob in Puglia that I will be received like the Prince of Camelot, won't I?' It will be laid on with a trowel.

Then, of course, we had Mr Nicola Sasanelli. I mean nothing personal towards Mr Sasanelli—I am sure he is a lovely gentleman and a professional person—but why are we spending hundreds of thousands of dollars on a special envoy to Europe to go off and stitch up these deals? It has been an embarrassment to the government, it has been an embarrassment to the Premier, and it has been an embarrassment to every minister and every Labor MP who agreed to this nonsense. It has been an embarrassment to Labor's cabinet. It has been an embarrassment in every electorate represented by a Labor MP.

Do not try to tell me that your constituents have not come to see you at the front counter and complained about the Puglia imbroglio. They have, because I can tell you what they say at the front counters in electorate offices represented by the decent folk on this side of the chamber. They think you lot are an absolute joke and they think you have no sense of how to wisely spend their money.

That is why this matter needs to be referred to the Economic and Finance Committee. That is why there needs to be a full accounting of this absolute nonsense, because it sums up the Prince of Camelot, Buzz Lightyear over there—'Infinity and beyond'—to a T. It is a plaything, the taxpayer's money, the Treasury boxes, it is a plaything for him, 'It's all about me, me, me.' It is not about the good people of South Australia. This Puglia farrago has been an extravagant indulgence from a Premier whose time has come.

Debate adjourned on motion of Mrs Geraghty.

NATURAL RESOURCES COMMITTEE: LEVY PROPOSALS 2010-11

The Hon. S.W. KEY (Ashford) (11:38): I move:

That the 39th to 45th reports of the Natural Resources Committee be noted.

I have decided to put these reports all in one report because I think we have no chance of examining each one of these reports in the time required. Suffice to say that I am sure members will be drawn to the report in their particular area once I have given you an overview.

One of the Natural Resources Committee's statutory obligations is to consider and make recommendations on any levy proposed by the Natural Resources Management Board where the increase exceeds the annual CPI increase. For 2010-11, the committee received above CPI proposals for all the seven NRM boards that collect levies. This was a factor of the CPI rate for the relevant period being unusually low at 1.4 per cent, which was less than many boards had budgeted for.

This year, the committee chose not to object to any of the proposed levy increases for a number of reasons. These were: firstly, that the proposed increases were generally modest; secondly, that the proposed increases were consistent with those flagged in preceding years' budgets; and, thirdly, that the committee was generally satisfied that the levies and the works of the NRM boards enjoyed a high level of community support.

I do not intend to run through the boards one by one but take this opportunity to speak generally about the committee's experiences with the South Australian Arid Lands NRM Board in 2010. Every year the Natural Resources Committee aims to visit at least two NRM regions to meet with board members and staff and, importantly, members of the local unpaid NRM groups mainly comprised of landholders from that region with an interest in natural resource management.

This year members of the committee have been privileged to visit the South Australian Arid Lands NRM region not once but twice, and I will talk briefly about what we found there. The reason we visited the arid lands twice is because our first trip in July 2010 was cut short by wet weather which, although we were able to get as far as Arkaroola, prevented us from landing at our other intended destinations, with our plane forced back to Adelaide.

Needless to say, committee members, NRM Board hosts and landholders who we had arranged to meet with were all very disappointed. Consequently, members resolved to undertake a return trip to the region as soon as we could, which ended up being in early November 2010. The Arid Lands NRM region covers more than 50 per cent of the state. This would be something that our Speaker, the member for Giles, would be very aware of, and includes the Gawler Ranges, Far North, North East and Flinders Ranges.

Madam Speaker, as I said, you would be well aware of the size of this region as it takes up a good part of the electorate of Giles as well as virtually all of the neighbouring electorate of Stuart. I know the member for Stuart is very, very aware of this fact. Madam Speaker, I know that you have toured most of the region many times and we felt, as a committee, that it is really important that we have that familiarisation as well.

The SAAL region is well-named, encompassing both arid and semi-arid land systems and generally receiving less than 250 millimetres of rainfall per annum. This is even drier than Central Australia and this 250 millimetres is by no means guaranteed, with many locals often going many consecutive years with no rain at all.

In spite of its aridity, the region contains a greater percentage of intact ecosystems and natural biological diversity than any other region in the state. These ecosystems are generally characterised by boom and bust, with animals and plants responding rapidly and opportunistically to rain when and where it does fall. The region is currently undergoing a boom time ecologically, thanks to the local rains and the floodwaters from Queensland.

While fantastic for indigenous species, this rain-induced boom is a double-edged sword with pests, plants and animals also experiencing major boosts to their populations and ranges. Responding to these kinds of intermittent threats from a limited and static NRM budget presents many challenges for NRM boards.

Members were fortunate to be given an excellent and informative tour of this extremely complex and beautiful region by the officers and presiding member of the SAALNRM Board. Members of this committee were all very impressed by the dedication and commitment shown by the NRM Board staff members, particularly general manager John Gavin and officers Janet Walton, Reece Pedler and Travis Gotch, who all provided a wealth of invaluable interpretation and information to committee members on a diverse range of topics including rare and endangered wildlife such as the Plains Wanderer and the world-renowned mound springs of the Great Artesian Basin.

While travelling along the Oodnadatta Track members observed firsthand a number of these mound springs. For members who have not yet seen them, they are natural expressions of underground waters of the Great Artesian Basin. Over tens of thousands of years these springs have created characteristic mound shapes as precipitates and sediments from the springs, together with windblown sediments, have built mounds up to 40 metres in height with the springs perched on top.

These veritable oases in a desert, these springs, have an immense ecological, scientific cultural and economic significance and served as stopping points for Aboriginal trade routes between the Flinders Ranges and Central Australia, as well as providing water for John McDouall Stuart's first crossing of the interior in 1862, the Overland Telegraph Line and the Great Northern Railway. These springs are also key refuges for local flora and fauna, and the most unique species of small aquatic animals not found anywhere else on the planet.

Members heard that these unique wetland environments were variously threatened by the GAB groundwater pressure reduction as a result of thousands of unregulated bores, watering and

trampling by stock, campers and tourists, off-road vehicles and water extraction for mining. Members heard that, thanks to the Great Artesian Basin's sustainability initiative provided by the government (federal government matching funds) to cap and regulate hundreds of free-flowing bores, many of the mound springs which were close to extinction have been given a new lease of life.

As well as the arid lands board's work on mound springs, members also heard about its innovative volunteer-run bucket trapping project, capturing and recording reptiles and other animals that fall down some of Coober Pedy's million or so mineshafts. This is an amazing local project. We heard about best practice soil conservation, a particularly strong amount of presentations regarding road grading practices for local roads, dingo management along the Dingo Fence, pest camels, donkeys and feral cat projects and visitor management at Lake Eyre.

This SAALNRM region that we toured is truly spectacular; however, it does present immense management challenges due to its size and remoteness, and associated costs of managing such an enormous area. The committee is currently drafting a report outlining the evidence gathered on our trip and we will offer recommendations on a number of fronts to try to support this board in a number of ways in its management of this critical area.

I would like to commend the members of the committee. We have a fantastic committee comprising of Geoff Brock MP, Mrs Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC and the Hon. Russell Wortley MLC. I would particularly like to make a special thank you to the staff. They do serve and support us very well, and we really appreciate their work. Madam Speaker, I commend these reports to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (11:48): I would like to just add a few words to the comments made by the member for Ashford, who is the chair of the committee. I start out by complimenting her on her chairing of the committee. As a new member, obviously I have never been on a parliamentary committee before, I think she does a good job.

I think it is very, very fair to say that all members do work hard on this committee. We meet for one, two, or three hours every week that parliament sits, and we have spent a fair bit of time outside the electorate. I think that all the members who serve on this committee do so in a very genuine, bipartisan way and do want the very, very best for South Australia's environment, and I really do think it is a good example of how a parliamentary committee can work.

I guess I would also add to that that I do not think that committee chairs should have cars, but that is a totally separate—

The Hon. S.W. Key: I don't.

Mr VAN HOLST PELLEKAAN: Okay; I thought committee chairs did all have cars and it wasn't anything to do with the member for Ashford.

The Hon. S.W. Key interjecting:

Mr VAN HOLST PELLEKAAN: Well, we are on the same wavelength then. I think that is absolutely fantastic—

Ms Chapman: Admirable.

Mr VAN HOLST PELLEKAAN: Admirable. With regard to these reports, the member for Ashford did say that we agreed with all of the proposed levy increases. They were modest and they were certainly consistent with previous plans. It is a very difficult issue because there is never enough money to do this work properly. We saw first-hand the under-resourcing of the South Australian Arid Lands Natural Resources Management Board. The flip side of that, of course, is that there are a lot of taxpayers contributing money and they have other competing issues as well, other places they would like their money to go. There will always be a perpetual argument about the value of this work in the full spectrum of taxpayers' minds. There is a strong argument to say that perhaps too much money goes to office rents and into staff but, of course, if you do not have the staff doing the work you actually will not achieve anything. So, certainly, we did agree with all those things.

I point out, too, that in the electorate of Stuart I share a footprint with four NRM boards: South Australian Arid Lands, Murray-Darling Basin, Adelaide Mount Lofty and also the Mid-North and Yorke boards. I take the work that they do and their interaction with this committee extremely seriously, as you would expect.

I would also like to just mention very quickly the issue of merging these boards into DENR, the morphing of DEH (Department of Environment and Heritage) to the Department of Environment and Natural Resources and then the taking over of these boards. We will just have to wait and see how well that works. I know that there are quite a few concerns about that out in the regions and certainly out in the area that I represent.

I know, also, that councils are very concerned about the fact that they have to collect the levy and go through quite a lot of administrative work. They feel that the greatest burden about collecting the levy is not actually with regard to the collection itself but the obligation to try to explain it to their ratepayers, who may not quite understand that they are just collecting it on behalf of the state government and think that the councils are actually getting it. So, they not only have to explain why are they are collecting this money but they also get embroiled in trying to explain or justify the work of the board, and that is a very difficult issue for councils to work on.

I will also highlight the fact that this Natural Resources Committee is currently undertaking an inquiry into invasive pests and weeds, and that is a very, very worthwhile program to be working on. I think we had 24 submissions, and we have had a few more that just rolled in after the deadline, which I hope the committee will agree to accept. One of the very important ones that has come in slightly after the deadline came from the Peterborough district council in regard to wheel cactus, which is a very threatening weed that is causing all sorts of havoc in the marginal parts of South Australia.

I will finish with those few words because I know that the member for Frome, who is also a committee member, wants to say a few things on this topic. I will just say again that I think this committee is doing good work. There will always be arguments about whether the money collected for the boards is high enough or low enough, and I am very happy to participate in all those discussions with the people I represent in Stuart. The reality is, though, that certainly the boards that are in Stuart, and the boards I am involved with, broadly do a good job, but I guess nothing is perfect.

Mr BROCK (Frome) (11:53): I would like to say a few words on these reports. First, I, too, commend our presiding member, the member for Ashford. The member, as chair, is doing an excellent job, and this committee, as the member for Stuart has already indicated, is a very bipartisan committee. There are no politics in there, and we all have free opportunities to debate and put our views across. We did have input into the increased levies and, as the member for Stuart has just indicated, and the Presiding Member previously, we agreed to the increases. They were very modest, and they have been consistent with the previous increases.

The member for Stuart has also indicated that there is not enough money out there to do lots of things, and that is a very true issue because we can only go about with the money we receive from the levies we impose on landowners. Just recently, we had the opportunity to visit the North, and we went to places like Prominent Hill and Coober Pedy to look at the issues and the fauna around there. We also went to William Creek, where we had the opportunity to speak to the landowners in the stations to gather first-hand the issues and the challenges that are facing these areas out there.

The member for Ashford, our presiding member, has indicated that the capping of the bores up there has now resulted in lots of the natural streams or springs coming back into existence. This is where we rely on the people working for the boards up there for their local knowledge. We were driving along and suddenly we would see mountains or great large hills and they would say, 'We are going to stop here,' and when we had a walk and on top of these large mounds we found these natural springs coming up into the environment.

I think that is something we need to bring back into existence. In the days when I used to travel those areas as a manager for BP Australia, the bores were running untapped and you would see massive amounts of water going to waste, and that does not help the artesian basin at all. We looked at Lake Eyre covering the whole area and saw all the rivers entering from Queensland. It was a massive sight and very impressive to see it firsthand. I will not say who had a little bit of air sickness on the planes, but we certainly appreciated that view.

We also have to look at the funding up there. Some of the staff are so dedicated that, during their annual leave, they assist other government agencies to do the work. This is what they do with their annual leave, and people do not realise this. They do not get paid for this extra work and, while they are assisting their fellow colleagues in other government agencies, it also saves

money for the government and gets more work done. That is something this state needs to take on board.

The other issue is that, because the boards are trying to keep down their costs, some people are utilising their houses as offices, and that is something we need to take up. We need to make certain that these people have a decent office with facilities and not have to use their lounge room or kitchen table for their operation.

I find this committee very informative and challenging, and I think it is a very important committee. In my role as the member for Frome, I go to all the regional NRM meetings in my electorate on a regular basis. The reason I do that is to get firsthand knowledge of the issues facing each of the NRM boards. The discussion that comes out of that is intriguing, and you understand exactly where the boards are going and how they are operating.

I would also like to voice my concerns about local governments having to collect the levies. I think that is something this state needs to look at because, as the member for Stuart has indicated, those councils need to justify it to their ratepayers, and it is also another impost on local government to collect it and distribute it to the state government. I will close there. I am very appreciative of the opportunity of being on this committee, because I think it is great, and I commend these reports to parliament.

Motion carried.

TERRORISM (SURFACE TRANSPORT SECURITY) BILL

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:00): Obtained leave and introduced a bill for an act to require certain service transport operators to implement counter terrorism plans; and for other purposes. Read a first time.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:00): I move:

That this bill been now read a second time.

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

Leave granted.

The threat from terrorism is global and ongoing, presenting a challenge to Australia and Australian interests wherever they may be. Australia has been fortunate to escape the attacks that have been perpetrated in Madrid, London, Mumbai and last year in Moscow. We need to remain vigilant to the potential risk and ensure we have means at our disposal to deter terrorists.

Surface transport systems, particularly mass passenger transport systems, concentrate large numbers of people in the confines of vehicles, vessels, stations and terminals at predictable times and places. As such, they offer substantial potential for mass casualties and injuries in a terrorist attack, as well as significant economic and social impact on Australian society and interests.

The Council of Australian Governments endorsed an Intergovernmental Agreement on Surface Transport Security following recommendations from the Australian Transport Council and the National Counter-Terrorism Committee. The primary aim of the Agreement is to put in place nationally-consistent arrangements to protect the community through strengthening security measures on surface transport systems. The *Terrorism (Surface Transport Security) Bill 2011* was drafted to fulfil South Australia's obligations under this Agreement.

Queensland and Victoria have enacted similar dedicated legislation while the remaining jurisdictions have modified their existing legislation.

This Bill will assist in reducing the vulnerability of the surface transport system in South Australia to terrorism in the event that changes in the security environment require its application. The Bill also aims to minimise the possibility that a terrorist act will be displaced from another jurisdiction to South Australia simply because South Australia, in the absence of such legislation, might be perceived to have a lower level of security preparedness.

The Bill provides the Minister for Transport with the power to identify operators at significant risk of a terrorist attack due, for example, to their size, location or iconic status, the number of passengers using the operation and any other factor considered relevant by the Minister, and to declare them a 'security identified surface transport operator' (a 'SISTO').

The primary object of the Bill is to impose an obligation on SISTOs to prepare, implement and review a counter terrorism plan. A counter terrorism plan must:

- contain an assessment of the vulnerability of the transport operation to a terrorist act;

- set out arrangements for assessing the likelihood of a terrorist act affecting the transport operation being committed;
- set out a series of measures designed to minimise the risk of such a terrorist act being committed and to minimise the effect of such a terrorist act on the transport operation; and
- set out measures to be taken in the event of a terrorist act, including measures designed to facilitate an immediate and effective response to the terrorist act, and the recovery and continued safe operation of the transport operation.

The development of security plans will include identification of further measures which will be implemented if the current National Counter-Terrorism Alert Level changes to a higher level, or if made necessary by an alert level applicable to a geographical area or specific transport sector (or part of a sector) issued by a security intelligence agency or a law enforcement agency.

Consultation with key transport industry members has demonstrated that most potential SISTOs are sophisticated organisations that have already introduced a range of security measures and training plans to mitigate the potential effects of terrorism and other security threats on their businesses. This will significantly reduce the compliance burden on operators under this new legislation. Further, the major metropolitan public transport providers are already required under their contracts with the Government to introduce and maintain counter-terrorism measures that match the requirements of this legislation.

Under the *Rail Safety Act 2007*, rail transport operators are required to prepare and implement a security management plan, which must incorporate measures to protect people from general security matters including theft, assault and sabotage, as well as terrorism. This Bill therefore makes provision for rail operators who may be declared a SISTO by allowing them to include the requirements of the counter-terrorism plan in their existing security management plan. This avoids the need to have two plans and ensures their security planning is fully integrated.

If changes to the security environment require this legislation to be invoked, it is anticipated that meeting its requirements will reduce the vulnerability of transport operations to terrorism.

I commend the Bill to the House.

Explanation of Clauses

1—Short title

2—Commencement

Clauses 1 and 2 are formal.

3—Interpretation

Clause 3 proposes definitions necessary for the measure. In particular, a *security identified surface transport operation* means a place, activity or system, associated with or relating to, the movement of people or goods by road, rail or water identified by the Minister under the measure as a security identified surface transport operation.

4—Civil remedies not affected

Clause 4 provides that the provisions of the measure do not limit or derogate from any civil right or remedy and that compliance with the measure does not necessarily indicate that a common law duty of care has been satisfied.

5—Notice relating to security identified surface transport operation

Clause 5 proposes that the Minister may, by notice in writing—

- declare a specified place, activity or system, associated with or relating to, the movement of people or goods by road, rail or water to be a security identified surface transport operation; and
- declare a person to be the operator of the operation; and
- specify the period within which the operator must prepare a counter terrorism plan in accordance with the measure.

The clause further provides that the Minister may identify an operation as a security identified surface transport operation if of the opinion that the operation has a significant risk of being the target of a terrorist act.

6—Counter terrorism plan

Clause 6 provides that the operator of a security identified surface transport operation must prepare a counter terrorism plan in accordance with the measure, and must not, without reasonable excuse, fail to implement such a plan. Each offence has a maximum penalty of \$50,000.

A counter terrorism plan must—

- contain an assessment of the vulnerability of the transport operation to a terrorist act; and
- set out arrangements for assessing the likelihood of a terrorist act affecting the transport operation being committed; and

- set out a series of measures to be taken according to the assessed likelihood of a terrorist act affecting the transport operation being committed, and designed to minimise the risk of such a terrorist act being committed and to minimise the effect of such a terrorist act on the transport operation; and
- set out measures to be taken in the event of a terrorist act; and
- set out a scheme for the preparation and conduct of training exercises to test, from time to time, the operation of the counter terrorism plan; and
- set out a scheme for the provision of information and training to staff and others about the arrangements and measures set out in the plan; and
- specify the persons or classes of persons responsible for taking action under the plan; and
- set out a scheme for the review and updating of the plan; and
- comply with any other requirements of the regulations.

7—Provision of information relating to counter terrorism plan

Clause 7 provides that the operator of a security identified surface transport operation must, at the request of a person authorised by the Minister, provide the person with a copy of the counter terrorism plan for the transport operation and information in writing about the implementation or review of the counter terrorism plan for the transport operation. The clause proposes a maximum penalty of \$10,000.

8—False or misleading information

Clause 8 provides that a person must not make a statement that is false or misleading in a material particular in any information provided under the measure. If the person made the statement knowing that it was false or misleading a maximum penalty of \$10,000 or imprisonment for 2 years is proposed, and in any other case a maximum penalty of \$5,000 is proposed.

9—Compliance notice

Clause 9 proposes that if the Minister is satisfied that the operator of a security identified surface transport operation is contravening the measure, the Minister may give the operator notice in writing specifying the action that the Minister considers should be taken in order to ensure compliance with the measure.

10—Confidentiality

Clause 10 provides for confidentiality. It states that a person engaged or formerly engaged in the administration of the measure must not disclose information obtained in the course of official duties except—

- as required or authorised by or under the measure or any other Act or law; or
- with the consent of the operator of the security identified surface transport operation to which the information relates; or
- in connection with the administration of the measure; or
- to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

The clause proposes a maximum penalty of \$10,000.

11—Freedom of Information Act

Clause 11 provides that information obtained under the measure is not liable to disclosure under the *Freedom of Information Act 1991*.

12—Service

This clause provides for the method of service of a notice or other document under the measure.

13—Evidentiary provision

This clause provides evidentiary aids.

14—Regulations

This clause provides a general regulation making power.

Debate adjourned on motion of Mr Pederick.

RAIL SAFETY (SAFETY COORDINATION) AMENDMENT BILL

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:01): Obtained leave and introduced a bill for an act to amend the Rail Safety Act 2007. Read a first time.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:01): I move:

That this bill be now read a second time.

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

Leave granted.

The *Rail Safety Act 2007* is based on national model legislation developed by the National Transport Commission and approved by the Australian Transport Council (ATC) on 2 June 2006. Among other things, the model legislation made provision for rail transport operators to make agreements with other rail transport operators where their rail operations interface. There was no provision for interface agreements between rail infrastructure managers and road authorities, but in approving the model legislation, ATC also approved the development of provisions to address this deficit.

This decision was given effect in the *Model Rail Safety (Amendment No. 2) Bill*, approved by ATC in December 2007, and the present Bill seeks to introduce these provisions into the Rail Safety Act.

There are approximately 100 crashes between a road vehicle and a train in Australia each year. South Australia has averaged 10 crashes per year over the last 10 years. Level crossings are the single biggest source of death and injury associated with railway operations. For example, in June 2007 at Kerang in Victoria's north-west, a collision between a truck and train at a level crossing caused 11 fatalities and dozens of injuries. A collision occurred in this State in December of the same year at Moloney Road, Virginia, when a truck struck the side of the Indian Pacific train. In that case, the truck struck a car carrier wagon that was between the locomotive and trailing passenger coaches. Although only the truck driver suffered serious injury in that incident, the potential for a Kerang type consequence was present. The effective joint management of level crossings by rail infrastructure managers and road authorities is a key issue for governments, industry and the community.

Fatalities at railway level crossings are a significant issue for rail transport operators; however, they are a very small part of the road network, and road authorities have a different focus of operations.

Historically, in South Australia, the management of level crossings lay primarily with government owned railway authorities. Over time, arrangements with road authorities for shared management and maintenance responsibilities evolved but were never established in legislation. The privatisation of railways in the 1990s has seen many of these informal agreements challenged or implemented in differing ways.

These amendments provide the mechanism to formalise the joint management arrangements between rail infrastructure managers and road authorities where such arrangements exist and will serve to cause arrangements to be made where they do not exist.

The Bill expands on the current provisions of the Rail Safety Act applicable to rail operators, and will require road authorities responsible for public roads to:

- identify and assess safety risks associated with the existence of any road and rail crossing; and
- determine measures to manage those risks; and
- seek to enter into an interface agreement with the relevant rail infrastructure manager.

This will require parties to establish processes for agreeing on appropriate risk controls, responsibilities and other safety risk management strategies at road/rail interfaces, including general maintenance, upgrades or risk assessments, prior to safety issues emerging that require immediate attention

The legislation enables the parties to jointly identify and assess risks, or for one party to adopt the identification and assessment carried out by the other party.

The same obligations will apply to managers of private roads but only if the relevant rail infrastructure manager advises that it is necessary.

The Bill makes provision for a person to be appointed by the Minister to intervene in situations where road or rail infrastructure managers are failing or refusing to enter into interface agreements. This Appointed Person will have the power to direct the parties as to the content of an interface plan, which the parties must then implement. The Appointed Person will be a person appointed by the Minister for the purpose. Most likely this person will usually be the Rail Safety Regulator, although another person may be appointed should the circumstances require.

Consistent with the ATC approved (December 2006) *National Policy Statement for Transitional Arrangements for the Implementation of National Model Rail Safety Legislation*, interface agreements between road authorities and railway infrastructure managers will need to be in place within three years after this Bill is passed.

South Australia is well placed to achieve this timeframe. Significant work has already been undertaken by the Department for Transport, Energy and Infrastructure to identify and assess public road level crossings. Support and guidance to the affected parties on the requirements of the Bill and how to implement them will be provided by the Department and the *State Level Crossing Strategy Advisory Committee* (comprised of representatives from industry and State and local government).

It is proposed that the amendments will be brought into operation as soon as possible after the Bill's passage through Parliament. The Minister for Transport intends to give a general direction to the Rail Safety Regulator, pursuant to section 20 of the *Rail Safety Act 2007*, that the Regulator is to adopt an educative approach to the enforcement of the requirements during the period that road authorities and rail infrastructure managers are developing interface agreements. Such a direction will not interfere with the Regulator's ability to act in relation to immediate or systemic safety issues as the Regulator sees fit.

The National Transport Commission undertook national public consultation during the development of the model amendments in 2007. In addition, the Department has consulted with industry and local government on this Bill. Public information sessions were held in Adelaide and Port Lincoln in June 2010 and assistance will be provided through the *State Level Crossing Strategy Advisory Committee* in relation to the development of template agreements during the implementation period.

This Bill will strengthen level safety crossing safety management by providing a mechanism to bring road authorities and rail infrastructure managers together to assess risks where rail and roads intersect and to develop plans to address those risks.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Rail Safety Act 2007*

4—Amendment of section 4—Interpretation

Various definitions are to be inserted into the Act for the purposes of the new sections proposed to be inserted by this measure.

5—Amendment of section 57—Exemption from accreditation

This clause amends section 57(2)(b) to clarify that conditions imposed by the Regulator for the purposes of the section may be the same as, or similar to, any provisions of Division 4, 5 or 6 of the Act.

6—Amendment of section 58—Safety management system

This clause proposes amendments to section 58 consequential on the substitution of section 62 proposed by clause 7.

7—Substitution of section 62

This clause proposes to repeal section 62 and substitute the following sections that make provision for the identification and management of risks in relation to railway operations, railway infrastructure and roads.

62—Interface coordination—rail transport operators

This section requires a rail transport operator to identify and assess risks to safety that arise in relation to railway operations carried out by or on behalf of the rail transport operator as a result of railway operations carried out by or on behalf of another rail transport operator.

The rail transport operator must determine measures to manage the risks and also seek to enter into an interface agreement with the other rail transport operator. An *interface agreement* is defined as an agreement about managing risks to safety (including those matters listed in the definition).

It is an offence to fail to comply with the section and a maximum penalty of \$300,000 for a body corporate and \$100,000 for a natural person is prescribed.

62A—Interface coordination—rail infrastructure and roads other than private roads

This section requires both a railway infrastructure manager and a road manager (other than a manager of a private road) to identify and assess, so far as is reasonably practicable, risks to safety that may arise from the use of the existence or use of any rail or road crossing that is part of the road infrastructure of the road manager.

The railway infrastructure manager and the road manager must both determine measures to manage the risks and also seek to enter into an interface agreement with the other.

It is an offence for a railway infrastructure manager to fail to comply with the section and a maximum penalty of \$300,000 for a body corporate and \$100,000 for a natural person is prescribed.

Nothing in this section authorises or requires a road manager to act inconsistently with, or without regard to, the functions, obligations or powers conferred on it by or under an Act other than the principal Act.

62B—Interface coordination—rail infrastructure and private roads

This section requires a railway infrastructure manager to identify and assess, so far as is reasonably practicable, risks to safety that may arise from railway operations carried out on, or in relation to, the manager's rail infrastructure because of (or partly because of) the existence or use of any rail or road crossing that is part of the road infrastructure of a private road.

The railway infrastructure manager must consider whether the management of those risks needs to be carried out in conjunction with the road manager of the private road. If the railway infrastructure manager is of the opinion that the risks do need to be so managed, the railway infrastructure manager must give written notice to the road manager, determine measures to manage those risks, and seek to enter into an interface agreement with the road manager. If the railway infrastructure manager is of the opinion that the risks need not be managed in conjunction with the private road manager, the railway infrastructure manager must keep a written record of that opinion.

If a railway infrastructure manager gives a written notice to a private road manager under this section, the road manager must identify and assess, so far as is reasonably practicable, risks to safety that may arise from the existence or use of any rail or road crossing that is part of the road infrastructure of the road because of (or partly because of) railway operations. The road manager must then determine measures to manage the risks and also seek to enter into an interface agreement with the railway infrastructure manager.

It is an offence for a railway infrastructure manager or a road manager to fail to comply with the section and a maximum penalty of \$300,000 for a body corporate and \$100,000 for a natural person is prescribed in each case.

62C—Identification and assessment of risks

This section provides that a rail transport operator, rail infrastructure manager or road manager may assess risks to safety that arise in relation to another person's operations individually, together with the other person, or by adopting the other person's assessment.

62D—Scope of interface agreements

This section outlines the scope of an interface agreement entered into under Part 4 Division 4.

62E—Appointed person may give directions

This section provides for a person appointed by the Minister to require compliance with section 62, 62A or 62B where a rail transport operator, rail infrastructure manager or road manager is unreasonably refusing or failing to enter into an interface agreement with another person as required, or is unreasonably delaying the negotiation of such an agreement. The appointed person may issue warnings, advise on suggested terms for inclusion in an interface agreement, require the production of information, and give directions in relation to safety arrangements that are to apply under section 62, 62A or 62B. The section creates an offence of failing to comply with a notice or direction given by an appointed person under the section and a maximum penalty of \$120,000 for a body corporate and \$40,000 for a natural person is prescribed.

62F—Register of interface agreements

This section requires rail transport operators and road managers to maintain a register of all interface agreements to which they are a party and any arrangements determined by the appointed person under proposed clause 62E. A penalty of \$10,000 applies for a failure to comply is prescribed.

8—Amendment of section 112—Temporary closing of railway crossings, bridges etc.

This clause amends section 112 of the Act to include a subway in the list of areas that may be closed or regulated because of an immediate threat to safety.

Debate adjourned on motion of Mr Pederick.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 February 2011.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:02): I rise to continue my remarks on this bill which were begun last evening. I was at that stage making a suggestion about the statutory review that was carried out, and I understand that the report of that review was tabled in this place in 2007, over three years ago, and we now have the bill coming forward from that. I was making the point that, to my mind, the bill we have before us is designed particularly by and for the bureaucracy, and I have some concerns about that and think that we would be better off if we had a more wide-ranging review that took into greater consideration the concerns of the people who are subjected to the administration of this piece of legislation.

Having said that, I now wish to address the matters within the bill. I also undertook to address a matter that concerned one of my constituents. I mentioned this last night, and the minister suggested that I should give a more detailed example. I will do that right now. A constituent complained to me that departmental officers attended his property in the middle of last year with armed police, and he was somewhat concerned by that. The circumstance I will describe to the house and will leave members to make their judgment on whether the armed police were necessary and whether this constituent of mine was being treated fairly. The minister might

complain that this is a different act, but it is the same group of people and the same mentality, and I am using this as an example.

This constituent had a drain put through his property some years ago under the Upper South-East Drainage Scheme. More recently, he has had another series of drains constructed on his property, basically duplicating the drain that was put through a number of years ago (but as part of what was known as the REFLOWS project) to divert water from the South-East and, in this instance, particularly out of water which normally comes out of Bool Lagoon and flows down Drain M and which would otherwise continue down Drain M and outfall into Lake George near Rivoli Bay and then into the sea.

There is a regulator on Drain M not far from Bool Lagoon, and the water can be diverted up the old Bakers Range watercourse, which would see it eventually end up heading towards the Coorong and eventually into the Coorong. The REFLOWS project is about constructing some drains and structures to aid that diversion of water in the South-East back towards some of its traditional flow paths.

This particular landholder, in the middle of his property (or where I inspected a few weeks ago with him), the draining that was constructed to reduce flooding and reduce the impact of dryland salinity on his property has basically been cut off from water flows. It has had a structure put on it (when I say 'a structure', it is a bridge with culverts under it), and it has been blocked to stop water flowing from his property down there; and another drain has been constructed on his property, heading in a slightly different direction and going through what someone has determined should be a wetland.

It is called a swamp. It is called the Tatiara Swamp. It is a semi-wetland. I would have to describe it like that, and I will explain why in a moment. The water is now being diverted in a different direction and, when it flows out of the wetland, through the neighbour's property (because this wetland crosses into two properties), on the neighbour's property there is another structure there, and, at that point last winter, departmental officers went out and partially blocked the culverts leading out of this structure. As a consequence of that and with heavy rains, his property became inundated and he had significant flooding across his property, even outside this partial wetland and across his grazing country, which, obviously, after a short period of time—only a matter of days—will, indeed, kill the pastures and cause significant economic loss to the farmer concerned.

As a result of that, he went to the first structure I described and opened that to allow water to run down the original drain that was constructed to alleviate flooding on his property, and that caused a dispute between him and the departmental officers. He was trying to maintain his farming practices and stop the flooding of his property. The department had decided that it was fair game for him to flood his property.

From where I have physically inspected the site (I have been shown photographs taken at the time which give a pretty clear indication of the water levels and also give a pretty clear indication of where the water was flooding onto his property), I have to inform the house that I have significant sympathy for my constituent. I have significant concerns, notwithstanding the dispute that arose between him and the departmental officers, that this dispute was resolved by the department by arriving on his property with an armed police officer. I am not too sure that this sort of dispute should be resolved in that manner.

Here is a farmer, trying to go about his lawful business, make a living and trying to prevent flooding, and we have a department that has built a structure. It has what we call a 'sill level', so that the water has to get to a certain level before it can flow through the structure, and then the department comes along and half blocks off that structure, those culverts, to raise the sill level even further and flood this land out.

There is no management plan for these series of structures, there is no management plan for this wetland or this system of drains. Here is the farmer having no management plan so that, when the water level gets to a certain point and starts to cause a certain amount of damage, he can ring up the department and say, 'Hey, boys, you'd better come out here and remove some boards and let a bit of water go because I'm getting flooded out.' There is no explanation to him as to how he can redress his concerns and his flooding.

His other complaint was that the department kept driving across his property in these severe wet winter conditions, cutting up his tracks, driving off tracks and driving on parts of his property where he certainly would not drive at that time of year and in those conditions. They kept shifting around heavy machinery and culverts, etc., literally making a mess of his property in the

winter. Any farmer knows that in that country you do that sort of work in the dry part of the year. If you do not manage yourself and get yourself organised to be able to complete those sorts of works in the dry part of the year, you wait until the next year. You do not go and make a mess in that sort of country in the middle of winter.

I got an undertaking from one of the departmental officers that remedial work would be done to some fencing that was knocked down and a gate that was destroyed. I got an undertaking that that work would be done before Christmas last year. I was on the property in January and that work still had not been done.

I put that information to the house because I think it illustrates why members on this side of the house, at least, are from time to time, if not continually, frustrated by the administration of some of this legislation which includes the NRM Act. There are a number of pieces of environmental legislation which come under the same heading. So, that is the most recent example, minister. There is a long list of examples I could give about similar activities by departmental officers confronting landholders under the name of environmental protection where, in my opinion, I think they have gone over the top.

Certainly, I have had discussions with previous ministers. I will not cite names, but in one instance I had a debate with a previous minister for the environment where I said, 'If you continue down this path and end up taking this person to court over an alleged native vegetation clearance, you will completely lose the battle in the South-East of trying to get farmers on side with regard to native vegetation.'

That person happened to be one of the most well-known conservationists in the South-East and the department were trying to drag him through the courts because they were alleging that he had destroyed some native vegetation. This particular landholder had, in fact, basically given land to the department. He had fenced off parts of his property to allow links to be made between significant areas of remnant native vegetation so they could be linked together as corridors for animals. A significant amount of land was fenced off from his use as a gift, basically, to the people of South Australia. That counted for nothing when the departmental officers wanted to charge him over something very, very insignificant. At the end of the day, they did the right thing and did not press charges and that showed how insignificant the whole thing was.

The Hon. P. Caica: So that one was resolved.

Mr WILLIAMS: That one was resolved but it caused a lot of angst, not only to my constituent but to a lot of his friends and neighbours too who were all aware of it. It was a worthless and useless exercise. Minister, that is the sort of thing that happens out in the field which does not do the ultimate cause any good. That is why the opposition will raise a significant number of questions about this particular legislation and, I suspect, will oppose a number of the matters before us.

I put it in that term because the opposition spokesperson, the Hon. Michelle Lensink in the other place, is still consulting on this piece of legislation, so I have to give notice to the house that we will not oppose. We will allow the bill to go through this house but there are a number of questions I wish to put to the minister in the third reading stage and that will inform us, as we go forward, to come to a formal position on a number of the clauses. But I do want to point out some of the concerns that I have identified, and I am sure some of my colleagues will contribute to that same exercise over the next little while as we progress the debate.

It is my intention now to go through the bill reasonably quickly. It is not a third reading exercise, but I want to go through and just point out to the minister the major concerns that we have, so he is forewarned. When we get to the third reading, and ask some formal questions on the various clauses, he might be better prepared than otherwise to answer those questions.

I will start off with the definitions in clause 4. The bill proposes to delete the existing definition of 'intensive farming' and replace it with a definition that is very similar. I have some queries about even that definition, but it also provides that the NRM plan could define intensive farming. I suspect that the opposition will be very concerned about that. I think it gives far too much power to the NRM board

That brings me to another clause—and I do not know the number of it just offhand. The NRM legislation (as it currently stands) obliges the NRM boards to review their plans every five years. That is a fairly good system; it provides plenty of flexibility. Five years is not a very long time, and if there was an issue that arose and the NRM board had a concern about a new style or

type of intensive farming, I think at the time of its review it might be able to look into that. However, to give the NRM plan the ability to redefine intensive farming I think is going over the top. I think that is something that should be reserved for the parliament to make those sorts of changes to the intent of the legislation.

Clause 4 also deletes the definition of 'residential premises'. I certainly intend to ask the minister some questions on that, because I am not sure of the rationale behind that. In relation to clause 5, I am sure the minister will argue that it will make it much easier administratively for the department and the minister's office. Clause 5 intends to enable the minister to delegate a whole range of powers under chapter 5 of the principal act. I want to go through that in the third reading, because I think a number of those powers should not be delegated or be able to be delegated to the executive officer or any other officer of the department.

One of the things we are seeing in the way legislation is being drafted and passed through this parliament, and then administered, is that we are shifting far too much authority, particularly on policy matters, away from ministers, the executive government and the parliament, and installing far too much authority and power in the bureaucracy. I think that leads to poor governance.

Clause 7 sets out to increase the term of membership of the NRM council from three years to four years, and clause 11 of the amendment bill does the same for NRM board members. I wish to question the minister on the rationale behind that. I am not too sure that more is better. Clause 12 extends by a month the due date for the annual reports under the act, from 31 October to 30 November. I certainly cannot understand the rationale behind that. Again, I think that is another plank in the shift of power away from not only the parliament but also the minister to the bureaucracy.

We all know that it is most unlikely that the parliament will sit on 30 November, because, as in the last few years, we have not been sitting in December. The minister, under the act, has a set number of sitting days to table the annual reports. It is most likely that the annual report would not be tabled until the next year, so the parliament would not necessarily see the annual reports of the NRM boards until the February after the 30 June date that the report goes to. I think that is totally inadequate. If agencies cannot get their annual reports completed in time to be able to give them to the minister, whereby the parliament will then get some opportunity to see them before the end of that relevant calendar year, I think the agencies need to have a look at the way they operate.

I find clause 15 quite curious. It extends the power of the chief officer to delegate any functional power of the chief officer of the agency not just under this act but under any other act, presumably, that the chief officer is responsible for. I find that quite extraordinary, to be honest. I think the parliament needs to seriously look at that and question it. For the life of me, I cannot think of a reason why you would want to do that in any legislation.

I was talking about Leon Byner's contribution to the debate last evening, and I mentioned clause 16 during that discussion. It deletes section 72, which provides that a person can refuse to answer a question or refuse to provide documentation on the grounds of self-incrimination. I can indicate to the minister that I will be most amazed if the opposition supports that particular amendment. I will certainly give him the opportunity to give further information at the third reading.

Clause 18 introduces a significant number of new requirements in relation to water allocation plans to include an assessment of environmental water requirements. All I can say at this stage on this clause is that the brief for this particular clause must have been drafted in complete ignorance of the debate that surrounded the Murray-Darling Basin guide which was released four or five months ago. It does not seem to have any consideration for social or economic impacts.

A nationwide debate raged over the problems that that has caused in regard to trying to reform the Murray-Darling system. Again, I think the parliament needs to be cognisant of that debate over the Murray-Darling and look very closely at these particular clauses. There is some wording there that I have particular problems with.

Clause 19, which I certainly support, deletes section 78, which will remove the requirement for a concept statement to be published as part of the plan development process, and I think that is a good move. That certainly will streamline the processes, and I do not think it will cause any problems in the community. The processes to develop water allocation plans, or any NRM plans per se, are so lengthy and convoluted that most people just lose interest well before they get to the finish line. That has been one of the problems with this legislation, and certainly clause 19 in some way seeks to address that.

Clause 22 proposes to extend the life of plans from five to 10 years; I question that. Just a few moments ago, I talked about the five-yearly review, and I think that that is a good system. I personally have not had any problems with a five-yearly review, other than the fact that the current boards do not seem to be able to get within cooeee of that time frame. Certainly, in the South-East they will be lucky to complete the current review within 10 years of when the last plan was handed down. In fact, the 10-year time frame is not far away, so I can understand the department suggesting to the minister that this would be a good way to go forward. I think that it is a case of our changing the legislation to try to match up with the failure of NRM boards to work in a timely fashion rather than to provide good administration of natural resource management matters.

Clause 25 is an interesting one. It basically clarifies the matter where water taken for the construction or repair of a public road does not come within the accountability requirements that apply to other water users or the taking of water for other purposes. I find it quite curious. Certainly, a question was raised over the construction of the Northern Expressway about water, and the amount of water, that was being taken from aquifers in that area. There seemed to be no accountability, particularly during drought periods when householders were watching their gardens die and irrigators were on some restrictions as well, and there was a question mark over the sustainability of water use on the northern Adelaide Plains. There seemed to be no obligation on those who were taking water for the construction of the Northern Expressway to be accountable. I personally do not support that.

In fact, I was talking to one of my colleagues' constituents in the Adelaide Hills only in this last hour about water metering and I was making the argument—as I have for many years—that, if you do not meter it, you cannot manage it. I think that applies to water taken for the construction or the repair of public roads. I could not start to guess how much water was taken for the Northern Expressway, but I am aware that a significant amount of water is used in road construction. It is a necessary part of road construction—I do not walk away from that—but that was a major project. The amount of water used would have been significant in the context of managing that resource, and I think that it should have at least been metered.

As I said, there was some obligation on the user—the contractors who were using the water—to be careful, just as everybody else in the state was being careful, particularly during that time of the drought, and also to build a wider understanding, particularly in the case of major projects such as that one. So, I have some problems with that particular clause which, I suspect, is about clarifying that particular matter, and I suspect that that was the example that drove the requirement to clarify it.

Clause 27 includes a new definition of degradation or the impact of the degradation of land, which includes the productive capacity of land. That is a very interesting concept with regard to NRM matters. Certainly the process of water allocations over the South-East, which is something I have lamented for many years, has significantly impacted on the productive capacity of land. I note that there is another bill on the *Notice Paper* under the same act relating to the impacts of forestry on water balance. Again, that legislation could have a significant impact on the productive capacity of land.

I can only repeat what I have said many times in this place: when it comes to water, people who sit behind desks and ponder over these questions of natural resource management have little understanding of the practical aspects of water use in a farming context, or certainly in a forestry context. That is why we have had an ongoing debate in the South-East for at least 14 or 15 years, and it continues to rage.

In my opinion, the bureaucracy in particular completely fails to understand the impacts that the decisions taken by NRM boards on water allocation plans have on the productive capacity of land. It is totally unfair that the productive capacity of one landowner's land is driven down in order to drive up the productive capacity of another farmer's land. That is what has been happening in the South-East for a number of years now.

Clause 30 goes to the same area. I certainly want to question the minister about water-affecting activities, because one of his previous colleagues took what I thought was an exceptional step to declare forestry as a water-affecting activity. I do not know the actual section in the principal act—it might be 127, from memory—but, to my mind, when the parliament passed the additional legislation for that particular section, it was never intended to be used in that sense at all. I think any fair-minded person reading that provision would accept that, so I want to question the minister on that, too.

There are a number of other things that I want to question the minister about in the third reading. As I said, the opposition has not taken a formal position on these individual clauses but we will be doing that over the next week or two. The minister's response will inform those decisions but I suspect that a number of the matters that I have raised will indicate where the opposition will have problems supporting the minister's intent.

Clause 35 intends to clarify carryover and I am sure we will have an interesting discussion about that because there are many questions left unanswered with regard to carryover. The last clause that I want to highlight is clause 39 which, with regard to water conservation measures, will transfer the power from a regulating-making power to a power of simply giving notice in the *Gazette*.

As a legislator, I invariably comment when I am the lead speaker on a bill, that I think the parliament is abrogating its duty by giving more and more powers for regulations to be made. I think it detracts from the reason that we are all here, and that is to oversee the legislation and the statutes of the state, and to oversee them on a regular basis if that is necessary. However, to abrogate that duty by giving regulation-making powers, I think, is an abuse of the reason that we are here, and I have made that comment many times. If there needs to be a change to legislation, it is not that difficult for the minister to come in here and, if necessary, make the argument and go through the process to make that change to the legislation.

The Hon. P. Caica interjecting:

Mr WILLIAMS: Yes, and we are going to have the debate; that is what it is all about. However, if all of this was done simply by regulation, it takes away the power of the parliament to question you, it takes away from the parliament the power to be responsible for the legislation and gives it to the minister and/or the bureaucracy. I think that is a failure on behalf of the parliament to do its job.

In this case, we have been asked to approve a step further and that is to change existing regulation-making power to a power where simply the achievement can be obtained by giving notice in the *Gazette*. That is not a disallowable instrument, so the parliament has no say. It is difficult enough, in my experience, to get a disallowance motion up on a regulation. Once the executive can change the law (which is basically what they are doing) simply by putting a notice in the *Gazette*, the parliament has been cut right out of the loop and has no say whatsoever.

Again, I would urge the parliament to look very closely at that and question whether that is the way we want to head. For some years I have been questioning the way that we are already heading with regard to regulation-making powers—I think this is going right over the top. I think I have covered most of the areas that I wished to in my second reading contribution so I will conclude my remarks and listen with interest to my colleagues.

Mr GRIFFITHS (Goyder) (12:34): As a regional member in this good place the care of our lands and our waters is an issue that comes to my attention quite often. Given my previous government role and involvement in animal and plant control boards, at one stage as an acting secretary of a board, I do have some exposure to what the expectations of the community are and the frustrations that they have when you try to deliver the services and programs that are required and you cannot do that.

I do wish to comment on just a couple of particular things. I commend the member for MacKillop on his efforts. I note that he was just starting last evening, but has now laid into it and detailed all the areas of concern that the opposition has. They are quite varied, too, because he is exposed in the South-East of South Australia to a different range of issues from mine. There are a lot of water issues that are relevant to the South-East. For the good people of Goyder, the issue that I am contacted about is animal and pest plants and the coastal environment, where there is a real need for a lot of work to be done.

I do recognise that the Northern and Yorke Natural Resources Management Board, of which my electorate is a part, has been in existence since 2004 and has been well led by good people, I must admit. I did have some frustrations a few years ago when—

The Hon. P. Caica interjecting:

Mr GRIFFITHS: Yes, the Hon. Caroline Schaefer is the new chair. I was with the Hon. Caroline Schaefer at a launch of some suggestions on coastal plants for a revegetation project at Wallaroo about two months ago, where a trial site has been established which identifies some plants that have a good chance of establishing quickly and the rehabilitation of the foreshore

dunes. I commend the Northern and Yorke board on their efforts. I know there was good publicity locally about it, so a lot of those people who live in delicate coastal environments around Yorke Peninsula will ensure that they take up those planting suggestions to rehabilitate those areas.

The Hon. P. Caica interjecting:

Mr GRIFFITHS: The minister was also there, yes, and spoke quite well. It was all very nice.

Mr Williams: The existing minister?

Mr GRIFFITHS: Yes; it was good to have the minister there. I apologise for that, minister. I was distracted; I was talking to Mr Odenwalder. The great frustration that I had with the Northern and Yorke board some three years ago, which was related to the parliament by quite a few members, was a significant increase in the levy.

It is interesting that the member for Ashford, in her contribution today on the behalf of the Natural Resources Committee of parliament, talked about the review undertaken of any levy from the seven boards around South Australia which is above CPI. The great frustration I had at that time was that the Northern and Yorke board levy, or the income increase, was 333 per cent in one year.

The coastal communities that I represent, because they have a higher value base and the levy that local government collects is based upon the capital value of the lands, paid a significant portion of that. I had people screaming at me from everywhere about questioning the natural resource management boards, what they do, their effectiveness, how their structure works, who gets paid what and all these sorts of things.

The issue has settled down. I do respect that some significant controls have been put in place. It is not an easy one to manage, but it just goes to demonstrate that no matter how well-intentioned the parliament and the structures the parliament puts in place are, there will always be a collection of people out there who feel aggrieved in some way about whatever we do. The minister nods his head, because he knows there is a community out there very upset about marine parks at the moment, too.

I do respect the fact that he is going to try to ensure a situation that resolves the frustration that is out there. He is a man who is prepared to listen to comments that are made with the intent of improving a situation and is not just completely negative all of the time but will move forward on that. The shadow minister, the member for MacKillop, has certainly outlined concerns that the opposition has. It is an issue that is discussed quite often in our joint party room, because it does come back through many of the issues that we as local members have responsibility for.

I note that the review upon which these amendments are based comes from a report completed in 2007; so it has taken some time, as I understand it, for these amendments to get to the parliament. There are concerns that, to paraphrase, the level of responsibility is taken away from the minister and put more within the bureaucracy. We are very much a party to that. We believe strongly in ministerial responsibility.

In understanding that there are some 57 different portfolios, or whatever number was quoted on radio yesterday, there is a great challenge to the 15 members of the cabinet to ensure they keep that level of control, but that is what we are elected here for. I know that members from this side look forward to the opportunity, hopefully in the near future, to have that chance to question the bureaucracy in all portfolio areas and keep a very tight control on it and to ensure that we are never blindsided but we know what is happening and as much as humanly possible keep on top of issues, but we have to get that right.

I come from a community that believes very strongly in the fact that it wants to be involved. Some of the people involved in these NRM boards have had a lifetime of experience, and no doubt that is why you have appointed them to the board, upon nomination. Some of them have been asked to go into it from a very wide background, but they bring into the board a skill set that has to be used, and I understand that it is.

No doubt the shadow minister will question the plans in place that are established by each of these boards. The plans that control the activities of the board previously had a lifetime of some five years—and that would have been subject to some level of review—and are now extended to 10 years, I think it is. I know that the vision needs to be broad and have a perspective that gives

people hope that everything that is necessary will actually be undertaken, but by having that longer term vision is that a strengthening or a weakening of it? Yes, yearly reviews will be undertaken but are we still going to achieve the outcomes that every person wants? I think I have prattled on enough. I recognise that it is—

The Hon. P. Caica interjecting:

Mr GRIFFITHS: No, it's not. I wish I had more about it, minister. I am relying upon the very wise words of others to have collected my thoughts about what my intended contribution is. I look forward to the committee stage. The shadow minister has indicated that he has questions on quite a few sections and clauses and then, no doubt, will allow this bill to get through in a somewhat quicker time than the original bill. Is this the one, member for MacKillop, that the member for Davenport made an eight-hour contribution on, or something like that, on natural resource management?

Mr Williams interjecting:

Mr GRIFFITHS: It just shows that when important legislation comes before the house the willingness to debate is always there. I look forward to the swift passage of the bill.

The DEPUTY SPEAKER: Congratulations on your forensic contribution there, and I quote, 'something like that'.

Mr VENNING (Schubert) (12:42): I have been in this place for 21 years and this is a most important subject to me, in fact I think I have made 21 or 22 speeches on this very matter. It has been well documented that before I came here—and at the threat of being a bloody nuisance in relation to repeating all of this—I was involved with the Animal and Plant Control Board. In fact I was, first, chairman of the pest plants board and, at the same time, chairman of the invertebrate pests board. We thought it was a waste of time to have these different meetings with the same people sitting on them, and often with the same officers sitting on the board, so we decided, at the grassroots level, to put them together. The bureaucracy said, 'No, they need to be separate', but we put them together anyway at the local level, and it grew and after a while it officially became the Animal and Plant Control Board and it worked well.

I then had the vision of wanting them to put the soil boards in with it. It just happened to be that the McColl medal was being presented a few weeks later, and I was summonsed to put these views, which weren't held by the soil people, because it was different funding back in those days. I was summonsed to attend the McColl medal presentation to put my views on why I would want to put the soil boards in with the Animal and Plant Control Board, and I did. I went along and I put my point of view.

In the end it was not received all that well, because there was a fair bit of in-built bureaucracy and long-held views amongst government people and also some of the volunteers, but afterwards several people came up to me and said that what I had said was dead true and that I was correct. One of those people was Mr Arthur Tideman, and if you know anything about the history of the Department of Agriculture in South Australia, Arthur Tideman looms large. There is another man, Mr Matheson, I have forgotten his Christian name, who is the same. These guys wrote all the books in relation to landcare in early South Australia, when it was not quite so—I use the word 'sexy' advisedly—topical; they were the pathfinders of the early days of landcare in South Australia.

That is when my desire to pursue this track of putting the soil boards in started. I was elected to parliament at about the same time, so I continued this debate when I came here. I continued it in opposition through until 1993 and then in government, and in government is when we started to discuss some of these matters and started to build it together.

Then it was minister Hill, in 2002, who actually brought it together. I was horrified when I saw the document that was brought in, and my comments were made very strongly then about the whole thing destroying the volunteer ethic in landcare. I was quite happy to bring in just the landcare section as we knew it then, but the landcare section that is here today is far more expansive and far more bureaucratic than was ever envisaged. What we have done today is we have driven the volunteerism out of landcare and allowed the bureaucracy to take over. I am not having a go at the minister here; he was not the minister then.

I spoke to minister Hill at the time—he was the minister who brought it in—and said, 'This won't work. This will kill what we have, and it will add to the costs hugely.' At that point in time, I think the state government was picking up probably 20 to 25 per cent of the cost and the feds

about the same, or 30 per cent, and the rest was being picked up by local government. What we see now is a huge increase in costs. But, worse than that, the cost for the state government has moved away across to the other section of government, and I think the cost today of NRMs is approximately 7 or 8 per cent of the total bill from the state. So, there has been a very effective cost shift away from state government in relation to the provision of this.

There has been a huge up shift for local government and a massive up shift for all those involved with the landcare, with the levy and everything else, and this is entirely predictable. When you see the boards we used to run, and I was chairman of one of them, we used to run them on a shoestring. The only paid persons there were the officer and a part-time cleric. You should see what is there now; we have half a dozen. They have cars provided, they have conferences—

Mr Williams interjecting:

Mr VENNING: I'm just talking about a region, and you know how many regions there are. We have conferences and we have promotional material. I do not need to explain to the house how bureaucracy has grown, Madam Deputy Speaker, because you know as well as I do, and you really cannot blame them. If you allow the environment, they will grow, because they certainly do, and they have conferences and everything else. We have seen the costs blow out hugely.

Mr Arthur Tideman is still with us and, I think, in good health and good mind. Hopefully, I am going to see him within the week and show him the legislation that we are debating right now in relation to what is being implemented because I really do think that it does acknowledge that, first, we have some problems with what we have put in and, secondly, that there is a way of addressing them. However, in some ways, I do not believe it is right because I think the minister is further aggravating the problem by saying that he is not responsible and that he is going to remove his office from some of the decision making.

I have been scanning through the bill, and I welcome having a review. However, when you see some of the reasons given for the change, I have difficulty. I notice that clause 4(5)—definition of 'intensive farming' is very similar to the existing act but adds paragraph (b), which gives the NRM plan the opportunity to find any form of farming as intensive farming. I challenge anybody to tell me what to include here. All farming? Anyway, please define what is 'farming'? Farming is anybody growing anything. If you have anything in your backyard and you are growing it for food, you are, as far as I am concerned, farming. I know the minister will say that it is about those who are making a living doing that.

Any intention to take the powers away from the minister or flick it to any bureaucracy or create a new bureaucracy, I would resist. Clause 5 intends to delete paragraph (b) from section 11, the effects of which will enable a minister to delete the powers within chapter 5 of the principal act and it will list all the various sections of that. I am wondering whether this is further pandering to the bureaucracy. I believe it is.

Clause 7 increases the term of membership of NRM councils from three to four years; similarly, clause 11 does the same for the NRM board members. I question why that would be. Why would you do this? Is it because you cannot get people to sit on these boards? I have no real problem with that. Four years is the natural term of the parliament, and you could run these in the same way.

An honourable member interjecting:

Mr VENNING: I do not think so. I will not stand on that, but I will check. The question needs to be asked about why that has been done. Are people putting their names forward to be in these positions? It is an area of great interest, and in the old days you had to knock them back with a stick. I wonder whether that is still the case, because there is a fair bit of frustration out there in relation to NRM.

Clause 12 extends the deadline for the annual report by one month, from 31 October to 30 November. I do not know why that is. From 30 June to October; are our bureaucrats not being paid enough to work hard enough to get it out on time? I think we should be tightening it up, not making it even looser, because these people get very tired.

Clause 15 extends the powers of the chief officer to delegate a function or power of the CEO from just this act to any other act. That is an interesting one, and I would like that to be clarified. Clause 16 deletes section 72, which provides that a person can refuse to answer a question or refuse to provide documentation on the grounds of self-incrimination. If this is deleted,

does that mean that a person has no choice but to answer questions? I believe that is a bit rough justice, as we see with the powers of the officers to enter these properties.

I was on the radio earlier this week, and I appreciate the minister's comments about what I said on the radio. We hear constituents complaining about the powers of officers, but not all our constituents are perfect—and, in this instance, probably more so than not. I will not name the constituent we were discussing, but as members we have to represent them here, the good and the bad. It is not for us to judge. However, the powers of the officers certainly have come under question. I think that in this particular case it was very vague, in terms of the way to handle it, and it was not handled very well.

However, I believe there are other cases where the power of officers should not exceed those of a police officer. They should at least, where possible, seek permission to enter a property, speak to people and ask them whether they could check the documentation. If you ask them nicely, it will probably be fine. If you tell them, 'We are going to see your documentation', then you can bet your boots they will say, 'Sorry; I'm not inclined to show you.' There is a way of cooperating.

In the old days, when I was on those boards, cooperation was the key thing. You did have people who did not do the right thing, but it is amazing what you can do if you just front up to them, or meet them somewhere, and say, 'Look, we've got a complaint about your weeds, and we really have to do something about that. What do you suggest we can do? Let's work cooperatively together. Our officer is here to help you. We must do it; we have an act to administer here. Your neighbours have done the right thing and you have to do the same.' We did that right through, and I have to say that in my (perhaps) 10 years in that job there was only an odd occasion when we did not have some success.

So I urge caution about what is in this act now; that the powers of those officers be amended. The power of the minister should always be paramount, and I do not think the officers can make those decisions on the ground, to go into a property and say, 'Right, we are here'; walk straight in without any permission at all and tell the landowner that they have no rights, that the officers have the right to enter and so they are. I do not believe that is quite right; it is the wrong message entirely.

Landcare is a lot different today from what it was 21 years ago, there is a huge difference. There is now a great acceptance out there that we need to look after our land asset, and I will not accept anyone saying that farmers are not great landcare people, because they all are. We are now intensive farming; we have to, to produce enough food to feed ourselves. We are doing crop on crop on crop, which was unheard of 25 or 30 years ago, but unless you look after your land you cannot do that, because you would be mining your soil rather than farming it.

Farmers today take every opportunity they can to conserve. We do not see the bash and burn farmers any more. Occasionally we see the burners—because of snails and a few other things like that they have to burn—but you do not see the fires going up like you used to because people treat their straw as valuable. It is no longer a throwaway product, a waste—in fact, you can sell it if you wish, people are out there looking for it now. Straw is no longer a waste product.

Farmers are indeed very conscious of landcare. We are seeing a lot of trees being planted back on the farms, particularly in low areas where there is occasional salt. I was in Western Australia only a few weeks ago, and it absolutely horrified me to drive south of Perth, from Perth to Esperance, and see all the areas of salt that have come into those lands where once were fine trees. In fact, a lot of the trees that are there are dead. We are lucky in South Australia—whether it is just pure luck, or whether it is the soil types we have or the drainage. We have salt areas, but nothing like they have. They have thousands and thousands of hectares just gone to waste. How you bring them back, I do not know. They would not be brought back in my lifetime, or even in your lifetime, minister, as a younger person. It is very sad indeed, so let it be a lesson to us all.

We should be moving—and we have because of the Landcare people here in South Australia for probably 20 years, and I will mention one: Mr Jaeschke from Clare. He has been leading the charge, as a soil board person, about keeping trees in the low areas to make sure the watertables do not come up and bring the salt up. So, thank goodness we have these sorts of people. Mr Henderson from Caltowie is another who over the years has done a lot of work, and these people are still with us and they are all very senior. We have done a lot of work, so it may not just have been a lucky break that we do not have this salt problem, but farmers are very conscious about that—they have to be.

I am very concerned in relation to landcare, and a new subject very dear to my heart is the building on or taking out of production our most productive lands. Our agricultural production is falling. I got that fact only this week. It is falling. Why? Because we are not putting the work or the money into R&D in relation to agriculture, to increased production and better varieties. Secondly, we are taking more and more land every year out of production. It does not gel; it is not common sense. We have to feed more and more people on less and less land, and we are spending less and less on R&D, so to me, it does not equate.

In relation to landcare, I think it is most important to keep our land productive. We have to look after it. We have to set standards out there. We do have officers. We do have our boards. We have some very good people in place, and I will name one: Mrs Sharon Starick, who is on your council, I believe, minister, and I listen to her a lot. I also note the appointment of Mrs Caroline Schaefer to chair one of these boards. I believe a phone call or two were made after my recent comments on the ABC from Mrs Schaefer, and yes, I was expecting that. Mrs Schaefer and I have not always seen eye to eye.

My comments in relation to the NRM have been consistent for 20 years. I was concerned then about what would happen. It has happened, and I am not into 'I told you so,' but that is exactly what has happened. The bureaucracy has taken over, and we have so many more people involved in the system. We are spending a lot more money, which is coming out of local government, with much bigger contributions from all the farmers, but we are getting less service for it. We are getting complaints now about the level of weeds, vertebrate pests, foxes and rabbits—all the things that in those days we kept under strict control under volunteer ethic. I know people say there are not the people out there now to run these boards. Well, there are, and I am sure that if we encouraged them, we would get them.

I am certainly very interested to see this bill and will sit back and watch what happens here. I do not know how many more years I have left in this place, but can I say I just think that—

Mrs Geraghty: Come on, Ivan, you're not telling us you're going? Surely you have another 20 years!

Mr VENNING: Well, it is with issues like this that I would be sad to leave this parliament knowing that it was not resolved, but I do not believe this bill is doing that. There are certain things highlighted here, and I am sure the minister is reasonable enough to accept, as we go through, to look at certain aspects of it to make it better. I think we have been there, done that, and now is the time to fix it up.

Can I just say that my heart is with Landcare, it always was—that is where I am from, that is where I am going. I think this issue is most important, and I am pleased that it is here before the parliament and we assess it this way. I also commend the shadow minister, who has done a lot of work on this, and I look forward to when he is the minister and he can reverse a lot of this.

Debate adjourned on motion of Mr Pederick.

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

EATING DISORDER UNIT

Dr McFETRIDGE (Morphett): Presented a petition signed by 2,937 residents of South Australia requesting the house to urge the government to provide a dedicated medical team and facilities at Flinders Medical Centre that is separate from general psychiatric facilities.

POINT LOWLY DESALINATION PLANT

Mrs GERAGHTY (Torrens): Presented a petition signed by 74 residents of Port Lincoln, Whyalla, Port Augusta, Port Pirie and greater South Australia requesting the house to urge the state and commonwealth governments to place a condition on the approval of BHP's environmental impact statement that the desalination plant be relocated to ensure effluent discharge is into an oceanic environment.

RUNDLE MALL SHOP TRADING HOURS

Ms SANDERSON (Adelaide): Presented a petition signed by 1,597 residents of South Australia requesting the house to support proposed amendments to the Shop Trading Hours Act 1977 to allow for Rundle Mall to be formally recognised as a designated 'Tourist Precinct'.

REPATRIATION GENERAL HOSPITAL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Yesterday during question time I mentioned the \$40 million redevelopment at the Repatriation General Hospital to build a teaching, aged care and rehabilitation facilities development. The total cost of the project is, in fact, \$41.3 million and this is made up of a total government capital expenditure of \$30.7 million and \$10.5 million in operating costs. The capital costs are made up of construction costs of \$32.3 million offset by the proceeds of a land sale of \$1.6 million. The government component of the redevelopment is complemented by the private capital component of \$18.6 million put forward by ACH Group and Flinders University.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:03): I bring up the 16th report of the committee.

Report received.

QUESTION TIME

RANN GOVERNMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:05): Thank you—

The Hon. K.O. Foley interjecting:

Mrs REDMOND: It could be. It could be to the Minister for Water, Madam Speaker.

The Hon. J.D. Hill interjecting:

Mrs REDMOND: He may believe in capitalism. I know that the Treasurer doesn't.

The Hon. K.O. Foley: A former member of the Labor Party.

Mrs REDMOND: Who, Paul Caica?

The Hon. K.O. Foley: Were you a member of the Labor Party?

Mrs REDMOND: For one meeting, and then I realised—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —and I came to my senses very quickly.

The SPEAKER: Order! The leader is asking questions of the government, not the other way around.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley: You are led by a Laborite!

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Can we now have some order and listen to the Leader of the Opposition in silence, please? Leader.

Mrs REDMOND: Thank you, Madam Speaker. My question is for the Minister for Water, and the question is: can the minister explain why he thinks the government is on the nose (as he indicated at a press conference a short time ago) when the Premier has said that the government is travelling well and is here for the long haul; or is it just that he agrees with the cabinet secretary, the member for Mawson, who told caucus on Monday that the government is 'on the nose in the electorate and is stuffed'?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:06): Thank you very much, Madam Speaker. I thank the comrade deputy leader for her question.

Mrs Redmond: I am not the deputy leader.

The Hon. P. CAICA: I apologise.

An honourable member interjecting:

The Hon. P. CAICA: That's right. Yesterday we were talking about recycling, and I forget sometimes how many of you have been recycled to the various positions. Madam Speaker—

Members interjecting:

The SPEAKER: Order!

Mr Williams: Tell us about the love.

The Hon. P. CAICA: Yes, well, there is plenty of love, and I will tell you this right now—

Members interjecting:

The SPEAKER: Order! All this love in the chamber is getting a bit too much; could we please keep it down. Minister.

Mr Pengilly: Get out of this one, son!

The Hon. P. CAICA: 'Son.' Yes, dad!

The SPEAKER: You are showing your age, member for Finniss. You are showing your age; I would be quiet if I were you. Minister.

The Hon. P. CAICA: Madam Speaker, it is true that, when asked a question by one of our erstwhile journalists at a press conference—that press conference was, of course, to announce the successful tenderer for the very, very important delivery of water services for the next 10 years—

Mrs Redmond interjecting:

The Hon. P. CAICA: No, not at all. In fact, it is probably safe to say that what will not be reported by our very diligent media is what I did say, which was that we have a very, very efficient and talented front bench. We have—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I am talking about our former and current front bench, but I wonder how your reshuffling is actually going. But, Madam Speaker—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: What I did say is that we have an outstanding cabinet, one that is serving and will continue to serve South Australia very well. We have an extremely talented backbench, and all this—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I also said this: we have a not so talented opposition, and I am sure that will not be reported, either. What I did also say is that the talent that we have, the solidarity that we have, augurs—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: It is like a pantomime, isn't it? You are like actors in a pantomime. I also said that what we have and what we possess augur well for the Labor Party to be not just a

threat at the next election. I see no reason why we cannot be successful at the 2014 election. Now, of course, that won't—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Of course, I and everyone else here truly believe that to be the case. What is going to reinforce that is that very important point I made about the fact that we do not have a talented opposition.

Mr PENGILLY: Point of order: I believe the minister is debating the issue.

The SPEAKER: No, I don't think he is debating the issue. I think he is responding to your interjections, which is probably worse. Minister, have you finished your response, or have you still some more to say?

The Hon. P. CAICA: I still have—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members on my right will be quiet also! Give the minister the courtesy of listening to him.

The Hon. P. CAICA: To finish off, it is certainly going to be reported—notwithstanding all that I have said that will not be reported tomorrow—that I said you do not have to be Einstein to know that, in some sections of our elector land and voter land, we are not travelling as well as I would like.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: I draw members' attention to the fact that we have in the gallery today a group of students from CBC, year 11, who are guests of the member for Adelaide. Welcome, we hope you enjoy your time here, and we hope you do not behave this noisily in your classrooms.

QUESTION TIME

ADELAIDE FRINGE

Ms FOX (Bright) (14:12): My question is to the Minister Assisting the Premier in the Arts. What is the—

Members interjecting:

Ms FOX: Not you—you wish! What is the latest news on the Adelaide Fringe, which begins next week on 18 February?

Mr Pisoni: If you were in cabinet, you'd know this answer!

The SPEAKER: Order!

Mr Pisoni: Discussed it in cabinet!

The SPEAKER: Order, the member for Unley will be quiet!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:12): Unfortunately, registrations for Fringe events are closed, so that kind of leaves the opposition out this year, but there is always next year. I thank the member for Bright for her question, and I acknowledge her great interest in the arts.

I am pleased to inform everybody in this place, and in the community, that the Adelaide Fringe 2011 is once again outdoing itself on many fronts. This year, a record 759 events have been registered, which is 7 per cent more than last year's festival. Ticket sales for 2011 are also very healthy. As of 8 February (that is, yesterday), 64,662 tickets have already been sold and the Fringe, of course, is yet to start. The new Fringe box office in Rundle Mall has been a major

success for this year's festival, more than doubling the number of gift vouchers that were sold in 2010.

The 2011 printed program guide is a glossy magazine and this year features improved disability access information, foldout maps and an enhanced venue selection, with listings for each venue and associated events. One of the great things about the Fringe, of course, is there is so much on. One of the difficulties about the Fringe is trying to navigate your way through the available material, and the Fringe program this year helps to do that.

In addition, this year the Fringe continues to offer information through its iPhone app. Last year, it initiated this and was one of the first arts organisations to launch an iPhone application, and this has grown this year as well. In 2009, the iPhone app was downloaded a total of 1,500 times. By the end of January this year, the iPhone app has been downloaded 5,000 times (so triple, and the Fringe has yet to start) which means it is well on the way to breaking the total of 7,000 downloads achieved for the 2010 event.

In this year's program, there are some significant areas of growth that are of interest. They include comedy, with 202 events (up from 171 last year, an increase of 18 per cent), and music with 158 (up from 120, an increase of 32 per cent). SA Lotteries will again be funding Fringe artists' visits to selected hospitals, and I am grateful to them for that. The Fringe is engaging an improvisation group, On The Fly, which will visit the Women's and Children's Hospital and the Royal Adelaide Hospital in early March.

Research has shown that the arts within health environments can provide pain relief, alleviate levels of stress and depression, can shorten the length of stay and promote a greater sense of wellbeing amongst patients and staff.

The Adelaide Fringe promoters and presenters development initiative, Honey Pot, has a record 90 presenters and directors registered for this year, compared to 70 last year. So, as a stand-alone initiative, Honey Pot has really come into its own this year. Opportunities can flow from international promoters and presenters witnessing and hopefully buying the quality work on offer at the Fringe. It is not just about providing entertainment to the citizens of Adelaide and attracting others to our state to be part of the Fringe but it is also an opportunity for artists to showcase their wares before international buyers of arts product.

The Fringe, of course, is well supported by the government and is complemented by a host of corporate sponsors, and I would like to particularly pay tribute to some of those. The principal partner, BankSA, is a key contributor to the success of the Fringe, as are major partners the Adelaide City Council, the *Advertiser*, Nova 91.9 and Channel 10. The key partners, associate partners, guardian partners and Fringe friends are all essential to the success of the Fringe, and I sincerely thank them for their continuing support.

I also thank and congratulate in advance the entire Fringe team, including the hundreds of staff and many volunteers, led by Fringe Director and Chief Executive Greg Clarke, and of course the Fringe board, led by Judy Potter. I know it will be a fantastic Fringe this year.

The Fringe does begin nine days from now on 18 February with the Fringe Parade, which will be fabulous this year, followed by Wonderland, a mega concert of 16 bands, two DJs on two stages, all at Rymill Park. That will continue through until 13 March. I encourage everybody here to go and see the Fringe. There is a very good magazine available for you to make your selections from. If you need any assistance, come and see me.

The SPEAKER: I remind the media (the television cameras up in the gallery) that they are supposed to be only filming people who are on their feet. I notice the cameras are moving around a bit today. I think the media are starting to take too many liberties and we may have to look at what is happening in this building. Please keep that in mind.

EATING DISORDER UNIT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:17): Can I encourage anyone who is going to the Fringe to at least see *The Importance of Being Earnest*. My question is to the Minister for Health. Is the minister aware that the number of deaths due to eating disorders, which has the highest mortality rate of any mental health illness, will likely increase with the closure of Ward 4G? On my visit to Ward 4G on 25 January 2011, a senior medical practitioner stated that he expected an increase in mortality resulting from the closure of this dangerous disorders unit.

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:18): I have great sympathy for those who have eating disorders and who treat people with eating disorders. By way of background, I have some personal interest in this. My late sister was a psychiatric nurse. She died when she was still associated with a private hospital in Sydney where she was the matron of an eating disorders clinic. I spent many hours talking to her about the issues associated with eating disorders and, from my own family circle, we have friends who have had children with eating disorders. So, I am very well aware of the issues faced by both the children or patients, generally, and their families and what a terrible illness this can be; how devastating it can be for families trying—

Mr Williams interjecting:

The Hon. J.D. HILL: Look, this is a sensitive and important issue and it would be very nice if the opposition would let me actually say what I think and what I am doing about it before they have their interjections to make smart alec remarks.

The effects on families are quite traumatic and the health effects on a young person, or any person for that matter but typically young people who do have these eating disorders, can be life-threatening, as the member mentioned, and, if they do survive, it can have all sorts of serious health consequences for the rest of their life.

I want to explain very clearly to the house, to the media and to some of the people who represent various associations associated with eating disorders how strongly I understand this issue. It is my earnest intention that we, as a state, provide the best possible service that we can for people in our community who have eating disorders.

There are no funding cuts at all in association with this. Whatever people might be suggesting, there is no intention to reduce funding to services for people with eating disorders at all. In fact, if anything, I think we probably need to put additional resources into this area.

What we are trying to do is make sure that we actually have a service that can provide help for patients right across our state. One of the things that health professionals tell me—the chief medical officers of the department—is that there has been a change in the nature of the patients who have eating disorders that has been identified over recent years. This unit at 4G was set up at a particular time but, over time, there has been a change in the nature of people who have the disorder.

We are now seeing younger people, children as young as nine or 10, who are suffering from some of these severe disorders. It used to be—say, 20 or 30 years ago—people typically in their late teens or 20s, and the age has been coming down. It is not to say that people in their late teens or 20s still do not suffer from this disorder, but the onset is happening earlier. One can think about why that might be so.

The images in the media and the kind of messages that young people are having pushed at them on a continuing basis, about what is right and what is the best way of looking, the best way of eating and the best way of behaving, is creating a very stressful environment for people. I just want to put that on the record.

At the moment, 4G is part of the Flinders Medical Centre, and the patients who are associated with an eating disorder are part of a ward which has four other mental health beds which cater to a mix of patients who have gambling, anxiety and general mental health issues. So, they are not in a discrete or separate ward at the moment. That is something that I think people need to understand, because the argument which always gets around in headlines would suggest that 4G is a discrete eating disorders unit. It is not. There are other patients with mental health issues there and, on occasions, patients with eating disorders have to share rooms with patients who have other problems.

There are also general surgical beds in that ward as well, as I understand it. The mixed ward environment, I am told, does not provide a setting conducive to recovery, and that is what ward staff have acknowledged. I think if the leader was being honest, when she attended, that is one of the things they would have said to her.

Mrs Redmond interjecting:

The SPEAKER: Order, leader!

The Hon. J.D. HILL: There have also been issues, I am told, on Ward 4G about inappropriate behaviour. I will give you an example. I know this will be sensationalised, but you need to understand what is being said and what has happened there. An example is when a male patient—one of the general mental health (anxiety, gambling) beds—received the wrong message when he saw a young girl with a top unbuttoned and thought that she meant she was interested in him. That is part of the environment that is there. It is not an ideal environment to look after particularly young women who have these eating disorders.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. J.D. HILL: Madam Speaker, if the member for Bragg has other questions she would like to ask me, would she please give the house the courtesy of asking them after I have completed this question. When asked by the member for Heysen's adviser about negative aspects of the eating disorder unit in the current setting, a nurse during her recent visit there indicated that the current environment of the ward is not as good, as the surgical area and the traffic going past the eating disorder rooms creates a lot of noise, which is distracting for the girls who need a calmer environment to concentrate on getting better. That is what a nurse who works there said. So, I think we can understand that this is not an ideal setting for these patients.

Currently, there are some people aged under 18 years with eating disorders who are admitted to the Flinders Medical Centre and also to the Women's and Children's Hospital, so we are looking at how we can best deal with paediatric patients as compared to adult patients. When we made the announcement that we were going to move the patients and the services from 4G into the areas that we talked about, there was a reaction, I think it would be reasonable to say, from some of the patients, some of the staff and some of the—

Mrs Redmond interjecting:

The SPEAKER: Order! The Leader of the Opposition will be quiet.

The Hon. J.D. HILL: It's like a bubbling brook; it's always there in the background. It would send you to sleep, I suppose.

The SPEAKER: Minister!

Members interjecting:

The Hon. J.D. HILL: That is a sort of Tony Abbott kind of comment, isn't it? 'Get on with it.' Here I am trying to—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Here I am trying to deal with an issue which is sensitive and is of absolute—

Members interjecting:

The SPEAKER: Order! This is an issue that I am very interested in and I would like to hear the minister's reply.

The Hon. J.D. HILL: Madam Speaker, I have not tried to make this political, I am just going through the issues and it does take a bit of time to actually explain what we are doing. There were concerns raised by the eating disorder community, I think it would be fair to say (if I can describe them in that way) and, as a result of that, we said, 'Okay, we will work with you to try and come up with something which is better,' and that is what we are doing. We have established a working group which has a representative of consumers, a representative of the two units—the Women's and Children's and Flinders—the clinical staff and a range of other experts, and we have an independent expert as well, Ms Deidre Mulligan, to work through the issues so that we can come up with a statewide plan. At the moment—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I will answer the interjection from the member in a minute.

Dr McFetridge interjecting:

The SPEAKER: Order! Who is answering the question, the minister or the opposition health spokesperson?

The Hon. J.D. HILL: He wishes! What we have said we would do is to come up with a statewide plan. At the moment we do have these two services but if you are in the northern suburbs, where is the service for you? If you are in the country, where are the services for you? In addition, we want to look at the—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: We also want to look very closely at the balance between in-hospital services and out of hospital services. For example, a lot of our services are in hospitals but, in other jurisdictions, many of those services are now placed in the community. For example, a community house which has clinical support has been established in some other jurisdictions where patients with eating disorders can live together in a more normalised environment and undertake cooking, food preparation and eating activities. That is very difficult to do in—

Mrs REDMOND: Point of order, Madam Speaker.

The SPEAKER: Point of order, the Leader of the Opposition.

Mrs REDMOND: The point of order is relevance. The minister's explanation is very much on the eating disorders unit—accepted. However, the point of the question was about how he explains the fact that a doctor working in that unit says that there are going to be more deaths resulting from this disorder if they close the unit. That is what we want to know. What is his answer to that question?

The SPEAKER: Minister, I am very interested in your answer and I think what you are saying is covering the answer to the question. I do not think it is just specific to that. I think it is a bigger picture.

The Hon. J.D. HILL: Of course it is, Madam Speaker. The question is based on an assumption that somehow we are cutting the service—but we are not. What we are doing is looking at how we can deliver a better service and looking at where that service can be delivered from. I am saying that Ward 4G is not an ideal location for it to be delivered from. If it were to be kept together as a discrete service, as it is now, where else could we put it which would be better for the patients and better for the staff? If that is not the best arrangement to have, what would be the best arrangement? There will be full consultation, discussion and involvement with the clinicians and those who represent the users of the service. I am just letting people know that that is the case. The reference group is established and we expect, in answer to the member for Norwood's interjection, the work to be completed by the end of April this year.

PLAYFORD ALIVE

Mr PICCOLO (Light) (14:29): My question is to the Minister for Housing. Can she update the house on the Playford Alive urban renewal project?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (14:30): I thank the member for Light for his question. Playford Alive is another demonstration of this government's vision and commitment to lifting the lives of South Australians by improving opportunities in both employment and affordable housing opportunities.

Playford Alive is a 15-year, \$150 million project that is renewing and revitalising Smithfield Plains and Davoren Park while opening up new areas in Munno Para West and Andrews Farm. There will be 8,000 new houses built and old public houses will be replaced or upgraded. This project is a true partnership between the Department for Families and Communities, the Land Management Corporation, the City of Playford and, importantly, the local community.

It is not just about houses; it is about schools, shops, employment and community development. This coordinated approach to creating a sustainable community is attracting families from all over the state—535 allotments have been sold, 190 new houses are now complete, and another 150 are under construction. We expect another 350 allotments to be developed over the next 12 months.

These are not just the sort of houses and blocks that we have seen before. We are delivering innovation to our suburbs with more efficient SpaceSmart allotments, we are leading the

industry with new types of housing to meet the needs of our diverse community, and we are providing more affordable purchase options.

The new town centre will be serviced by improved public transport and will include a GP super clinic, supermarket, department store and cafes. The development will focus on opportunities for our young people, and a great South Australian will be memorialised in the birth to year 12 Mark Oliphant College.

Beyond education, the Playford Alive Works has delivered 175 work experience places and 294 paid employment places. All LMC and Housing SA contracts have requirements to offer opportunities to locals in the project area. Demand is so strong in the area that we are fast tracking new allotments to ensure the South Australian families are able to begin a new life in a safe, affordable and sustainable new development. I look forward to providing the house with further updates.

EATING DISORDER UNIT

Dr McFETRIDGE (Morphett) (14:32): My question is to the Minister for Health. What is the point of conducting a third review into statewide eating disorder services when the minister has already made the decision to close Ward 4G at Flinders Medical Centre? In a letter three weeks ago to Mr Aaron Fornarino, the Acting Chief Executive of the Department of Health, David Swan, said:

The six weight disorder beds in Ward 4G will move to the Margaret Tobin Centre, also located at [Flinders Medical Centre], during the first half of 2011, with the current team co-locating with the move.

The Hon. J.D. HILL (Kaurana—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:33): I thank the member for his question. There are just a couple of points I would make about it. Firstly, obviously he did not listen to what I said. I said, in response to the concerns raised by people, that we were going to go through this review process, develop a statewide plan.

The second point I make is that we are not talking about closing Ward 4G down. Ward 4G is a mixed ward, which has a range of things happening in it. What we are doing is talking about trying to develop a service which will best provide care for those who need it in our community. That is what we are trying to do right across the board in health and every time we try to do anything which makes sense, which will improve things, the opposition is, of course, opposed. They understand they are in opposition and there is a one word kind of definition of what that is: whatever the government wants to do they are opposed to it. I guess that gives them certainty in life, but it does not mean—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —that we make any progress.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Reform is difficult. Modernising our health system is difficult. It takes guts to do it, and we are doing in a way which we hope is sensitive to the needs of individuals concerned. Particularly in relation to the eating disorders, we want to work with the community to make sure we get a good outcome which will help them into the future.

STATE DEBT

The Hon. I.F. EVANS (Davenport) (14:34): My question is to the Treasurer. What is the Treasurer's position on state debt? Is it as he first told the house yesterday, and I quote: 'I will not allow this state to run up a credit card debt which will be left to our children to have to pay,' or is it, as he told the house just ten minutes later, 'Of course we are going to increase the state debt'?

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:35): The opposition was telling the media yesterday that the member

for Davenport was going to kick me around the chamber. I am still waiting for that to happen. I am sure—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —he will work himself up over time. The simple fact is you don't want to be incurring debt on basically the day-to-day expenses of running government. You don't want to be running up—

Members interjecting:

The SPEAKER: Order! Treasurer, sit down.

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: It is a simple financial concept. Anyone who runs a normal household budget would understand that if you live off your credit card on your day-to-day expenses and run up your credit card debt you are going to be in trouble. However, I suspect that most of us here have this thing called a mortgage, and a mortgage is about borrowing for capital assets that you are going to hold for a period of time. For governments, it is important that we invest in infrastructure because we increase the productive capacity of the South Australian economy so those borrowings end up paying for themselves.

So of course there is a difference between increasing your debt in order to undertake infrastructure spending. That is exactly what this government has been doing. That is why our debt levels will go up—because we are investing in increasing the productive capacity of the South Australian economy.

Members interjecting:

The Hon. J.J. SNELLING: I know this is all too difficult for you lot. I know it is hard to understand, but I will try to make it as simple as possible, try to keep it—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: It's all right, I can feel your pain. I feel your pain. It is a simple concept: you increase your debt but, if you are going to do that, you do it on increasing the productive capacity of the economy, you put it into infrastructure—and that's exactly what this government has been doing.

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (14:37): My question is again to the Treasurer. Given the answer he told the house yesterday about not allowing the state to run up debt, can the Treasurer tell the house the total amount that taxpayers will pay for the new hospital at the rail yards, which will be over 35 years of the PPP contract?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:37): That's a process that is being undertaken at the moment. Those things will all be revealed.

Members interjecting:

The SPEAKER: Order! Treasurer, I presume you have finished answering that. I couldn't hear for all the noise. You have answered it? Have you answered that question?

The Hon. J.J. SNELLING: Yes, I have, ma'am.

The SPEAKER: The member for Mawson.

GRAFFITI VANDALISM

Mr BIGNELL (Mawson) (14:38): My question is to the—

Members interjecting:

The SPEAKER: Order! Sit down, member for Mawson. We will just have a little sit for a while until they calm down.

Members interjecting:

The SPEAKER: Order, members on my right also! Member for Mawson.

Mr BIGNELL: Thank you, Madam Speaker. My question is to the Attorney-General. Can the Attorney-General inform the house about new proposals to reduce graffiti vandalism and its impact on the community?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (14:39): I thank the honourable member for the question. I know this is something that has been a matter of interest to him. The member for Fisher, of course, has been a long-time campaigner on the issue of graffiti vandalism. He has been tireless in this regard, and I will welcome his participation in the process I am about to speak about.

South Australia has been a leader around Australia in attempting to combat graffiti vandalism. We were the first jurisdiction to introduce legislation specifically addressing the problem of graffiti. The government has also been tackling this costly and unsightly problem by supporting grassroots crime prevention.

Members interjecting:

The Hon. J.R. RAU: I don't want to miss anything because I would hate you to miss out on it. There is some important stuff coming, so pay attention. The government has increased funding through the Crime Prevention and Community Safety Grants Program in 2010 and 2011, including extra funding for graffiti prevention programs.

Following on from our election commitment to reduce graffiti, the government has also decided to review the Graffiti Control Act—and this is the bit that I think the member for Fisher might be interested in. Today I have released a consultation paper on graffiti, and it will be in everyone's pigeon hole so I encourage all members to have a read of it. This floats a range of possible changes to legislation, including:

- increased penalties for graffiti offences;
- introducing expiation notices for graffiti offences; and
- introducing aggravated graffiti offences for graffiti marked on memorials, cemeteries, places of worship or in the presence of a minor.

The paper is also discussing options for further restricting the tools of graffiti (and I know this is a matter that the member for Fisher has been interested in), including restricting the display of graffiti implements and advertisements for graffiti implements that promote unlawful graffiti. Of course, not all graffiti is unlawful.

Another possible reform would be to give the police greater powers to seize graffiti tools from minors without resorting to arrest and possible charges. In tackling the problem I want to make sure that we use the most effective measures. I also want to make sure that we strike a balance between addressing damaging behaviours and regulating in a way that does not impact too greatly on business that legitimately trades in these items.

I welcome community feedback on these ideas and encourage all interested people (including, of course, the member for Fisher) to read the discussion paper and provide their ideas. We will be distributing the paper to a range of people who are interested, as I said, including members of this parliament, local councils and retail associations. Comments will be received until 23 March 2011. The member for Unley, put 23 March 2011 in your diary. That is two days before you comment on the independent review on corruption and so forth in South Australia.

After considering feedback, the government will proceed with amendments to the legislation. I am determined that the reforms will keep South Australia at the forefront of anti-graffiti measures. I think it is important that members of the opposition who think it is unwise for us to consult on these issues should consider that consulting with the public to get it right is never a bad thing, and we do not mind doing it.

STATE DEBT

The Hon. I.F. EVANS (Davenport) (14:42): Given that the Treasurer is concerned about future generations paying off debt, can the Treasurer advise the house in what year the budgeted debt of \$7.5 billion will be paid off?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:42): That will depend on the circumstances. We publish the forward estimates. Read the budget papers.

RECREATION AND SPORT FACILITIES

Ms BEDFORD (Florey) (14:43): In congratulating the newly appointed ministers, I would like to ask the Minister for Recreation, Sport and Racing a question about his program on recreation and sport facilities. How has the government assisted community-based organisations to provide sport and recreation facilities?

Mr KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (14:43): I thank the member for her question and I note her keen interest in sport in South Australia, especially calisthenics. She is a very strong supporter of calisthenics.

This government demonstrated its strong commitment to supporting grassroots sport in this state last year by increasing funding to our most significant program for grassroots facility development and upgrades, the Community Recreation and Sport Facility Program (CRSFP). The budget of the CRSFP, which provides financial assistance to clubs and organisations that are looking to improve their sporting infrastructure, was increased from \$1.49 million to \$6.49 million annually. This extra \$5 million is an ongoing commitment which will allow many more sports clubs to upgrade their clubrooms, build new change rooms, resurface courts or install floodlights in order to encourage more people to be active and participate in sports. I am pleased to inform the house today that this funding increase has had an amazing response.

Members interjecting:

The SPEAKER: Order! This is the first opportunity the minister has had to answer a question. It is a bit like a maiden speech; let us hear him in silence.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Give him the dignity of the parliament.

Mr KENYON: Help, help! I'm feeling repressed.

The SPEAKER: Yes, he has got a tie on. He is looking very smart, as a minister should, but please hear him in silence.

Members interjecting:

The SPEAKER: Order!

Mr KENYON: You have been coordinating with the member for West Torrens. He had exactly the same question. He wanted to know what colour my tie was, as well. Obviously, the big issues are worrying you. At least I am wearing a tie. It is a step toward. Come on, you guys.

The Hon. A. Koutsantonis interjecting:

Mr KENYON: I had to buy a new suit because he was teasing me too much.

Members interjecting:

The SPEAKER: Order! It is too much information. Minister, can I direct you back to answering your questions.

Mr KENYON: I was teased too much; I had to buy a new suit. Where was I? Okay. I am pleased to inform members today that this funding increase has had an amazing response with 243 applications submitted for the 2010-11 round of CRSFP. Ultimately, 69 projects were successful, sharing in nearly \$6.5 million in funding. This is a fantastic result, which will benefit not only local sports organisations but also see employment provided with a significant boost with all

funding provided by the government needing to be matched by the applicant through other funding sources or in-kind contributions.

The positive impact that this program has on the South Australian economy is clear, with the state government's investment of \$6.49 million into the CRSFP this year resulting in more than \$20 million in sports facility projects getting off the ground right across the state. Some of the exciting, new and upgraded community sports facilities we will now see include: netball courts at McLaren Vale and Elizabeth; floodlights in Gladstone and Thebarton; hockey pitches at Aldinga and Port Pirie; tennis courts in Strathalbyn and Pooraka; bowling greens in Mount Barker and Ascot Park; a swimming pool in Roxby Downs; and clubrooms at Rosewater.

All 69 funded projects are worthy recipients of government assistance, providing tens of thousands of South Australians of all ages with greater opportunities to be involved in physical activity. The health benefits of regular physical activity are well documented, and funding through this program will provide facilities for more people to access and enjoy lifelong involvement in quality, active recreation and sport.

This government remains strongly committed to supporting grassroots sporting clubs and associations, and I would urge all members to direct their local clubs and organisations to this grant program in preparation for the next round, which will open for applications in August this year. Those members who have had successful projects in their electorate should receive notification of that in the very near future.

RANN GOVERNMENT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:47): It is with great pleasure that I ask the Minister for Recreation, Sport and Racing his first real question.

Ms Bedford: I beg your pardon!

The SPEAKER: Order!

Ms Bedford: How dare you!

The SPEAKER: Order!

Mr WILLIAMS: Madam Speaker, can the minister—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Thank you, Madam Speaker. Can the minister explain the difference between the acts of bastardry which he undertook and which saw him elevated to the cabinet and the acts of bastardry undertaken by the member for Bright which saw her rejected from elevation to the cabinet?

Members interjecting:

The SPEAKER: Order! I am not going to allow that question. It is not related to anything to do with his portfolio and it is a frivolous question—it is not a frivolous question, but it is not appropriate.

Mr WILLIAMS: Madam Speaker, I seek a point of clarification. The question is seeking an explanation of a comment made by a cabinet minister, and, under the Westminster tradition, cabinet speaks with one voice. I am trying to determine whether this cabinet in fact speaks with one voice.

The SPEAKER: I think that is an entirely different question. I do not think that there is any point of order there. Does the Minister for Recreation, Sport and Racing want to respond to the question or not? You do not need to.

Mr KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (14:49): I am happy to. It was not a comment by me, in fact—

An honourable member interjecting:

The SPEAKER: Order!

Mr KENYON: —it was speculation on behalf of a journalist. But if we are referring to acts of bastardry, I think one of the biggest acts of bastardry that has been perpetuated the deputy leader was the recipient of, because a man who served this country loyally for a very long period of time, served his party loyally as leader, manages to gain the majority of support of his party room in a ballot and then is deposed by a hissy fit from the Leader of the Opposition because she cannot work with him, that is an act of bastardry.

Members interjecting:

The SPEAKER: Order!

Mr Pengilly: Should we get Chloe to give her version?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, I warn the member for Finniss! You will not reflect on people across the chamber and call them by name.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order! Can we get back to some order, please.

DRIVING STANDARDS REVIEW

Mr GOLDSWORTHY (Kavel) (14:50): My question is to the Minister for Road Safety. Has the government received the results of a review initiated by the former minister, now Treasurer, into driving standards in South Australia, as he advised the parliament he had initiated on 23 June 2010? On 23 June last year, the Treasurer, who was the then minister for road safety, told the house:

What I have done is ask the Registrar for Motor Vehicles to look at with what level of impairment someone should still be allowed to drive and whether those standards are adequate. As soon as that has been done, I will bring the information back to the house.

In the meantime, Mr Spooner has been involved in more road accidents, that have been revealed in the Coroner's Court.

The SPEAKER: I think you need to be very careful because I understand it is still a matter before the courts, so you will need to be very careful in your response.

Mr KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (14:52): I think you will find, upon review—and I stand to be corrected on this—that the former minister for road safety made a statement to the parliament as to the results of these actions he has taken. He can check that up in the *Hansard* and I will make sure that my statement is correct and get back to you if it is not.

However, I do not propose to comment further. This subject is a matter of investigation by the Coroner. When he has made recommendations, we will look at those recommendations and get back to you.

Members interjecting:

The SPEAKER: Order!

GOYDER INSTITUTE FOR WATER RESEARCH

Ms THOMPSON (Reynell) (14:52): My question is to the Minister for Water. What groundbreaking research will be undertaken by the Goyder Institute for Water Research during 2011?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:53): I thank the member for Reynell for her very, very important question. The \$50 million Adelaide-based Goyder Institute for Water Research was established last year to provide independent scientific advice on our state's water system. It is a partnership between the state government and the CSIRO, as well as the state's three universities, the South Australian Research and Development Institute and SA Water's Australian Water Quality Centre.

The Goyder Institute will soon be carrying out three new major projects. The first project, Development of an Agreed Set of Climate Projections for South Australia, will be the largest project yet to be undertaken by the Goyder Institute. This project will produce a single set of climate projections for our state, to support water resource planning and management, ensuring that our policy decisions are based on the most reliable scientific evidence about both climate change and localised climate variability.

This project will also result in a new understanding of the key drivers of climate change and will provide advice to all agencies on what is the best available science and what that science says about the future of South Australia's climate. This \$6.6 million project will be jointly funded by the institute and its partners and will be led by Professor Simon Beecham from the University of South Australia. It will involve researchers from all the institute's partners and is expected to be completed by June 2014.

The second project, Murray Flood Ecology, will help to facilitate efficient use of environmental flows as the River Murray receives significant inflows after the worst drought in recorded history. The institute will monitor ecosystems along the river to provide the first detailed understanding of how ecosystem and river health changes as the river refills.

This project represents a once-in-a-lifetime opportunity for us to measure the recovery of the river, wetlands, tree and plant growth, and fish spawning, as large amounts of water return to the system. What it will provide is vital information for understanding how we can maximise the environmental benefits with the water we have available for the River Murray in the future.

Members interjecting:

The Hon. P. CAICA: They are pathetic! This \$1.3 million project will take approximately 15 months to complete and will be led by Dr Qifeng Ye from SARDI. The Murray Flood Ecology project will be undertaken by a research team from CSIRO, the University of Adelaide, Flinders University, SARDI and the Department for Water.

There is a relationship between, if you like, environmental water and being able to do that efficiently when water is low, which of course in turn will allow water to be used for other purposes; about improving the efficiency by which we—and I think I know that the member for Chaffey supports such an approach and would be supportive of this particular research. If he is not, I am sure he will tell me and I will try to fathom why he is not. The third project is called—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The third project is called Facilitating Long-Term Outback Water Solutions (FLOWS). It will identify and assess potential groundwater sources in the Far North to help underpin mining development. Again, they do not want to help underpin mining development. These are very important projects for South Australia. This project involves identifying—

Members interjecting:

The Hon. P. CAICA: Ask me a question. This project involves identifying Far North groundwater resources and assessing their capacity and quality. The project team will assess risks to ecosystems and develop modelling tools.

The findings of this project could enable further mining and energy resource development in priority areas of the Far North. It will also give us the clearest picture yet of the location and characteristics of water resources in that area and it will help to guide how they might be developed and used sustainably. The word 'sustainably' is important, because I am absolutely convinced that the opposition are not interested in the sustainable use of our natural resources.

Stage 1 of FLOWS has a budget of \$3 million and is due to be completed by mid-2012. The project is being led by Dr Tim Munday from CSIRO and is a major collaborative effort between CSIRO, Flinders University, the University of Adelaide, SARDI, the Department for Water and the department of primary industries.

Other projects recently approved by the board will consider sustainable management of water in the South-East and will consider ways of using wetting events to detect salinity thresholds for aquatic plants in the South-East. The support for these projects encapsulates the government's commitment to better understand our water resources and the environment more broadly, particularly its resilience and sustainability into the future.

I am very proud, as is this government, of the establishment of the Goyder Institute, an institute that is going to be one of the most highly-renowned institutes of its type not only in Australia but throughout this globe. It would be far better for the opposition to get behind these projects instead of bad-mouthing everything that occurs.

Members interjecting:

The Hon. P. CAICA: No, you are pathetic!

Members interjecting:

The SPEAKER: Order!

SPOONER, MR NEIL

Mr GOLDSWORTHY (Kavel) (14:59): My question is again to the Minister for Road Safety. Now that the minister has been (or I hope has been) made aware that Mr Spooner has been involved in 11 crashes since 1999, six of which occurred after he was involved in a fatal collision with Mr Daniel Raphael, will the minister immediately act to ensure Mr Spooner is properly assessed and/or prohibited from driving?

Mr KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (14:59): I thank the member for his question and just reiterate that there is a serious investigation being undertaken by the Coroner. The Coroner—

Ms Chapman interjecting:

The SPEAKER: Order!

Mr KENYON: The Coroner will undertake a detailed review of the circumstances surrounding, and subsequent to, this accident. When he then makes recommendations, they are likely to be well considered recommendations, and I will take them into account and then decide where we are going to go.

Members interjecting:

The SPEAKER: Order!

STATE BUDGET

The Hon. I.F. EVANS (Davenport) (15:00): Does the Treasurer now admit that he was wrong when he said on radio this morning that the budget's net operating balance was a cash accounting measure?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:00): Yes, I do admit I was wrong. It is an accrual measure. Net operating balance and net lending are both accrual measures. You've got me there. You've got me on that one. They are both accrual measures. I can spend the next five minutes explaining it.

Members interjecting:

The Hon. J.J. SNELLING: Okay, for the next five minutes I will explain the difference between the net operating balance and net lending. They are both accrual measures of the financial health of the state budget.

Members interjecting:

The SPEAKER: Order!

Mr PENGILLY: Point of order, Madam Speaker. The question was quite simple—yes or no. The minister has admitted he was wrong; there is no need for him to go on.

The SPEAKER: I think we will keep that in mind. From now on, we will have yes or no answers for all of our questions, according to your theories. Minister, have you finished your answer?

The Hon. J.J. SNELLING: No, ma'am; I have lots of information to provide to the house. The important difference is that the distinction between the two is the treatment of capital and how capital is expended. With net lending—

Members interjecting:

The Hon. J.J. SNELLING: Keep going. I am enjoying this; I love it. Net lending—

Members interjecting:

The Hon. J.J. SNELLING: Yes, come on; I am soaking it up. It is beautiful. I am soaking up your pain. When there is expenditure by government on a capital project, with net lending, the figure goes on the budget figures when the money is paid out, basically. So, for example, if you pay \$500 million on the duplication of the Southern Expressway—which I know members on this side take as a very important project—that \$500 million will count under net lending and will go on the budget figures when that money is paid. With net operating—sorry, I beg your pardon, net lending—

Members interjecting:

The Hon. J.J. SNELLING: Come on; it's been one day. Give us a break. Net operating balance works differently because the net operating balance takes in the depreciation of the asset over its lifetime. So, rather than just being—

Members interjecting:

The Hon. J.J. SNELLING: I know members on this side are far more interested in these matters than members of the opposition. Obviously, it is a difficult concept. We are talking about abstract concepts—

Mr Marshall interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —abstract economic concepts—very difficult for members of the opposition to comprehend. I am trying to make it as easy as I can, but these are complicated things. I do not know how I can make it simpler.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Depreciation—I think some members on the opposite side might understand the concept of depreciation. As an asset ages, its value reduces over time, so—

Members interjecting:

The SPEAKER: Order! Member for Waite, be quiet.

The Hon. J.J. SNELLING: —the net operating balance, with regard to capital expenditures, takes into account depreciation. So, what you will see over time is net lending. It will be much lumpier, because you are paying out—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: I love the member for Norwood.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I love the member for Norwood. I will tell you why I love the member for Norwood—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —so much. Madam Speaker, I would ask for your indulgence just for a moment.

The SPEAKER: Order! I warn the member for Norwood.

The Hon. J.J. SNELLING: My in-laws are Italian and my mother-in-law tells me that in the little village they are from, Molise in Italy—

Mr WILLIAMS: Point of order.

The SPEAKER: Order! Point of order, member for MacKillop.

Mr WILLIAMS: The point of order is one of relevance. He answered the question as the member for Finnis said about five minutes ago and we have already indulged the member.

The SPEAKER: Yes. I will uphold that. I think that was a very lengthy response.

MADELEY, MR D.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:05): I table a copy of a ministerial statement relating to the death of Mr Daniel Madeley made earlier today in another place by my colleague the Hon. Bernard Finnigan.

GRIEVANCE DEBATE

EATING DISORDER UNIT

Dr McFETRIDGE (Morphett) (15:06): Today we had over 200 people at the front of Parliament House protesting the government's decision to close the 4G eating disorder unit. The minister claims that they are not closing it, but they are. We have seen the letter, three weeks ago, from David Swan, Acting Chief Executive of the Department of Health saying, 'The six weight disorder beds in Ward 4G will move to the Margaret Tobin Centre.' They are, in fact, closing the eating disorders unit in 4G. There is no way the minister can get around that.

In fact, John Hill signed a letter with exactly the same words in it to the member for Bragg on 9 December. The minister signed the letter, the chief executive signed the letter saying that the six weight disorder beds in Ward 4G will move to the Margaret Tobin Centre. Now we are told that it is not being closed. Those beds are being moved; they are being moved out of 4G. Since the early 1970s, the Flinders Medical Centre has been providing a service that has saved many, many lives.

Just to remind the house, as far as mental illness goes, eating disorders have the highest rate of mortality of any mental illness. It is absolutely vital that we maintain the world standard that we started in the 70s and we have currently at Ward 4G. I have spoken to doctors, I have spoken to nurses, I have spoken to parents and I have spoken to the patients. I have included them in what the opposition wants to do, and that is to support the ongoing function of 4G. I have spoken to those people and they are condemning this government for once again announcing and defending.

However, now the government is trying to announce and implement. We saw the minister come out with a ministerial statement the other day saying that they are going to have a review into the eating disorder unit and they are going to come up with a statewide model of care for people with eating disorders which will be developed in South Australia over the next three months. This is the third review into this eating disorder unit. Obviously, the minister has not read the previous reviews.

In October 2007, the Southern Adelaide Health Service Eating Disorder Service Review reported that there were a number of recommendations, and let me just read from the executive summary of this review which states:

The aim of this report has been to look at the current statewide services provided by the South Australian Health Service Weight Disorder Unit (WDU) to assist in future statewide planning for the provision of services for people with eating disorders.

That was in October 2007: we were having a review into statewide services for eating disorder patients. What do we have? On 1 February 2011, heading towards 3½ years later, we have the following statement:

...statewide model of care of people with eating disorders will be developed in South Australia over the next three months.

A statewide review. Minister, go and read your own report from 2007 about the recommendations. Make sure you read dot point 6 on page 31 which states, 'Inpatient program beds should not be colocated with other serious psychiatric beds', not, as we have seen in the minister's letter on 9 December and in David Swan's letter of 20 January, that these beds will be moved to the Margaret Tobin Centre. That is the worst thing you could possibly do.

Why are they considering moving them there? Just a bit of background on that: they are going to move some of the intermediate care mental health patients out of Margaret Tobin and free up some beds. Who is going to be left behind in Margaret Tobin? The most severely ill mental

health patients. So, minister you are going to mix the most vulnerable mental health patients with the most severely affected mental health patients. That really makes sense—not.

Why, minister, didn't you do what it said in your own health public performance report that came out yesterday? Go and consult with the community, go and talk to the people out there before you make these announcements. Do not announce and defend and then come back here and tell us you are going to bring in some overseas consultant, another New Zealander. We have got Mr Derek Wright, the head of mental health, a New Zealander, and now we have got Lady Deirdre Mulligan, from New Zealand, coming over to tell us how to run our major health services here.

Yet, in 2007 we had a report that laid out a review of statewide eating disorders services in South Australia, and after that, in December 2009, we had the Body Image and Eating Disorders project final report. In that report, recommendation 3 was to 'establish a specialist service for children and adolescents'. Since 1977 we have had 4G operating at Flinders, a world-class service there for these people. But this minister has rejected all the experience—the wealth of experience—from the psychiatrists, the psychologists and the nurses there. Members of the opposition came with me and we saw what was happening there. Minister, go talk to them, go and listen to them, and don't do what you are planning.

NOARLUNGA RAIL LINE REVITALISATION

Ms FOX (Bright) (15:11): I am speaking today about the rail revitalisation program currently underway along the Noarlunga line, a line that I know is particularly dear to the member for Mawson's heart. The transformation of the Noarlunga line is part of a \$2.6 billion investment, which will dramatically alter Adelaide's rail network.

Investment will see the installation of a state-of-the-art sustainable system which will provide faster, cleaner, more frequent and efficient services for commuters. I know that some of those opposite have knocked this project, but they have never really been that interested in the south of Adelaide anyway, so that is not much of a surprise to me.

The Noarlunga train line is one of the key components of this investment. Electrification of the line will deliver a more modern and efficient train service. Aside from the economic benefits of converting from a diesel system, the environment impacts of switching to an electrified train system are well established.

Electrified trains are quieter, result in fewer vibrations and, most importantly, reduce local air pollution. They will be energy efficient, less reliant on imported fuels and not affected by increases in world oil prices. Furthermore, a faster, quieter and more efficient service will hopefully attract even more commuters to using the train service. This would result in fewer cars on the road, subsequently reducing pressure on our roads. Lastly, electrified trains are less expensive to buy, maintain and operate than diesel trains.

The first stage of the project has recently begun, with the closure of part of the Noarlunga line. I recognise that this is difficult, and this will be a difficult time for many commuters using this line, but we have to look at this in a long-term way. We are doing this to upgrade a service for the future, not just to convenience people now.

The recent closure of the line from Oaklands to Noarlunga is because we need to undertake a full track reconstruction upgrade of the base layer, installation of new sleepers—which I have been talking about for many years now, the member for Finnis will know that (I like talking about sleepers)—improvement of drainage and minor upgrades to stations and some level crossings.

We had to close the line from Oaklands to Noarlunga to allow work to be delivered in the safest and most efficient way. This method, which was also used in the recent Gawler line closure between Mawson Lakes and Adelaide, the Port Adelaide viaduct upgrade and Belair line renewal projects, will be successful in reducing the overall construction time. A reliable and consistent bus service will be provided. Every effort has been undertaken to reduce the impact on commuters.

The rail revitalisation project has thus far seen the upgrade of the Hallet Cove and Hallet Cove Beach train stations during 2010. These stations received new facilities aimed at improving travel for southern commuters. Both Hallet Cove and Hallet Cove Beach stations have improved lighting and CCTV systems to ensure the safety of commuters. Platform security will be increased by improved lighting and CCTV. Emergency phones will be available at a number of stations. The

new railcars will feature security enhancements to existing CCTV, more cameras and a live feed to the driver's compartment.

As well as increased security at these stations, better access ramps and handrails have been installed. A new park-and-ride facility, which caters for an additional 120 vehicles, has been built at the Hallett Cove station. The Hallett Cove station also features an architecturally designed canopy and a realigned platform. As someone who uses that line, I applaud the design and aesthetics of the station, although I acknowledge that all appreciation of artistic form is subjective, and I am sure the Minister for Police agrees with me there.

The Hon. K.O. Foley: I do. Very subjective.

Ms FOX: The stations are an excellent example of the investment being directed into the southern suburbs and into our state's infrastructure. When the Noarlunga line is finalised, it will be extended out to Seaford and be completely electrified.

I thank Amanda Rishworth for that because the member for Kingston was key in getting hold of the funding that allowed that to happen, and it would not have happened without her. This investment by the South Australian government will ensure that we can cope with the demands of the growing southern suburbs.

EATING DISORDER UNIT

Mr GARDNER (Morialta) (15:15): The last 12 months has seen an extraordinary level of discontent at the way this government has behaved since the election. Someone yesterday described it to me as 'like summertime in Paris' the way that we had rallies on the steps of Parliament House just about every day of the sitting year. Certainly, this year has been no different.

Today I was pleased to be present with over 200 people who came to Parliament House to raise their discontent at the government's decision to close the Weight Disorder Unit at Ward 4G at Flinders Medical Centre. It was a group representative of a much larger group of people across the South Australian community, because this is a stigmatised section of the mental health spectrum and it is one in which many people are afraid to speak out. I particularly pay tribute to the courage of the people who gave their personal stories on the steps of Parliament House. They showed great personal courage because many of those stories were quite harrowing. What many of them have in common is the way in which Ward 4G saved their lives.

Many of us know someone who has suffered from anorexia, bulimia or other eating disorders, and a number of my contemporaries from university and people I have among my friends have gone through a number of these issues. One person in particular has asked me to talk about her story in the parliament today.

Dr Beverly Muhlhausler has a PhD in foetal physiology and development. She is a leading South Australian medical researcher. She is undertaking world-leading medical research here in South Australia in relation to pregnancy and nutrition as it relates to foetal development. She is doing significant work in that scientific field that will benefit very many people across South Australia and, indeed, around the world. She also has contributed a great deal to our community through working for public outreach for science.

She has lead Australian Society for Medical Research expos, encouraging school students towards studying science; and she has set up travelling road shows to rural schools, demonstrating the benefits and importance of science with that body, the Australian Society for Medical Research. She has contributed a number of articles to the education pages of the *Advertiser* in relation to scientific issues and she was one of the runners up in the Young South Australian of the Year awards last year and the winner of the technology section.

As she has said publicly, her life was saved in 1998 (just before I met her) by the facility and services of the Weight Disorder Unit at Ward 4G. In relation to this matter she has recently contacted me to point out that, as she is someone who contributes an extraordinary amount to society now, so many of the people who have been affected by anorexia and bulimia in the past have given much since they have been saved, and many of the people we lose (particularly many of the teenagers and young girls and boys and people in their early 20s) would still have much to offer society. I want to quote from Dr Muhlhausler's letter to me. She says:

There is still so much stigma attached to eating disorders and there are very few treatment programs (especially in-patient treatment programs) that really address the problem. The decision to close ward 4G...sends yet another message that people with mental health issues (even if these are life-threatening) are not deserving of

serious medical help. This represents a huge step backwards in trying to remove the stigma from mental health issues.

There is still a perception that people who have eating disorders are somehow doing it to get attention or manipulate their parents/carers—this couldn't be further from the truth. The vast majority of people who succumb to eating disorders are sensitive and caring individuals who need help to work through their insecurities. This can't be left to parents and carers—anorexia in particular is associated with life-threatening medical complications which need to be treated in conjunction with the psychological issues.

Dr Muhlhausler's courage in publicly tackling this stigma as someone who has recovered from eating disorders is to be commended, and I do so in this place. The government in choosing to have these patients go to Margaret Tobin House is adding to the stigma. Putting these patients in with people suffering from the most severe forms of psychotic disorders is going to make it a great deal more difficult for people to make that courageous and voluntary step to seek help.

It will discourage those who need help the most from seeking it, and the minister's response today, talking about how currently Ward 4G has people with anxiety and gambling disorders and somehow relating that to the situation that his decision is going to put these sufferers in, was extraordinary. I urge the minister to rethink this decision.

Time expired.

WOMEN IN SPORT

Ms BEDFORD (Florey) (15:20): I would like to continue my remarks started yesterday on women in sport. The Tour Down Under has recently thrilled Adelaideans, and there is no doubt that the greatest number of lycra-clad bodies on view that week were male—perhaps it is because it is such an unforgiving fabric. Again, I refer to my calisthenics associations, as well as my netball connections, and say that women and girls of all shapes and sizes are definitely not averse to donning outfits of that fabric when their sport demands or requires it.

The tour saw community events supporting the main races, and one of our great sportswomen, unfortunately, was involved in a terrible accident during the criterium in the lead-up to the tour. We know that 31 year old cyclist Amber Halliday suffered swollen head injuries, a broken arm, a broken jaw and a damaged eye socket in a horrific crash at Adelaide's Victoria Park after clipping wheels with another athlete.

This former world champion rower made the switch to cycling after the 2008 Olympics before considering a return to her first sporting love only recently. She is also a newspaper columnist in Adelaide and was scheduled to report on the Tour Down Under for local radio station FIVEaa before the accident.

Today I am pleased to tell the house that Amber has left the Royal Adelaide Hospital for the Memorial Hospital to start her rehabilitation, and our thoughts and best wishes go with her and her family and friends as she starts the long road back. Her physical and mental fitness, courage and determination will play a great part in her recovery. A statement from Cycling SA indicates that her post-traumatic amnesia is improving, and we hope that she goes from strength to strength.

I turn to the world game now. Soccer is another case in point for women participants. In June last year, it was announced that the Adelaide United Football Club and the Football Federation of South Australia had forged a partnership to further develop, promote and grow women's football through the Westfield Women's League. The news of the partnership was welcomed by many, including me, with the expectation that the initiative would further increase the popularity of women's football in our state.

The Football Federation of South Australia has stated it is committed to ensuring a strong and sustainable future is implemented for women's football. However, recent reports indicate the Adelaide United women's team is potentially under threat. Last month, the new Reds' owners created history by appointing the club's first female patron, Fay Gerard.

Sadly, the Lady Reds have been criticised for consistently underperforming, with seven consecutive losses in the 2010 season which kicked off in November; and it now seems that Adelaide United may relinquish its financial support for the women's team. Surely, the partners of the Lady Reds and the wider soccer community will not allow this to happen.

Another exciting Olympic sport where women's teams have enjoyed much success is hockey. The North East Hockey Club (my local club and home of the Zulu Warriors) was formed in 1994 as a result of a merger between the Campbelltown and Tea Tree Gully hockey clubs. It has

grown from those early years when it operated from a transportable building donated by council, which was previously an immunisation clinic.

In 2007 the North East Hockey Club secured a \$1 million grant with the help of the member for Makin (Tony Zappia) from the federal government for the refurbishment of the pitch and grandstand. The Tea Tree Gully Council generously provided funds to upgrade the clubrooms and change facilities; and I was pleased that the Office for Recreation and Sport recently approved a grant application of \$50,000 to upgrade the kitchen facilities with work starting in March this year and due for completion in June.

The North East Hockey Club has an enormous and enthusiastic membership of all ages reflecting the impressive dedication of the club's committee, and they also have a fabulous veteran women's team. It is a club where everyone is welcome, and, apparently, even someone like me could get a game if I went and asked for it. While on hockey, congratulations to Leesa McDonald and Holly Evans on their selection in the Australian Indoor Hockey World Cup squad.

The squad was announced at the completion of the Open & Under 21 National Championships recently held in Wollongong. Both attended a three-day training camp, at the conclusion of which Holly was selected in the World Cup team of 12 players who will now be venturing off to Poland for the Indoor Hockey World Cup in February 2011.

I would like to finish with a mention of my local netball club, Tango. This club had its origins in the St Barnabas Church of England teams based at Kilkenny. Mergers with other clubs over the years saw it relocate to the North East. At first the teams were called the Raiders and played under the colours of tangerine and brown. The name 'Tango' was later adopted from the colours of the team.

In 1947, the very first year it joined the competition, Tango had a representative in the state team. Every year since then there has been one or more representatives from the club in the South Australian team and, more often than not, in the Australian team. Since its inception at state level, Tango has played in 28 grand finals out of 54, a record not equalled by any other club in the South Australian Netball Association.

Sadly, 2010 was a turbulent year with Tango one of the teams selected by Netball South Australia to be axed from the premier netball competition. In August, the state league was trimmed from 10 teams, with Oakdale, Tango and Harlequin, as well as development outfit SASI, cut from the year's premier competition. My colleagues, the members for Newland, Napier and Little Para, and I met with Netball SA officials and at the time we put a strong case for the north-east netballers.

Netball South Australia has recently announced it will increase its premier netball competition from six teams to eight in 2012—a major win for Tango and other clubs affected by the league's revamp.

DUCK AND QUAIL HUNTING

Mr MARSHALL (Norwood) (15:26): I rise to speak about the continued practice of duck and quail hunting here in South Australia. This is a very emotive issue and one that is fought passionately by animal rights groups and hunting lobby groups alike. According to a growing coalition of groups who are opposed to this practice, the hunting of ducks is unnecessarily cruel.

Groups like Animal Liberation SA point out that this is due to the type of guns used by hunters which fire 120 to 200 pellets per cartridge. The spread of the pellets means that often birds are not hit by enough pellets to kill them immediately. According to these animal rights groups it is also common for birds to sustain injuries to their beaks which lead to eventual starvation of the duck days after the initial shot.

If the reports about these slow and painful deaths are true then they are at odds with the law set out in the Animal Welfare Act 1985 which states that ill-treatment of animals occurs if they are killed in a manner which 'does not cause death to occur as rapidly as possible'. Considering that many of the ducks injured during the hunting season may not 'die as rapidly as possible', is the government aware that it is allowing the hunting season to go ahead possibly in breach of the Animal Welfare Act?

The Minister for Environment and Conservation (Hon. Paul Caica) announced only last week that bag limits for ducks have risen this year to 12 per hunter per day, which is exactly double the number allowed last year. Members from animal rights groups have pointed out that this

increased bag limit combines with an unusually late breeding season in 2011, meaning that many adult ducks who are still caring for their young may be shot once the hunting season gets underway this year on 19 February. In effect, this increases the number of birds who will die as a result of the hunting season this year, as ducklings are left to fend for themselves once the parents are injured or killed.

The Victorian government, in response to this late breeding season, took this change in the breeding habits into account and delayed the hunting season until late March 2011, giving juvenile birds enough time to become independent, but the South Australian government failed to take this into account. Granted, the Minister for Environment and Conservation saw fit to keep Bool Lagoon Game Reserve closed due to extended waterbird breeding but did not extend this leniency to other game reserves in South Australia, despite the late breeding season being statewide. If the minister sees fit to spare birds in one reserve, then why not in other game parks?

I announce today and put on *Hansard* of this parliament that I will be writing to the Environment, Resources and Development Committee asking it to immediately undertake a parliamentary inquiry into duck and quail hunting in South Australia. Of course, this is in the full knowledge of the joint party room of the parliamentary Liberal Party here in South Australia. I will make specific reference to the Animal Welfare Act 1985, which, in section 13, states that it is against the act to kill 'the animal in a manner that causes the animal unnecessary pain'.

This issue is one that many South Australians are concerned about. I have been contacted by more than 800 Norwood constituents, checked against the roll, who regard duck hunting as a breach of the Animal Welfare Act, making this a very, very significant issue in my electorate. I have also had representation from a number of other groups who believe their sport is being unfairly victimised and challenge many of the claims made by those who oppose duck hunting.

Conflicting information is certainly a problem in regards to this important issue and is another reason why it is now time for there to be a thorough parliamentary inquiry to find out the facts once and for all. I strongly support the right of those opposed to duck and quail hunting in South Australia to a thorough inquiry to establish the facts, and therefore, inform government legislation in this important area.

The SPEAKER: Thank you; yes, ducks have feelings too. You have made the member for Torrens' day, member for Norwood.

Mr Marshall: I often do.

KEEPING SAFE IN EMERGENCIES GUIDE

Ms THOMPSON (Reynell) (15:30): Before I start the main purpose of my remarks today, I wish to endorse the remarks made by the member for Bright about the importance of the upgrade of the southern railway line. Just to add to her remarks, the one issue that has been raised by my constituents is that of access to disability services when the bus services replace the trains. I want to remind people that, indeed, you can always arrange to have a disability access bus provided for your journey if you give 24 hours notice to the bus company. I know that is not totally convenient for everybody, but during this period of important upgrades, everybody is doing their best to provide a convenient service for the many commuters who use this railway line.

My main purpose today is to congratulate the Minister for Families and Communities on the issue of the Keeping Safe in Emergencies guide. I was very interested when this arrived in my office and immediately thought, 'This is Jennifer all over.' While I recognise that many agencies have participated in the preparation of this guide, and many more agencies have participated in the distribution of it, I think we can thank the minister directly for this sort of sensible, down-to-earth initiative.

The acknowledgements for funding include the Australian government, the government of South Australia, the MFS, the CFS and the SES. It was developed by the Department for Families and Communities State Recovery Office and supported by many other government departments.

This guide is not meant to take the place of the important bushfire prevention plans, flood plans, etc., that people who are at risk need. It is targeted at people who are in some ways vulnerable through age, frailty or disability, because these are the people who will find it most difficult in any emergency, including extreme heat, to deal with the circumstances.

It is incredibly practical and I turn first to the part relating to flood. We have all been devastated to see the horrible experiences of the people in Queensland and I extend my

sympathies to all those affected, particularly to those who lost somebody or were severely injured during those amazing times. We saw lots of activity there in preparing for a flood, but something I did not see was that before a flood we are advised to put sandbags in the toilet bowl and over all laundry and bathroom drain holes to prevent sewage backflow.

Mr Pengilly: And the snakes coming up.

Ms THOMPSON: The other issue that took my attention, as the member for Finniss pointed out, is 'When flood water rises, it is common for spiders, snakes, rats and mice to move inside—check for unwanted visitors.' I think the only omission is that it does not say in your emergency pack, 'Have a good club and a can of Mortein handy.' I don't know that Mortein will do much good for the rats and mice, I think the club is what you might need there.

These guides are very, very sensible. For instance, before a flood you need to be prepared. Listen to ABC local radio so you can monitor flood warnings. Do you know the frequency? Have you completed your FloodSafe plan? Where is it? As flood approaches, I need to move important documents and items to higher levels. Where will I put them? Where is my emergency kit? Have I switched off electricity, gas and water? Where are the meters and the switchboard located—electricity, gas, water? Where is the highest part of the building for me to shelter in? If I need to evacuate, where will I go? How will I get there? When will I go?

I think we all know that, when an emergency hits, some of us need to be reassured; we do not always think clearly. Having this guide in its envelope on the fridge is an excellent way to go. Congratulations to all.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (15:36): I rise to speak to the Natural Resources Management (Review) Amendment Bill. I note my interest, and that of my wife, in natural resources management. My wife was a staff member with the Murray Mallee task force and worked on the Integrated Natural Resources Management Plan in the Murray-Darling Basin out of the Murray Bridge office, and did work at a senior level with the natural resources management board. Sally does not work there any more because I indicated to her that it was my wish that our two young boys grow up recognising one of their parents.

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: The Minister for Correctional Services reckons she is the one that makes the rules in the house. I wonder if that is what happens in his house.

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: Absolutely; he agrees, and he may be right on my side of the ledger at times as well. He is having a very enjoyable time with his first child and I commend his family for what they have been through as far as health issues, etc., and I am glad that things are onward and upward for him.

Getting back to the bill, I declare that interest in natural resources management. It is interesting to note that, since the days that Sally worked there, money seemed to be more readily available, from both the state and federal governments, for natural resources management, under National Action Plan salinity programs. Now applications for funding go through the more competitive Caring for our Country process, which opens funds up a bit more and also limits the access of natural resources management boards to funds.

In light of that, another part of the problem is that bureaucracies have increased by a tremendous amount, and in some cases by about double the number of staff on the ground. This is causing major problems in actually getting funding from natural resources management to hit the ground. You might have a little project of \$250,000, for example, and by the time the dollars hit the ground, \$200,000 has been burnt up in bureaucracy. So, to get a \$50,000 outcome, you may burn up \$200,000.

We are also seeing a lot of these boards justifying their existence. There has to be accountability, but you wonder at what level, when plans are constantly put out year by year, some plans biannually, about what projects they want to put up and bidding for projects. It scares the heck out of me how much time and effort is put into the bureaucracy when we see so many issues

out there on the ground, such as soil management, control of pest plants, weed management, fox management, etc.

Just as an aside, it is interesting to note that, with fox management, or more like wild dog management, I should say, in pastoral country, you can put out dog baits from a utility, but it is not legal to drop them from the air. I would have thought that if you are going to do any type of program to control the ever-increasing menace of wild dogs getting through to pastoral country that should be relaxed, because there is that much country for these pastoral owners to get over. They know their country, they know where to put the baits, and it would be far more economical to do it from the air.

I would also like to refer to issues with natural resources management, where officers involved with this seem to think that they have more powers than the police. What is happening at times, when some of these officers turn up at people's places to enforce the law, as they see it, is just disgraceful.

I would just like to go through a story about Kevin Parker from Maggea, between Swan Reach and Loxton. I believe there has been a bit of media work on this lately on the radio. This has been an issue for Kevin Parker's family since the 1980s. Going through some of the history, in 1988, his family applied to clear the property, and it took five years before they actually received the approval paper. I note that the clearing permit for regrowth is for 10 years. As long as you keep it controlled every 10 years, it is a legal operation, I believe. Once approved, you must carry the permit on you when clearing.

In 1999—note the time difference, from 1988—he was contacted to say he had been approved. Compensation was paid, and he could clear if he agreed to a heritage agreement on all vegetation. In 2001, a letter arrived admitting that the department had failed to send approval paperwork and to say that he now had a two-year extension. His understanding, therefore, was that he had the 10 years plus a two-year extension from that date.

He has at least four neighbours who are all concerned about what has happened. One neighbour still has 2,000 acres to clear, and he believes that if he cannot do this regrowth clearance, Elders may as well take their farm; he may as well put the farm on the market through Elders, or someone else.

Kevin contacted the office again the other day and said that they had been clearing some regrowth on their property during August. At 11.45am, he notes, six armed police arrived with officers of the Native Vegetation Authority—who stayed outside—wanting his paperwork on clearing and heritage agreements. They were there for four hours and treated Kevin Parker and whoever else was present like animals. They served a court order on him, banning him from any more clearing work on his property—this is 1,700 acres at Maggea, half way between Swan Reach and Loxton. There is a heritage agreement for over 700 acres. They gave no information as to why they were there.

Kevin said that after several minutes he noticed that one of the men was carrying a tape recorder, and this man admitted that he was taping the conversation even though he had not advised Kevin of that. Kevin indicated that, 22 years ago, his father signed a clearing agreement that had no time limit on it to get a clearing permit. Part of the deal was that the department would fence the heritage area—and, of course, they never have, as they never do. He said that his father would not have signed any agreement with a time limit on it because the corresponding heritage agreement has no time limit.

The native vegetation branch is now saying that the permit expired 10 years ago. Kevin Parker says that they never got a copy of the permit at the time, but it appears that whatever the department has does not show a time limit, otherwise the officers would have brought it with them.

He said that someone in the department had interpreted the agreement and decided that the agreements are now for 10 years and that theirs ran out a long time ago. They were not notified of this, if that is to be the case. Kevin believes that he is being victimised and that some local identities are keen to get him off his land. He had a number to call someone in the department but it did not work. He was very angry. He has spoken to his lawyer who says he would love to get the department in court. Why do we get to these levels of angst in the community?

What has happened at Kevin Parker's property is that a work order has been imposed so that he cannot clear this land. The section number that has been imposed upon is part of five other sections which, by law, were freehold under one title. The authorities turned up to serve the work

order, which covers the cleared ground as well. He is still harvesting and, when the authorities turned up, police were involved. As I indicated, there were some plainclothes officers as well as armed officers (and I would not be surprised if the plainclothes officers were armed, as well), and there were native vegetation officers, I believe, up on the hill.

As I said, he is still in the middle of harvesting. He wanted to invest in a couple of more modern harvesters to reap his crop and get his contract harvesting business up and running again as it has been silent for a couple of years because of poor seasons. However, this man's problem is that he cannot borrow against a multimillion dollar asset, he cannot afford to get his grain carted (it is all stored on-farm), and he is worried about, just around the corner, sowing this next year's crop and financing it.

I call on the minister to have a look at this situation to see what is going on because it is basically forcing the Parker family out of business. They are jammed in a spot. They have tried to do the right thing over decades. You can almost understand why people do the wrong thing and do not worry about getting a permit because, when they try to do the right thing, they get buried in bureaucracy. Bureaucracy does not function, permits do not turn up on time and the next thing there are police on the property, victimising this poor family.

Mr Williams: They got turfed off a farm further down south in the Mallee.

Mr PEDERICK: They may have; I do not know.

Mr Williams: It was 25 or 30 years ago; the same family.

Mr PEDERICK: It could be. The member for MacKillop says he has had victimisation on another property further down the South-East.

Mr Williams: No, in the Mallee.

Mr PEDERICK: In the Mallee, sorry, about 30 years ago.

Mr Williams: It was 30 years ago—the same thing.

Mr PEDERICK: What I would like to ask is: what is going on here? As I said, I want the minister to investigate this case to see if we can get a decent outcome for this hardworking family in the Mallee who are doing it tough and have had it tough for very many seasons. The one year they get a chance to get a decent crop off, and they would have been able to get some contract harvesting, they are not able to take up all those options.

I also want to mention a constituent I did some work for—Mr Graeme Fischer—and this has made the media as well, and the minister would be aware of this. I note the involvement of the Hon. John Darley from the upper house. I want to put a couple of items on the record. Mr Fischer was convicted in 2006 and fined \$18,000 for stealing water from the Bremer River. In light of that he went to his local member (who was me) and made some allegations about how the departmental officers entered the land and as to whether they showed identification or not.

I wrote a letter to the Hon. Gail Gago in September 2006 as she was the minister at the time. It was indicated to me that the property had been raided late at night and the constituent indicated that he was not shown any identity cards and that the officers had forced their way onto the property. The answer from the minister stated:

Officers from the DWLBC (the Department of Water, Land and Biodiversity Conservation), including Investigations Unit staff, attended Mr Fischer's property at Hartley, on the evening of Friday, 18 August 2006, as a result of information received regarding allegations of unlawful irrigation of commercial crops on the property at that time.

Mr Fischer was clearly informed that officers in attendance on the property were working with the department concerned and an authorised officer identity card was shown to Mr Fischer, as well as an information sheet (Number 8477) being issued to Mr Fischer, pursuant to section 69 of the Natural Resources Management Act 2004 (NRM Act). A copy of an NRM Act Information Sheet is attached for your information.

DWLBC has informed me that neither Mr Fischer nor Ms Fischer are authorised to take water from the Bremer River for any purpose other than for stock and domestic use and that they are well aware that they cannot take water to irrigate commercial crops.

I am advised that the incident is a result of several months of offending by the Fischer family, after lengthy and repeated attempts by DWLBC staff to ensure compliance through consultation and voluntary measures. DWLBC's Investigations Unit is continuing to conduct an investigation into allegations of unlawful taking of water on the Fischer's property.

I also went in to bat in 2008. I wrote to the former attorney-general, Michael Atkinson, to see what sort of legal aid I could get to assist Mr Fischer. I am not for one minute indicating whether Mr Fischer is innocent of what he has been charged with. He has been found guilty in the Environment, Resources and Development Court; he has had to pay the fine. I am interested that it has come up in recent talkback discussion, but I just asked the question to the minister at the time if the proper actions were taken by natural resources management officers in attending the property.

The minister indicated they were; so my concern is about whether the officers did operate in a proper way in attending the property. I said on the radio the other day that I would like the current minister to go over the file and let me know—it does not have to be in the reading of the bill—in the future and confirm that what the former minister Gail Gago iterated to me is a correct statement.

Here we have issues, and I go back to the Parker issue in Maggea, up there near Mantung. The NRM officers probably need a map to find the place. This is where I believe inappropriate action was taken to enter a property, bringing a swag of armed police. What do they think farmers are? What do they think they are?

My background is farming and, generally, most farmers are good, law-abiding citizens wanting to look after their land. They do not want to cause trouble. I look at the Parker family. They are trying to do the right thing, go through the approvals process, but it appears that the department has not been timely, to say the least, in getting information to them, being accurate with information. When they want to hit with a hard hand in they go—bang—in they come to victimise these people. People need protection, and it should be addressed during the passage of this bill.

I just want to refer to a couple of other things in the clauses. Clause 16, which deletes section 72 of the current act, provides that a person can refuse to answer a question or refuse to provide documentation on the grounds of self-incrimination. So, now, if this section of the bill can go through, not only will you have armed police and native vegetation officers attend your property, but you also will not have the right not to speak. This is a basic human right.

You notice the Americans take it to the nth degree. You do not even have the right not to say anything, especially if these people have not had legal advice and if they are 'monstered', victimised by officers, not sure what is going on. People are trying to do their law-abiding work on their own land, and then they get told, 'No, you have to put up or you're in great strife because you won't make comment.' I believe that is something that has to be dropped out of the bill because it will put people in a very dangerous spot. I hope the minister can address it in his contribution later on.

As I said, there are many issues in natural resources management. There are issues about getting money to hit the ground—money that actually works for people, money that actually controls weeds and feral animals—and not this money that is just being burnt up because they are getting less and less of it, so there is a higher percentage of it being burnt up just paying staff to sit in offices or roar around in Commodores or utilities doing their job.

Even during the locust spraying time, I heard of two NRM officers being sent up from Murray Bridge to the Riverland to have a look. They went up Friday afternoon in two separate vehicles, decided it was pretty bad, and went back to work at Murray Bridge. If the locusts are there, you need to hit them then and there and you get on with the job.

So there needs to be some reality in the job. There are good people on NRM boards who are trying to do the right thing, but I also believe there are as many good people becoming disillusioned who would like to be involved but just look on it, as the deputy leader (the member for MacKillop) said, as just another level of bureaucracy coming down on their lives and telling them what to do.

Mr PENGILLY (Finniss) (15:56): I heard with great alarm what the member for Hammond had to say, in particular in relation to the Parker family—I had not heard that before. What is going on in South Australia with some of these government officers frightens me. I hope that the minister will look into that.

In relation to the bill, the 69 of us who work in this building and who make decisions that impact on the people of South Australia need to keep control of what happens, in my view. My concern is that what we are doing with a lot of aspects of this bill is giving more and more power to the bureaucracy, which I think is inherently dangerous. These are such things as transferring

powers from regulations so that there is just a notice in the *Gazette* giving the minister the power to do things. I think that is wrong, because ministers are very busy people and quite often they may agree to something without thinking through the ramifications.

Australians do not like being over-governed or over-regulated with too many laws. They get fed up to the back teeth with it. It worries me, looking through this, as I said, that more and more powers are going to the bureaucracy, and I think the member for Hammond indicated what happens when these people get out of control.

It is interesting to note the activities of the natural resources management boards since inception in my own area. They took a fair while to get up to speed and get things happening. It was a vast culture change in the transfer of some powers of councils and different boards to roll it all into the NRM boards, but I think we need to check some of the activities and get some sort of balance back into the argument on many things.

The regional plans were put out for community consultation and there were extensive exercises taken to get these regional plans into some sort of final shape before they were agreed to. I actually think the plans we have for my two areas are pretty good. I do not think there is a lot wrong with them. However, I take serious issue with the current Western Mount Lofty Ranges Water Allocation Plan, and the minister is well aware of my concerns there. As I mentioned yesterday, I was happy and pleased that he saw a deputation from Parawa in my area on that.

We are giving these boards grant money, federal and state. We are actually the ones who pay them all in the end, but they are failing in many aspects of their jobs, in my view. The corellas is a classic example. I do not think anyone will deal with this corella problem properly. The community has gone soft on it. Metropolitan people just do not understand the devastation these birds cause. They are not protected. You can see what thousands and thousands of these birds have done around Strathalbyn and down in the Willunga area, for example, and over on Kangaroo Island.

The answer has been to watch where they go and do something else again tomorrow—put up a few hawks. I know that they have tried the hawks. I had an old farmer, a former soldier settler (he is still alive), tell me that the way they used to deal with them was to get wheat, mix it up with alcohol (port wine), put it out in the paddock and then go and club them all when they were drunk. It worked very well. It got rid of them. It might sound cruel, but it got rid of them.

Mr Bignell interjecting:

Mr PENGILLY: I know that the member for Mawson has problems down in his electorate.

Mr Bignell: Willunga.

Mr PENGILLY: Yes, I mentioned that a minute ago. You have actually got to get serious about these things. Blow them out of the trees, blow them out of the sky, poison them or do whatever you have to do to get rid of them. It is no good loving the bush if you are going to allow these things to wreck everything. That is where I think the boards have failed.

I mentioned the animal and plant boards before. I was involved on one of those and we failed as well. However, sooner or later, someone is going to have to find the hard answers to some of these questions. Instead of having 55 different reports and a series of inquiries, you need to get on and deal with it. Similarly, with weeds. I have some frustrated landholders on the Fleurieu who are getting no action taken by the boards in relation to their weed problem.

They ring up and report a problem and say, 'What can we do?' They are told, 'Well, you can't do this, you can't do that. You're responsible for this, you're responsible for that,' and meanwhile the seeds are set each spring and there are even more weeds the next year. There is inherent failure in this system that we have got.

I am just worried, as I said at the outset, that if we keep going and give more and more power to officers in the NRM boards without keeping control of it through the act in parliament we are going to be in trouble long term. I attend a few NRM meetings where possible—subcommittee meetings. I attended the Kangaroo Island NRM Board meeting towards the end of last year. I attended the water subcommittee on the Fleurieu down at Yankalilla not that long ago, and there are some good people on there.

It is also becoming a problem getting people to stand for these boards. One presiding member who spoke to me not that long ago said that they were deeply concerned about who they

were going to get. They wanted more farmers on there but the farmers are that busy they have not got time to go on the board, which is a bit of a sad irony, really.

I would also like to take the opportunity while we are talking about this bill to praise the commitment shown by the recently retired presiding member of the Kangaroo Island board, Mrs Janice Kelly. She was a mayor of Kangaroo Island before I was mayor. I know that Jackie and I had many regular spats over lots of subjects, and, indeed, we had a few spats over issues to do with NRM before she left.

To the best of her ability she has looked after the best interests of the landholders and the farming community of Kangaroo Island, and I do not think it has been an easy task. She was one of the people who was concerned about getting members to stand on the board. We have got to get serious about a whole lot of issues.

The member for Hammond talked about native vegetation; well, we are failing there dismally. You only have to see what happened last weekend in Perth where 200,000 hectares of scrub—or 500,000 acres—that had not been burnt went up, and around 70 were homes lost purely because people were not game enough to take on the authorities and actually do something about burning out large patches of scrub.

Only yesterday we had a major fire on Kangaroo Island, just a few kilometres west of my property. Unfortunately, it would appear (and I cannot substantiate this), that fire was deliberately lit on the side of the road, and a lot of people were kept busy for a number of hours. That fire burnt out several hundred acres of scrub, and that is scrub that has not been touched for—well, I can't remember a fire going through it in the last 25 to 30 years. It will make it safe for the next 10 years, anyway, but we have to come to grips with the burning of this native vegetation. I saw the whole west end of Kangaroo Island burnt out in December 2007. So, there are many areas, and I think that if we are not careful we are going to become guilty of over-caring for the environment, instead of working out what we really do with it, and that gets back to the water allocation plan in the western Mount Lofty Ranges, where people produce food and fibre for the world, and they do not want to be burdened by over-officious officers running around telling them what they can and cannot do—it just does not work.

We had this series of years of drought, and Senator Bob Brown—that great doyen of the Greens—said that it was never going to rain, that we were never going to fill the dams again, that we were never going to do this and never going to do that. Well, he has had his head down and well and truly buried over the last couple of months, I can tell you, because it actually always does rain.

I know that my friends the member for Hammond, the member for MacKillop, the member for Mount Gambier and all those people who have lived on the land all their lives know that we get dry years, a series of dry years, and we get wet years, and that is how it works. When I left school and started farming in the late sixties we were in a run of drought.

Mr Goldsworthy: It always rains after a long dry spell.

Mr PENGILLY: Yes, as the member for Kavel said, it always rains after a long dry spell. He is quite right, but I am absolutely over these prophets of doom, climate change and the whole lot. I think it is a whole lot of bunkum. I do not care what they say, it is absolute nonsense, and there are people who have developed an industry on this sort of stuff.

As the member for Flinders' father told him, 'You know, son, they said it won't rain again, but it will.' And it does—we have just had one of the wettest winters on record in my area. We had drought in Western Australia and we will probably have drought somewhere else this year. When it did rain, they said that the Murray was going to take, what was it, two or three years?

Mr Pederick: It would take eight years.

Mr PENGILLY: Eight years before it is all back to normal.

Mr Pederick: It took six months!

Mr PENGILLY: Well, six months later, 24 weeks, and you have more water than you know what to do with. So, Madam Deputy Speaker, through you to the minister, get some sense of common sense and sense of order back into where we are going with this. Yes, we will support the bill but, as the shadow minister has said, there are so many aspects of the bill that are concerning people. I think you have heard some contributions from members from regional South Australia today and over the last day or so about their concerns about where this is all going.

We have this nonsensical business where we are creating more and more bureaucracy and getting less and less done, as the member for Hammond said. It is no good; it just does not work. The Treasurer this afternoon has been struggling to come to grips with where we are going to find savings here and savings there. I can tell you where to find some savings: get rid of a heap of these brown shirts running around the place. I do not mind them wearing brown shirts, but I do not want to see too much of them. If I never see another one again, it will be too soon—it is just a nonsense.

I thank the house for the opportunity to impart a few words on this subject. I hope that people will see some common sense in both houses on where to go with this and that the final outcome does not just give extended power to the bureaucracy to do what they want to do.

Mr GOLDSWORTHY (Kavel) (16:09): I certainly have some issues I would like to raise in relation to the bill, and I will make some general statements concerning the management of our natural resources. I represent in this place an electorate that contributes significantly to the economic outcomes and benefits of this state through the production of mainly food and some fibre, but mainly food. We have a very important and a very vital agriculture and horticulture industry in the Adelaide Hills.

The Adelaide Hills is one of the most productive regions in the state in relation to food production. We have a cool climate, good soils, relatively high rainfall and we are close, obviously, to a major capital city and the respective ports to that city. That makes the Adelaide Hills a very important region in relation to food production in this state and right across the nation.

The shadow minister certainly in his contribution outlined some of the technicalities in relation to the bill, and no doubt there will be more exploration of the technicalities clause by clause when we go through the committee stage. However, as highlighted by the shadow minister and the member for Hammond, I would also like to raise some serious concerns about clause 16 that deletes section 72, which provides that a person can refuse to answer a question or refuse to provide documentation on the grounds of self-incrimination.

To my way of thinking, that actually goes against the very tenets of our law and what makes our community operate in relation to current laws. I am not necessarily casting any aspersions over the motives of some of the officers and the like, but there could be situations that arise in these circumstances where people may be giving some information that may obviously incriminate themselves, but giving it to the government officials unwittingly. They may be, you could say, being trapped into providing that information.

I think that clause 16, where it deletes that section 72, has very serious ramifications for the protection of members of our community and, as I said, goes against the very tenets of the laws that we all live by. I know that, on this side of the house, we will be opposing that, and no doubt it will be opposed in the other place when the bill gets there. My interpretation is that that clause will be knocked out and that the minister will have to assess that when it comes back here again.

I will make some more general remarks in relation to the management of our natural resources. I recall with real clarity when this legislation was first debated in 2004, and I remember that the then shadow minister, the member for Davenport, I think gave one of the longest speeches that this house has been subjected to over a number of years. I think he went for something like seven-plus hours in relation to his speech, but it was all very pertinent information.

At that time there was general support for the integration of the management of our natural resources. However, as we all know, things change when it goes from the theoretical approach to the practical approach, and at the time of the legislation back in 2004 I raised significant concerns about the size of the area that is covered by some of these boards; in particular, the Adelaide and Mount Lofty Ranges Natural Resources Management Board.

That is a significant area, minister, that is covered: all of metropolitan Adelaide; it runs up to the north, up through the Barossa and so on; all of the Adelaide Hills and all of the Fleurieu. It is a significant area. It probably encapsulates two-thirds, if not more, of the state's population. For one board to manage that area, I think, is too much.

At the time, this side of the house moved an amendment to create four regions instead of the one. That was obviously opposed by the government at the time, but I still stand, as the local member representing an electorate covered by that administration, by those comments seven years ago; they are still as relevant today as they were then. I think it is too large an area to manage—two-thirds of the state population. It is an enormous area to really get down on the

ground, and that is what this is all about. That is what it is meant to be all about—effecting positive changes for the benefit of the environment, the community and the like in relation to the management of our natural resources.

The other point I want to raise, and it was raised very comprehensively by the member for Hammond, relates to how some officers that are employed by the department treat members of the community. I have had instances where my constituents have come to see me in relation to the treatment of NRM officers towards themselves. I have met with some of these people and I think I am a relatively patient person, but I can tell you one of these officers—and I am not going to name anybody here; I understand the information would get back to them—was particularly officious. I am a pretty patient person but I can tell you that person tested my patience. This is a real-life situation, minister.

The Hon. P. Caica interjecting:

Mr GOLDSWORTHY: Indeed. The information has gone through. These are real-life situations happening out there in the community, where these people roll up to a landowner's property and basically say, 'I can come onto your property when I like, how I like,' and basically run roughshod right over the top of them. Then they get a pretty heavy-handed letter out to the relative landowners and it frightens these people because they have had very little to do with government over the course of their life.

They have farmed their land, and some of them have made a pretty basic living out of their land, but they are happy. They are happy and contented to farm their property and make a living, basically. When they get an officious government official rolling up to their land, running roughshod over them, it scares them. As a consequence, they come to me and I have helped to explain the situation to them and to try to remedy the situation.

If I can give some advice to the minister—and I hope this filters back through the department to these respective officers and offices—I think some of these people need some training in communication. How they actually deal with members of the public is very important, how they communicate with people. Minister, if there is anything I can leave with you that you can take back it is that these people need communication training because my experience is that they certainly do need it, so I will leave you with that point.

I also want to make some comments in relation to the natural resources management board and its relationship with the development of the Western Mount Lofty Ranges Water Allocation Plan. I could go on for a long time in relation to this, because it has been a long time in coming. If my memory serves me correctly, it was first proposed in 2002-03. It was in the early stages of when I first got elected to this place that I started to attend the first meetings where prescription was being proposed.

There are lots of issues in relation to the establishment of the water allocation plan and I moved a motion several years ago in this house imploring the government to carry out the process correctly, because at that stage it was not. It was not being undertaken correctly, and there are still some serious concerns out in the community about how it is currently proceeding.

I attended one of the meetings at the Gumeracha Town Hall towards the end of last year in relation to the supposed community consultation process, and we have talked at length on this side of the house about how the government undertakes its community consultation. However, I attended that meeting and I can tell the minister that there are still some enormous issues and some considerable concern out in the community that the government has to address.

I was made aware of some comments. A person involved in a formal manner in relation to the establishment of the Water Allocation Plan gave some advice to the minister that it was all generally well accepted—I think they were the words used—by the community. Well, I have something different to tell you, minister: it is not generally well accepted in the community.

The Hon. P. Caica: Did I say that?

Mr GOLDSWORTHY: No, I am not saying that you said it; I am saying that the person who communicated that to you was formally involved in the process. He was involved in one of the advisory committees, from memory. I may not have that absolutely correct; however, that information sticks in my mind, and I am pretty confident that I would not get that wrong: that the advice to you, minister, was that the plan was generally well accepted. Well, I have news for you, minister: it is not generally well accepted. I hope you take that back to your department and to the people giving you that advice and find out what the problems and issues are and fix them.

It is all very well to say, 'We'll roll the plan out and we'll suck it and see', to use the vernacular. I think the consequences of the wrong plan is too great a risk to take. You have to get this plan right at the start and not wait for a review after three years to fix the problems. By then, the damage will be done. We have seen that happen time after time. It is too late after the horse has bolted, to use an analogy. After the horse has bolted, it is difficult to retrieve the situation.

In relation to the Water Allocation Plan, I want to raise a specific issue concerning water trading. We hear this sort of information about water trading in relation to underground water resources in the Western Mount Lofty Ranges water catchment region. As you would be aware, minister, there are literally thousands upon thousands of individual rock aquifers that constitute the underground water resource in the Adelaide Hills. The water quality in those individual aquifers varies enormously, to the extent where you could put a bore down into an aquifer and get a very high standard of water that could actually be used in your home: to drink, to wash, to do your laundry and also, obviously, to irrigate.

Compare that with going a few kilometres in any direction of that particular aquifer, where you get beautiful, crystal clear high quality potable water, and putting a bore down and getting water saltier than if it were from the sea. You can take this on notice and comes back to me. How will you institute a water trading scheme in that environment? How can you trade water from one individual rock aquifer that is not connected to another aquifer, with far different resource capabilities in terms of providing water? How can you implement a trading scheme in that environment?

The underground water resource in the Hills is not like the Willunga Basin or in the South-East where you have a sedimentary basin. Basically, it is a big bath under the ground and it does not matter where you stick your pipe in, or where you stick your bore down, you are tapping into the same source. It is completely different in the Adelaide Hills, in the Western Mount Lofty Ranges water catchment region, so how on earth can you put in place a water trading scheme that is going to work? I do not know. We have asked questions at these meetings and the officers have difficulty in answering them.

I can understand how you can trade water if you know that you are in the same aquifer and it has the same capacity but it is a bit tricky working out exactly where you are. I can understand how you can implement a water trading scheme with above-ground water resources in terms of dams along a common watercourse. I can certainly understand how that works but I do not understand how you can implement a water trading scheme where you are dealing with thousands of different individual water resources, being the individual rock aquifers.

The other issue relates to metering of the water resources, and the leader has raised these issues before in the house. I will put this scenario: my understanding is that, if a farmer has a bore and a dam and he pumps water from his bore into his dam and then pumps water from that dam into another dam, he has to have a meter on those three water resources—a meter on the bore, on the first dam and the second dam. It is all the same water because these two dams, arguably, are not in a watercourse.

They are not collecting any run-off to any great extent—only, arguably, the rain that falls on the surface area of the dam. So, tell me, minister, why would a farmer have to have a meter on the bore and the first dam and the second dam? It uses all the same water because the water comes out from the underground aquifer into the first dam and is filled up and, when that gets full, it is pumped up to another dam. Why does the farmer has to have three meters on the one water resource? Tell me that. That has not been explained, either.

I have covered the most pertinent issues that I wanted to raise in the course of the debate and I am certainly happy for some comprehensive responses back from the minister on those issues.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (16:28): I thank honourable members for their contributions. I will start by reinforcing the point that this set of amendments to the Natural Resources Management Act is the result of a review of the operation of the act that was undertaken before the end of the 2006-07 financial year. That has already been mentioned but I think it is important to reinforce it. I do so in the context that to a very great extent we have had a variety of comments proffered about natural resource management that are, in a much broader sense, about natural resource management—if that makes sense—than the subject of the amendments that we are here to determine.

It was the subject of a report on the review of the Natural Resources Management Act. It was tabled in parliament; it made over 60 recommendations, which included a number of recommended legislative amendments; and, essentially, this bill seeks to clarify existing provisions, simplify administration, improve flexibility and address inconsistencies. Whilst I do thank the numerous members from the opposition who contributed, a lot of it had precious little to do with aspects of the bill that are before the house today. They were in a far broader sense.

Take, for example, the member for Kavel. We are not here today to determine or discuss (although he is entitled to debate any subject he wants) the water allocation plan that is being advanced and the subject of consultation and discussion with various communities—the fine communities—that make up the western Mount Lofty Ranges region. It has to a great extent little relevance to the bill that is before us here today.

What I intend to do, and I think the most sensible way of doing it, is what was foreshadowed by the Deputy Leader of the Opposition, that is, to deal with those specific matters relating to the clauses that are being amended when we go into committee. However, there are a couple of points that I do wish to speak to now because I would prefer to avoid having to speak to things that are irrelevant to the bill when we get to the committee stage.

One of the issues raised was the consultation on the statutory review, that there had not been an appropriate level of consultation. Quite simply, I contend that is not the case. There was preliminary internal consultation with the NRM Council, the regional NRM boards and other agencies in mid-2006. This then formed the basis for public consultation and the review in early 2007.

As I mentioned earlier, on the issues identified in the review that were included in the report, comments were received from over 50 bodies, including relevant state agencies, key bodies and, of course, the local government sector, amongst others. That was then followed by targeted consultation that took place on the draft bill, including having the draft bill available on the department's website.

We received another 33 submissions containing 183 comments, and many of these comments, just like the contributions—without being disrespectful of the opposition—were outside the scope of the review, with many of them requiring further consideration, which will be addressed, as will the issues that the opposition has raised, in the further review of the NRM Act when it occurs.

I have made it clear to the opposition and I have briefed them. In fact, as I understand it, a briefing on the bill was provided to the Leader of the Opposition and the Hon. Michelle Lensink from another place on or around 7 December. I do not have that here in front of me, but I am sure that the Deputy Leader of the Opposition will correct me if I am wrong. We have had significant consultation on this draft bill, so it is not legitimate to claim that the community did not have an opportunity to provide input into the statutory review of the NRM.

I guess the other point that I want to make in closing this, so that we do not have to do it again in the committee stage, is about the power of authorised officers under the NRM Act. One of the subjects is part of that, and we will discuss that. In comparison, authorised officers' powers under the NRM Act are very similar to a variety of other acts. Quite simply, those responsibilities are to be discharged not only effectively but appropriate with the act. There is a lot of assertion—

Mr Pederick interjecting:

The Hon. P. CAICA: I think that I remained very silent during your very ordinary contribution, and I respectfully request that you not interject whilst I am summing up.

Mr PENGILLY: Point of order, Madam Deputy Speaker. I believe the minister directly reflected on the member for Hammond, and I ask him to withdraw.

The DEPUTY SPEAKER: Would that be the comment 'ordinary'?

Mr PENGILLY: Yes.

The DEPUTY SPEAKER: And do you think he finds the word—

Mr PENGILLY: Yes, 'the very ordinary contribution'.

The DEPUTY SPEAKER: Well, let's not repeat it because that makes it worse.

Mr PENGILLY: I ask the minister to withdraw.

The DEPUTY SPEAKER: Minister, would you like to withdraw that scathing comment?

The Hon. P. CAICA: I don't really want to, but if he is offended by it—I notice that he did not get up to move it, but the other member did—I apologise and withdraw if that is what the member for Finnis believes is necessary as a result of what I said.

The DEPUTY SPEAKER: That's very good of you. Thank you, minister.

The Hon. P. CAICA: Getting back to the point, we talk about the powers of authorised officers. A lot of assertions are being made. I did ask the member for Kavel, who raised a certain issue whether he ever bothered to tell me, whether he ever bothered to raise it with anyone. No, he did not. That is the same with other assertions that are being made.

The point I would make is that the powers of NRM officers are not any more extended than those that apply to fisheries officers, EPA officers or occupational health and safety officers. Comments were made about armed police. The last time I remember, although I might be wrong, police are armed. If they are going to attend a situation, they are armed. Is the member proposing that we disarm our police?

In relation to two issues that have been raised by the member for Hammond, I would say this. I raised one issue with the South Australian Farmers Federation when I had them meet with me last week because I thought, 'This is an issue that has been bubbling along.' It is a reputable organisation that represents a host of farmers—very good farmers across SA—and I asked, 'Can you give me examples of when your organisation has been informed by your membership that NRM officers have acted inappropriately?' And we had the NRM representative, if you like, of SAFF at that meeting. They said, 'No, we had one,' and I will not name this particular person, 'who had a little bit of trouble with interpersonal skills.' It was not that she was using her powers—

Mr Pederick interjecting:

The Hon. P. CAICA: And I will get to that. It was not that she was using her powers inappropriately. To SAFF's credit, it was raised through the proper process and they have helped this person improve her interpersonal skills, and there is not a problem with that. We want our officers to act appropriately at all times.

I will make this point about the example that has been used of Mr Fischer. The member for Hammond raised the issue that in 2006 he was found guilty of thieving water. He is a water thief and was, in fact, fined a significant amount of money, which is quite appropriate, for the theft of water. What the member wants, then, is our officers to not have the powers to catch and deal with water thieves. Is that what he is saying, because that is the indication I am getting? The other thing is—

Mr PEDERICK: I have a point of order, Madam Deputy Speaker. I would like to clarify what I said.

The Hon. P. Caica interjecting:

The DEPUTY SPEAKER: We will listen to his point of order first.

Mr PEDERICK: My point of order is that in my contribution I asked the minister to check whether the former minister's reply in 2006 is correct, that is, that the officers entered the property in the appropriate way and showed their identification. That is all I asked.

The DEPUTY SPEAKER: I have consulted with the clerks and there is no point of order, member for Hammond. Minister.

The Hon. P. CAICA: Thank you, Madam Deputy Speaker. Quite simply, the issues that have been raised and advanced by the member for Hammond on behalf of his constituent are matters that were not raised by his constituent at the time of the matter being before the courts. The man was found guilty of stealing water, which shows to me that our officers are acting appropriately. What manner of action does the member want from our officers when situations like this arise? If you had your way, we could do away with all the powers, they would knock on the door and say, 'Excuse me, are you stealing water?' Give me an example—

Mr Pederick: No, that's not what I said. I asked: did they act appropriately?

The Hon. P. CAICA: Yes, they did act appropriately in this instance, and the proper result was achieved. He was found guilty of stealing water. The Parker matter is something that I am not

as familiar with but, certainly, in the discharge of other areas of responsibility it is not unusual for fisheries inspectors, for example, to have police attend with them—

Mr Pederick: So the means justifies the end. If the storm troopers come in, that's it.

The DEPUTY SPEAKER: Order, member for Hammond. If you have a point to make you may make a point.

The Hon. P. CAICA: —at certain investigations. My understanding is this, and there are still some matters that are being dealt with. Quite simply, the attendance of police under those circumstances was on the basis that the person whose premises it was was a person of interest to the police because of previous circumstances. That is my understanding of it. It is not unusual for police to attend under those particular circumstances.

Quite frankly, I think it is time for us to get a bit of rationality into this argument. We have the ability—and we need the ability—to be able to manage our natural resources in an appropriate way, and part of that is the enforcement and compliance of those people who breach, if you like, the provisions of how we manage that.

A couple of issues have been raised. To me they do not have a great deal of substance. Again, I call on the opposition to provide me with examples—because I am a hands-on minister—where I can be far more involved, if you like, in the process of clarifying these matters with not only my department but also with NRM officers.

Again, I do thank the opposition members for their contributions. I would remind members that the amendments here are not about water allocation plans and they are not about the alleged actions of authorised officers. Other issues I am quite pleased to discuss, but I think that our time could be best spent in dealing with the amendments that are proposed, the amendments that are as a result of the review which occurred sometime ago and which have taken a long time to get here and which, in turn, are about tightening up and making more efficient the act under which we operate, that being the Natural Resources Management Act 2004.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr WILLIAMS: Minister, I have a number of questions on this clause in relation to the changes of definitions. 'Designated draining infrastructure', I presume, principally refers to the South-East drains, both the Lower South-East and the Upper South-East. What is the intent of prescribing or bringing the drainage infrastructure into the act, and I guess prescribing the waters within those drains?

Also, is it the intent of the government to then allocate that water, because, as the local member for the whole of the area where the drains are in the South-East, I am of the opinion that we have some pressures on water allocations in the South-East, and that it would be premature to allocate any new water resource or newly-proclaimed water resource in the region before we have finalised the local debate and come to a landing on those other pressures on various parts of the water resource in the region?

The Hon. P. CAICA: I thank the honourable member for his question, and to a very great extent he has answered it himself. The amendment defines the term 'designated draining infrastructure'. It is used throughout the act. In particular, section 127 allows prescription of water resources in drainage infrastructure in the South-East in the state thereby allowing what is the management of water taken from that resource.

I recall in one of my many visits to the South-East discussing amongst other things the drainage system down there. Historically, it was to get water away from the land to make it useable, arable land or fit for primary industry production of one form or another. Of course, as we go through processes that we have, and through the unprecedented drought that we experienced in the South-East as we did everywhere else, there is now a different perception about this water. If it is able to be used in the future, in the first instance it needs to be ascribed as a resource and then subsequently be able to be used.

Now, no determinations have been made at this point in time about that specific matter, but it allows the provision for that. As I understand it, that is something that has been requested by a

significant number of people in the South-East. Here is a resource that, historically, it was all right to let go out to sea, but why don't we look at ways in which that water could be more effectively used—part of it environmental, part of it for furthering, if you like, or supplementing, adding to and increasing the level of the resource in the region? So, that is the thrust behind it, Mitch.

Mr WILLIAMS: Just on that, before I ask the next question, the minister erroneously claimed that the drainage infrastructure in the South-East is totally there for agricultural purposes. I will make this comment because I know that the minister has another draft bill out for public consultation about changing the way we manage the drains in the South-East.

The drains in the South-East were first created as a move to stop the South-East from seeking to secede from South Australia. It was about transport: it was not about agriculture. The minister might reflect on this and take some advice on it about the difference between public good and private good, because there will be a debate on that as he brings that other matter forward. So, I respectfully advise the minister that there is some homework for him to do there. He might certainly reflect on the work George Goyder did in that matter.

This brings me to clause 4, subclause (5)—the changes to the definition of intensive farming. Now, the clause deletes the existing definition and replaces it. The first part, paragraph (a), of the new definition is very similar to the existing definition. The definition hinges, in my opinion, on the word 'usually'. It is about where 'animals are usually confined to a small space', because it has become, in recent years, common farming practice—particularly in the times of drought, but sometimes just as a part of normal practice—to confine animals on a farm to a very small part of the farm if supplementary feeding is being used. It is not intensive farming in the sense that you are running a feedlot, you run your normal herd in a feedlot type situation for a short period, maybe four to six weeks, particularly if there is a late break in the season.

So, I think the legislation needs to be cognisant of that quite modern farming practice. It has only been utilised probably in the last 10 or 15 years in the South-East; it has probably been used for longer in other parts of the state, particularly in those cropping areas. I also acknowledge that the number of livestock in those areas is considerably less today than what it has been historically.

The part that does, I guess, excite my curiosity, for want of a better way of putting it, is the new paragraph (b), which says, 'any other form of farming designated as intensive farming by an NRM plan'. So, we have an act with a clause which gives a definition to terms used in the act, yet we are going to then have the NRM plan itself develop new definitions. I cannot for the life of me understand the necessity for that particular clause and what sort of definitions, or what other forms of farming, might be contemplated by an NRM plan.

The next part—the last part of the proposed new clause, starting after paragraph (b), where it says, 'but does not include' and goes on—runs completely counter to paragraph (b). So, you have got the positive and negative expressing the same thing in two different ways, to my reading, and I am wondering why that is.

The Hon. P. CAICA: I thank the member for his question and I also acknowledge that the information that I received whilst I was with him in the South-East might not have been as accurate as what I had been told. I acknowledge that and will certainly be more careful when referring to the drainage system and its relationship with productivity of land, which happens to be a consequence of, if you like, another matter as to what was determining it. I thank the honourable member for helping me with my education in these matters.

The current definition of 'intensive farming' through this process and through the review was determined to be inadequate and difficult to apply in the many and varied situations within the NRM regions. It is, as was mentioned, common practice for stock that are normally free range, for want of a better term, to occasionally be kept in a temporary feedlot for drought, finishing or quarantine requirements. This can vary from region to region and, currently, it is not clear whether that component of it constitutes intensive farming.

This amendment alters that definition of intensive farming to allow NRM plans to include or exclude various forms of farming and therefore further define what constitutes intensive farming in the particular NRM region. In such situations, the community have the opportunity to comment on any inclusions or exclusions through the consultation on the particular plan.

It is also important to remember, in the context of this clause, that it actually refers only to stock. You then need to refer to sections 101, 106 and 124 of the main act where intensive farming

is referred to and that deal specifically with, and only with, stock. It is really about clarifying what the situation is. I think this is probably a very good amendment, because it will make things a lot clearer for all people in the administration of the act.

The CHAIR: Member for MacKillop, does that answer your questions?

Mr WILLIAMS: The minister has almost answered my question and the information he has put on the record is of use in my understanding of what is trying to be achieved here. He acknowledges the points that I was making with regard to modern farming practices and I was keen to get that on the record.

Minister, I refer to subclause (7), deleting the definition of 'residential premises'. I also find it curious why we would delete a definition of residential premises. I understand the current definition includes not just the physical house but also the curtilage. I suspect that the definition of curtilage in the act would include the house and the house yard. I think the dictionary definition of curtilage is basically a courtyard enclosed by a wall or other buildings, but I think in the context of the act it probably includes the house and the yard or the garden surrounding the house. I am wondering why it is deemed necessary to remove that definition from the act.

The Hon. P. CAICA: I do thank the honourable member for his question. He is aware that the current definition of residential premises includes both a building occupied as a place of residence and the curtilage of such a building. It is fact that authorised officers cannot enter residential premises unless they are state authorised officers or have a warrant issued by a magistrate, and this requirement remains unchanged.

The inclusion of the term curtilage in the definition of residential premises under the act is actually causing confusion. I do not know your property, Mitch, but you probably have a driveway of a couple of hundred or a couple of thousand metres, tree-lined and looking very nice and stuff like that. You would say, 'Is that actually your property or your place of residence?', even though your house is about 300 or 400 metres down the track.

The term curtilage in the definition of residential premises under the act has caused and is causing confusion for both authorised officers and landowners alike as there is no standard legal definition for the term as it can vary from premise to premise and property to property. It was first proposed to remove the term curtilage from the definition of residential premises; however, it is proposed to remove the definition altogether and from here on rely on what is the common law interpretation of premises, and that seems to make a lot of sense.

This would, in turn, then conform with other legislation in the portfolio, such as the Animal Welfare Act 1985, the Dog and Cat Management Act 1995, the Environment Protection Act 1993, the National Parks and Wildlife Act 1972 and, indeed, the Native Vegetation Act 1991, where 'residential premises' is not defined and the common law definition of residential premises is used for the purposes of that legislation. In turn, that would provide not only a consistency but, through that consistency, we will then be able to avoid confusion for authorised officers, those people who occupy those residences, and officers occupying across multiple acts.

Clause passed.

Clause 5.

Mr WILLIAMS: The amendment proposes to delete section 11(4)(b) from the act. The effect of deleting this paragraph would be that the minister could then delegate powers under chapter 5. Paragraph (b) denies the minister delegating powers under chapter 5. I accept, minister, that delegating powers to officers within the agency makes life very easy for the minister, but it also dilutes the flow of accountability.

I think there are certain things for which the minister or the executive arm of government should be responsible and accountable. I would contend that a number of things, particularly within chapter 5, are those very types of things. Chapter 5 contains the financial provisions to which it refers. Some of the powers—section 92(3) allows the minister to determine that differentiating factors could be applied in determining the respective shares to be contributed by various constituent councils within an NRM region.

I am not too sure that the parliament should be happy that that sort of determination ought to be made by a bureaucrat. I think that sort of determination should, indeed, be the responsibility of the minister. Section 93(8) means that the minister has to notify the Local Government

Association prior to making such regulations under this section, which is, again, something that I think should remain with the minister.

Section 95(3)(c) is where the minister may give dispensations from a council from section 154(6) of the Local Government Act. That is where the council cannot declare a levy more than one month before the beginning of a financial year. Again, I am not too sure that there was an intent in the parliament—particularly when the Local Government Act went through the parliament—that that sort of power be held by a bureaucrat rather than the minister. I would make the same comments about section 95(9).

Section 97 gives the minister power to declare levies in unincorporated areas, including differential and minimum levies. Again, I think that power should be held and the accountability for those declarations should be a part of the function of the minister.

Section 101 refers to the declaration of water levies. Minister, these levies are, for want of a better word, taxes. I am not too sure that we should be delegating the power to impose taxes to bureaucrats. That is the role of policymakers—that is, the executive government, the minister. That is where the accountability should lie and that is where the decision should lie. It is the same for special purpose levies in section 103. Section 106 gives the minister the power to determine how much water has been taken in an instance where there is no meter. Again, I think that should be a determination made by the minister.

Section 113 gives the minister the power to sell land to recover unpaid levies and, again, I think that should remain a function of the minister and not be delegated to some underling within the department. More importantly, I think section 115 gives the minister the power to declare the penalty to apply for various transgressions of the act. I would be very deeply disturbed to find that power being delegated to some underling, goodness knows how far down the pecking order, within the agency. My question is: on what basis would the minister have the parliament delete this particular section and allow him to delegate those powers that I have put on the record? There are other powers (which I do not have quite as many problems with) within chapter 5 which might be of concern for other members.

The Hon. P. CAICA: I thank the honourable member for his question about these particular areas. In the first instance, we already have a significant amount of delegation across the NRM Act anyway but not all those responsibilities within those delegations are delegated. Really, it is a matter of who we delegate to and what powers that person will be responsible for through that delegation. That is yet to be determined. The power to delegate certain functions already exists but currently we cannot delegate any of my functions and powers under chapter 5. Even in other areas where we do delegate it is not carte blanche for that person to go out and make a decision, if you like, unilaterally without having some type of feedback to the minister about what is going on. The parameters of the delegation are very important, as well, in relation to it. That is done through policy setting and a clear understanding of the person who has the delegated responsibilities.

I know that in a time, far, far away, when you will be a minister, from time to time you will be very thankful for certain delegations that you, as the minister, have. There is a degree of minutiae (and I am not suggesting this it is not important) involved with some of those delegations and they cannot necessarily be handled by the minister on a daily or hourly basis. Really, it is still a matter of who and what and the parameters of the delegations.

This chapter, as mentioned by the deputy leader, relates to financial provisions and includes provisions on the statutory funds—the Natural Resources Management Fund, the separate account kept at Treasury, and the regional NRM boards. This has caused difficulties in the practical use of the NRM Fund because it has had to come back to the minister because it could not be delegated.

I like to be busy, and I can sincerely say that I am gainfully employed, but there are other things that can be administered and done by the department and agencies and I feel very comfortable with that particular aspect of delegation. It is quite inefficient for me to be personally required to administer the Natural Resources Management Fund—for example, the refund of levies and single-farm enterprises for levy collection purposes and, of course, other financial aspects of the administration of the NRM Act. I consider it appropriate, for relevant functions and powers contained in chapter 5 of the NRM Act, to be delegated to appropriate departmental officers. It will achieve, I believe, a more efficient administration of the act.

Again, I reinforce the point made earlier that we have a variety of delegations across the act and not all of them are utilised in all aspects of those areas in which delegations are made. It is

about who is provided that delegation and also what powers that person will have. This is just providing the provision for that section of the act (should I so determine) to be delegated in certain aspects or sections.

Mr WILLIAMS: I accept your point, minister, and I did say that there are other matters there that did not concern me if they were delegated. However, I have highlighted a number of matters with which I would have a problem. What you are asking the parliament to do is give you a blank slate, and you are saying, 'Trust me.' I think you acknowledge that there are some things that not even you would delegate. I am sure, minister, you have heard this, and if you had spent a little bit of time in opposition you would have said it a number of times.

The Hon. P. Caica: I had a day in opposition.

Mr WILLIAMS: Yes; if you had a little bit more time I am sure you would have said it. The comment I make, and it has been made many times in this place, is that, notwithstanding that we might trust you as the minister and the way you administer this act, once we sign away this provision any minister in the future, and that could be anybody—

Ms Chapman interjecting:

Mr WILLIAMS: And we have just seen some pretty amazing changes—it could be anybody. I do not think that the parliament should at any time give away those sorts of powers for some unknown minister in the future to administer.

Minister, I recall that one of your colleagues made a comment not long after coming to government back in 2002. With quite a surprise your colleague made a comment—I will paraphrase it—and it went something along the lines of this, 'I've just discovered that you Liberals and we in the Labor Party have a common enemy. It is called the bureaucracy. We have issues with things that happen in the bureaucracy that we can't control just the same as you did.' This is what I think the parliament needs to guard against.

I am not saying that the bureaucracy is doing things in an evil manner; I am saying that when we pass on powers to the bureaucracy it is very rare that we will ever get them back. It is very rare that they will come back to be a power exercised by the executive. The parliament, I think, has failed itself over the years by giving too many powers to the executive, and I think it has failed itself even further by allowing the executive to give too many powers to the bureaucracy.

If you made the case that there are certain issues within chapter 5 that you think should be delegated, and you brought an amendment to the house to seek the authority to delegate those particular matters, which you refer to as the minutiae of the administration, I am sure parliament would take a different view. Can I suggest to you that, in this form, I suspect the opposition will seek to reject this particular amendment in the other place.

The Hon. P. CAICA: I thank the Deputy Leader of the Opposition for his very considered view on this particular matter. I remind the committee that it is inefficient for me to administer certain aspects of the Natural Resources Management fund, for example, a fund for levies. There is scope within chapter 5 to delegate.

We know we are going to win the amendment here in this house. I will give an undertaking to listen to the debate in the other place. I acknowledge that not all of it is minutiae. I did not mean to say that we are only delegating responsibilities that were of a very minor nature, because we will still have the ability within this to delegate within the parameters, or we can even put conditions on the form of delegation. We delegate certain aspects of that responsibility and hold back the responsibility for other aspects as well.

The undertaking I will give is to listen very carefully to what is said in the other place and see how it goes up there. If there needs to be further discussion as a result of what occurs up there, and the fact that it will come back to me, I am willing to do that. However, from my perspective I am very comfortable with this, and I have more faith that, in a time far, far away, when you will be the minister, you will be able to handle in an appropriate way the delegations that others have provided and you yourself will provide to people in the bureaucracy.

Clause passed.

Clause 6 passed.

Clause 7.

Mr WILLIAMS: For expediency we might as well handle clause 7 and clause 11 together, because they basically do the same thing. Clause 7 is about the NRM Council, and clause 11 is about NRM boards. Both clauses seek to extend the term in the respective areas of the NRM management of board members from three years to four years. Listening to my colleagues speaking, I think more than one of them raised the issue that we are getting to the point where seemingly it is becoming difficult to actually get people to fill these positions. I am not too sure whether that is the case with the council, but certainly with the boards I suspect that that might be the case, and I am wondering whether part of the reason for extending the term by another year is that it will make it easier to say to people, 'Look, we'll extend and you'll get four years, and we will give you a second term and you will do eight years,' as a way of trying to get fewer people to fill the positions, for a longer time, because a lessening interest has been shown in serving on these boards.

To my mind, extending the time of service on the boards to four years, and, with a second term, out to eight years, I think is working against what we are trying to achieve with natural resource management. I do not see the service on the board, particularly at the local level, as a career. I see it as something where somebody can contribute, and contribute fully, and if they can do that in a short term I think they will be more active in their contribution and make a better contribution, rather than being expected to hang around for an extended period. So, I would like to hear the minister's rationale for this particular move, and the opposition, when coming to a final decision on this particular clause, I guess will take on board the comments that the minister makes.

The Hon. P. CAICA: I thank the member for his question here. He is right to acknowledge that the amendment will change the term of members of the NRM Council from up to three years to four years, and that, in turn, builds the capacity to allow members, should they so choose, to serve a maximum of eight years rather than six. The thrust behind it is actually to build some capacity and, in turn, reduce administrative costs. However, it is not so much about the administrative costs but more importantly the ability to build capacity.

You would know that in this job I am taking an abiding interest in all aspects of NRM, and certainly I had that interest well before I became the environment minister, in my role as the agriculture minister. That is why we are progressing what is the next logical phase of NRM reform, and that is to integrate natural resource management across the entire community, and indeed government as well.

But what came to my attention as much as anything else is that people did not necessarily want to serve six years. There were those who did, but, with others, by the time they finally got their teeth into what they were doing the three-year term was up and then they had to make a commitment as to whether or not they would do another full three years. There are those who will do that, and there will be those who do eight years.

In fact, what we found is that—and I think it was one of the flaws in the first piece of legislation, without being disrespectful—we had the three-year term but we did not stagger the appointments, and we now have a great number of people leaving NRM. We need to make sure that we have continuity of experience while still refreshing the NRM boards.

So, it is certainly not about, as might have been suggested, proposing this amendment in such a way that we actually reduce the number of people who might want to apply for these jobs. Far from that, and quite to the contrary, it is about working with the local communities, and I look forward to working with local members, and I have asked local members in some regions. We want quality people who are not only fine, outstanding representatives of the community but who can bring a level of expertise to these NRM boards that have an extremely important role within our communities.

So what I found in discussions is that it has been considered that the three-year terms for NRM Council members are too short. The membership does entail a bit of a steep learning curve—a bit steeper for some than others—and new members tend to reach their highest level of effectiveness after a period of time. As I mentioned, they might want to do the next three years but they may want to ensure that they complete their first term and achieve some work at the end of the fourth. So, it allows that flexibility.

The other thing that we want to do, and this change is very important, is avoid the circumstance where we now find ourselves in where there is almost a wholesale departure of very talented people from the NRM boards. This change will also facilitate a two-year staggered membership for half the members.

Mr Venning: Why is that, Paul? Why are they leaving suddenly?

The Hon. P. CAICA: Because the legislation that you passed back in 2004 allowed only for a maximum of two three-year terms to be served. So they have served their time.

Mr VENNING: You're in government, not us.

The Hon. P. CAICA: But these, as I understand it, were again—and I knew you were going to check on it—amongst the—

Mr Venning: I am asking the question genuinely. I really am.

The Hon. P. CAICA: Yes, I know you are, because you are a very genuine person. My understanding is that they were the Venning amendments, three versus four. Notwithstanding that, I think that we have had time to reflect on what was a very large piece of legislation. The debate went for some 50 or 80 hours, or something like that, and I can remember on occasions going home when you could hear the birds singing in the morning after very long nights here.

An honourable member: You took the long way home.

Mr VENNING: No, I didn't. Anyway, we think this is appropriate. Not only do I think it is appropriate, but the people who have already served on the NRM boards and are now leaving think this would be a far more satisfactory situation than the two three-year terms. We are having people leave at the moment, and the member has probably been contacted by some people within his region who would have liked to have continued but, because of the provisions in the act, they cannot. We want to make sure that we not only create an environment that attracts people to put their hand up for NRM responsibilities but we also give them enough time during their tenure to do the work that they are committed to doing.

Mr Venning: So, it is four years and no right of renewal?

The Hon. P. CAICA: No, it will be two four-years. When you retire, Ivan, and you want to serve on the NRM board, which I hope you will consider, if you do two four-year terms, a bit like the presidency of the United States, you cannot do another term.

Clause passed.

Clauses 8 to 11 passed.

Clause 12.

Mr WILLIAMS: I strongly suspect that when the opposition formalises its position on the individual clauses it will reject this clause. The reporting date in the current act is 31 October and the amendment seeks to push that out to 30 November. I mentioned in my second reading contribution that it will mean, effectively, that the tabling of the annual reports under this legislation will not happen in this house, or the other place, until the New Year.

In the last couple of years this parliament has not sat in December and, in any case, if we sat for one week in December the minister would not be obliged to table the annual reports at that point. So, again, I question why parliament would seek to lessen accountability by allowing there to be no scrutiny of the annual report until at least February following the 30 June reporting date. I really think that this is pushing it, minister. I am not quite sure who we are trying to satisfy and to whom we are trying to give an extra 30 days to meet their obligations to get the annual report in order and presented to the minister.

I would have thought that, if an organisation—whether it be the NRM Council or an NRM board—cannot fulfil its obligations to complete its report to 30 June by the end of October, there is something wrong with the organisation, and the question should be: what can we do to fix that problem rather than give it another 30 days to fulfil its obligations?

In fact, I would have thought that most bodies should be able to report. A number of agencies are obliged by statute to report by the end of September, and I would have thought that that should give enough time in any case, but in this case we are wanting to extend from October to November. What is the explanation for that?

The Hon. P. CAICA: I thank the deputy leader for his question. To put it in the simplest terms, the reports must be audited by the Auditor-General, and, without being disrespectful to the prioritisation of the Auditor-General, quite often some of those auditing priorities are associated with some of the larger agencies, corporations and authorities within government than the natural resource management boards.

Really, as much as anything else, this is about taking into account that historically we have had to table them very, very late. In fact, they have been late being tabled because of the delay in getting them audited. They have to be audited, then they come to me and then they have to be tabled. This is allowing, I guess, an acceptance of the reality of the situation in regard to the requirement to get them audited via the Auditor-General and what have been the delays over a period of time in actually tabling them in the parliament.

It is not through any grand design to try to circumvent any process of tabling. It is about being accepting of the fact that historically it has been delayed, and delayed for a variety of reasons that are outside the control of the NRM boards, and, indeed, to a very great extent out of the control of the minister of the day.

Mr WILLIAMS: I hear what you say, minister, and I accept what you have put to the committee, but what I do not accept is that, as a parliament, we are going to put up with having a reporting date of 30 June but not get the report tabled in this parliament until February. I think that there is a serious problem there.

I can think of a number of remedies to that problem—maybe, minister, if you changed the reporting date under the act of the various bodies within this act. I see at least two remedies: one is to ensure that the Auditor-General's office is resourced such that it can work in a timely fashion on all its responsibilities, that is, audit all the bodies that are within its functionality within a time frame which brings a high level of accountability to the parliament; or has there been any consideration to changing the reporting date of these NRM bodies—maybe make their annual report as of the end of the calendar year and change their reporting date to, say, the end of March?

The point I want to make is that I think the ultimate scrutiny of these organisations is by this parliament, and I do not think that we can do that effectively when we are looking basically at historic figures, the historic reporting, which is what it becomes when we do not get the annual report tabled in the parliament for more than six months after the close-off date of the reporting period, and I think that is a problem.

I think that the parliament would be more than willing to look at changing the reporting date to accommodate the Auditor-General. I fully appreciate the issues with the Auditor-General. He is busy. He is like any accountant—he becomes extremely busy at one period of the year and possibly nowhere near as busy in another period of the year. We might be able to accommodate and help the Auditor-General out as well.

The Hon. P. CAICA: Again, I thank the deputy leader. I guess I would reinforce his point, and again, I know that, just as is the case with the deputy leader, none of this is reflecting at all on the workload and the ability of the Auditor-General—we have both made that clear.

The annual reports of the regional NRM boards need to include the activities of the NRM groups as well, which adds more complexity to it. I am happy to look at ways by which we can ensure that there is a better relationship, if you like, between the end of the reporting period and the time in which the report comes to parliament. I am happy to work on that.

This amendment, as I said earlier, was allowing for the situation as it exists. Are we accepting, and should we be accepting, of the situation as it exists? I am happy to look at those, Mitch. We also know too, that there is a part of this section you have raised which allows the annual reports of the NRM councils to be tabled separately as well so that they do not all have to come at the same time.

Mr Williams interjecting:

The Hon. P. CAICA: Yes, that's right; but I wanted to reinforce that particular point as well. I am happy to look at other aspects as we continue. As I said, the next logical step of NRM reform is being undertaken now, as we speak, and we are going to be coming back on NRM issues. Other matters, that we would say are the nuts and bolts issues that are the subject of this series of amendments, will not be excluded from being reviewed as part of future legislative changes, but I am also happy to have a look at it between now and the time it comes back from the other place, if indeed it comes back.

Mr PEGLER: Can I just have some clarification here? If they took the date those reports have to come to you back to 30 October, you would still have 12 sitting days before they were presented to both houses of parliament, so it would not happen until at least February anyway.

Ms Chapman: It would if they sat in December.

Mr PEGLER: Yes, but there have never been 12 sitting days between 1 November and 25 December, have there?

Ms Chapman: Yes, there have been.

Mr PEGLER: I am asking the minister what would happen in reality.

The Hon. P. CAICA: I thank the honourable member but, in essence, a part of this relates to the NRM Council. I am advised, with respect to this particular aspect, that what we are changing here is the date by which the annual reports need to be tabled or received by the NRM Council. The date that I receive them through this process has not been altered or rectified.

Mr PEGLER: So what is the policy of the days between when you receive it and—

The Hon. P. CAICA: I apologise if I have confused you. It will still be 12 sitting days from the time that I receive it, but this component that we were talking about there, and the date that we are changing, is the date at which the NRM Council receives the reports. The date that I receive it is still the same. My requirement, if you like, on receiving that is still the same as you have identified.

The CHAIR: Does that answer your question, member for Mount Gambier?

Mr PEGLER: As clear as mud!

Mr WILLIAMS: The minister has now confused me in that answer. It says in section 38, yes, 'By 31 October provide to the NRM Council a report.' Now the amendment, which will be the new section 38, provides, 'The regional NRM board must, on or before 30 November in every year, provide to the minister a report.'

The Hon. P. CAICA: I may have contributed to this particular confusion, but we have changed the process. What will happen is that the reports will come directly to me.

Mr WILLIAMS: Directly to you.

The Hon. P. CAICA: Yes, as I think you assumed.

Mr WILLIAMS: We may have stumbled across something that is already occurring, but in any case I still repeat the point that I think that the parliament should insist that it receives annual reports a little earlier than more than six months after the end of the reporting period. If we are going to accept that sort of delay before annual reports are tabled in the parliament, it means that we are going to accept that we are always working on historic reports rather than contemporary reports, in the sense that, if there is something that a member has issue with in the report, often it will be too late to actually address it. Too much time will have transpired for a serious level of accountability to be achieved through that length of delay between the end of the reporting period and the time when the parliament receives the report. That is something that I think should be seriously looked at.

The Hon. P. CAICA: I think I answered the question earlier about severing that and it will come straight to me. Notwithstanding that, you have reinforced the point you made earlier about the reporting time frames and I said I am happy to revisit those, and that would include discussion with yourself, amongst others.

Clause passed.

Clauses 13 and 14 passed.

Clause 15.

Mr WILLIAMS: This particular amendment just inserts the words 'or any other' to section 65 subsection (1) of the principal act, which provides:

The Chief Officer may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function or power of the Chief Officer under this Act.

This amendment proposes to add the words 'or any other' after that. Does that mean that, via this instrument, we would give the power of the chief officer administering this act the power to delegate any function or authority that that chief officer had under any other act within that chief officer's purview?

The Hon. P. CAICA: Section 65 of the NRM Act enables the chief officer to delegate a power or function 'under this act', and he can only delegate the powers he has got; he cannot

delegate powers he has not got, so it needs to be in the context of this particular act. However, the chief officer is empowered under the Controlled Substances (Poisons) Regulations 1996 to approve supplies of bait and impose conditions on the granting of approval to acquire and possess baits.

This amendment is necessary to expand the chief officer's power of delegation to a function or power conferred on the chief officer under those other acts. So, he is responsible for the example I gave there, and this is about facilitating that particular provision for him to be able to delegate that responsibility.

Mr WILLIAMS: Thank you for the explanation. On the surface, it probably makes sense. You have no doubt consulted with your colleagues and other agencies under which those acts, or the administration of those acts, rightfully fall. Certainly, from the opposition's perspective, I am sure that we will do the same and consult with shadows in those other areas of responsibility. I cannot really comment, other than I find it a strange way to legislate. Rather, a statutes amendment bill would put those powers in those specific acts.

I am not a lawyer and I am obviously not a parliamentary draftsman, but it seems odd to me—and I am not sure that I have ever come across it before—that we give a power to an officer to delegate an authority which is derived in another act. I will take advice on that. Having made that comment, Madam Chair, we can move on to the next clause.

The Hon. P. CAICA: Just before we do, I would like to respond to that. We, as a government, determine what it is that we want to change through legislation and then we take the advice of the very expert parliamentary counsel that exists in this state. They provided us with this provision, which is the best mechanism by which it can be done.

I reinforce the point that was made by the member for MacKillop, the deputy leader, in relation to dialogue with my colleagues. It is ongoing. Of course, he would be very aware of the circumstances that prevailed with respect to the mice in most recent times. We look at ways by which we can manage those things most effectively, given that some of the responsibilities cross over. You understand that.

Mr WILLIAMS: Yes.

Clause passed.

Clause 16.

Mr WILLIAMS: I can quite confidently say that the opposition will seriously consider this clause and, I suspect, might oppose it. I bring the minister's attention back to comments that my colleagues and I made during the second reading contribution. I think there is a feeling—certainly on this side of the house—that, in administering the act at the grassroots level out in the field, members of the opposition, through contact with constituents, are of the belief that there is a degree of over-zealousness in the way that some of this environmental law is managed. It is not just this act.

The Native Vegetation Act has been mentioned, as have the various drainage acts which relate to my part of the state, as well as a couple of other pieces of environmental legislation. We believe that the heavy hand of the authority seems to be much heavier than it is in other areas of the administration of the law within this state. I am fairly confident that the minister is going to argue that the changes proposed to section 72 only reflect similar wording in other pieces of legislation.

That may well be the case. I do not think that excuses us for taking this giant step. In my understanding of the law (and, again, I profess that I am only an amateur when it comes to my understanding of the law) there is a common law principle that you have the right to remain silent. This right certainly would be taken away in this circumstance.

One of the curious things that I noted when I was reading through some of the briefing notes, which I suspect were supplied either from the minister's office or from the agency, suggested that this applied to bodies corporate. My reading of it is that it certainly applies to individuals as well as to bodies corporate. I cannot explain why I got that impression from the briefing notes but my reading of it is that this applies to individuals. I have grave and serious concerns about it, particularly in light of the experiences that I have had vicariously through my constituents—and those experiences seem to be very similar to experiences had by a number of my colleagues.

I would like the minister's explanation as to why he wants the parliament to accept this amendment. He asked us for some examples with regard to the implementation of environmental

law and why we felt the way we did about the actions of officers. He might give some examples as to why he needs this particular change to be able to administer this act in a practical sense at the coalface.

The CHAIR: Member for Schubert, are you working on the same question?

Mr VENNING: I support my colleague, so the minister might like to answer them both at the same time. This one seems very strange to me. The member for MacKillop asked why one would want this power because I think it is quite Draconian to force a person to talk. We have always had the right to remain quiet. Minister, you must have some examples, particularly as you have an experienced officer with you today. You might like to give us some instances of where the act is advantaged by having this clause in it, particularly when you read down at the bottom in section 16(72) where it says it is not admissible in evidence against a person in proceedings. In other words, you cannot use this in the proceedings against a person. Why then would you want this power? I cannot work it out. If you look down the bottom it says you cannot use the evidence, so why do you want it?

The Hon. P. CAICA: The clause proposes to amend the law relating to self-incrimination under the NRM Act. Currently, section 72 of the act provides that a person is not obliged to answer a question or produce a document or record if, to do so, might incriminate the person or make the person liable for a penalty. The amendment specifies that it is not an excuse for a person to refuse or fail to answer a question or to produce or provide a copy of a document or information on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

However—and it was identified—the amendment also provides that any material supplied in these circumstances cannot be used to prosecute that natural person, other than in respect of making a false or, indeed, a misleading statement or declaration. This amendment is as a result of a recent High Court decision which determined that the privilege against self-incrimination did not apply to a corporation. The High Court determined that the rationale for the availability of the privilege against self-incrimination to natural persons, both historical and modern, does not support the extension of the privilege to artificial legal entities such as corporations. I do not know the circumstances, Ivan, with respect to how your massive portfolio and property are structured, but it might well be likely that it is—

Mr Venning interjecting:

The Hon. P. CAICA: No, I'll finish. The privilege in its modern form is the nature of a human right designed to protect individuals from oppressive methods of obtaining evidence of their guilt for use against them. The proposed reform provides for the disclosure of information relating to the environmental harm, while providing that the information disclosed is not admissible in evidence against the natural person. It seeks to strike a balance between the need to protect the environment without abrogating the rights of the individual. That is the point I want to make. Given the assertions that have been made by certain members of the opposition today, I am very confident that this will be a provision that will not be used often—

Mr Venning interjecting:

The Hon. P. CAICA: No. Let me make this point, and it was the last point I just talked about. If environmental harm is being caused it is the responsibility of the officers and the department to militate against and stop that environmental harm as quickly as we possibly can. Therefore, by asking questions we get the information to remedy, in a more timely fashion, that circumstance that otherwise would be the case. The thrust behind this is to make sure, unless it is false or misleading, that the information that is given allows further action to be then be activated in such a way that we militate against or minimise the environmental harm that is being caused at that particular time. That is the genesis of it and the thrust behind it.

Mr WILLIAMS: You just made a compelling case for the use of torture, minister. The sooner you get information the sooner you can act on it and stop the harm. That is what you said, minister. Notwithstanding what you did say to the committee, Clause 72(2)(a) provides that in the case of a person who is required to produce or provide a copy of a document or information, the fact of production or provision of a copy of the document or the information (as distinct from the contents of the document or the information) is not admissible. So, the fact of the production is not admissible, but the bit in the brackets—as distinct from the contents—the contents of the document or the information is admissible, on my reading of that.

I still have very grave concern. I accept that the sooner you can get the information the sooner you can react to it; but, I do not accept torture, irrespective of the benefits that might provide. I do not accept that we should have environmental officers knocking on people's doors and telling them that they have no right to remain silent, that they have to produce the information, being backed up by armed police officers, and these people have the living daylights scared out of them, they really do.

You asked for some cases. I had a distraught constituent ring me a few years ago, who experienced this type of behaviour by an environmental officer who entered her and her husband's home and put a recorder on the table and basically said to this couple that they had to answer questions; they refused to. The husband was recently recovering from a stroke.

The environmental officers then said that they would come back at a different time. The wife said to them, 'Well, don't come on Tuesday, because on Tuesdays I actually work in the local town. I have employment commitments, and because my husband is still recovering from a stroke I don't want him to be put under this pressure without me being here.' I will not say it was the following Tuesday, but very soon after that on a Tuesday these people arrived at this family's home, knowing that the wife was not there, pulled out their tape recorder and started to question the husband. I got involved in that with one of your predecessors and eventually we got the matter resolved. If these things were not happening, we may not have the reservations that we do about the sort of proposals that you have brought to us.

I have very severe concerns about an environmental officer from one of your whole suite of agencies having the power to walk onto a property and tell the owner/operator of the property that they have no right to remain silent, that they have to answer a question. I think it is fundamental that what they should be saying to the people they want to interview is that they do have some rights. I think they should be told that they have the right to remain silent. I think they should be told that they have the right to consult a lawyer before they answer any questions.

If you and your government do not think that is the sort of society that we should be living in, I feel sorry for you because I think most of the people out there in voter land do expect that that is the sort of society that we have in South Australia.

Mr VENNING: I want to support the shadow minister in relation to this. I want to go through a scenario with the minister because I find this rather impossible. I cannot believe we are considering legislation like this.

Take a scenario. We are back on the farm and working away quietly, doing what a farmer does, and all of a sudden an officious car pulls up, two officials get out and they say, 'Mr Venning, we are here on natural resource management business; in fact, about the accusation of you abusing your water licence'—and/or whatever—'and you have to answer these questions and we want the documentation and we have the right of entry.'

Hang on. I am standing there thinking, 'I need some advice. You have given me 2½ seconds to think about this. I am not saying anything. I need my lawyer present.' You say, 'No, you've got to answer this now.' Surely everybody has the right to say, 'Let me at least ring my lawyer and see where I am with this.' It would be nice to say, 'Look, come back in 24 hours and I will have my lawyer present and we can address this,' but you are saying, 'No, you have to answer these questions instantly and we have right of entry at the same time.'

I cannot believe it, and you still have not actually told us. I understand you need to have powers to address the people who do not do the right thing—and there are people who do that, we know that—but I think this is going far too far.

Mr PEDERICK: I, too, want to speak against this amendment. I think it is draconian and I think it exemplifies the jackboot brigade that this government oversees. There is enough trouble happening out there now on the land with people turning up and over-exerting their powers, and under this power they will basically be able to turn up and, as the member for Schubert and the member for MacKillop have rightly said, just demand information. It is outrageous in this day and age.

This is the sort of stuff that happened in Nazi Germany in the forties. This is absolutely outrageous. People have the right to remain silent. They have the right to remain silent. I know the minister did not like my speech before when I talked about examples of people who have had heavy-handed tactics—a good, hardworking taxpayer of this state who can't get a mortgage over his farm and can't upgrade his harvesting equipment to keep his business going because he has a

work order over his property. This is totally outrageous and the minister wants to preside over a bill that gives more powers to officers who are out of control, and he needs to remedy it.

The Hon. P. CAICA: Again, I reinforce the point that I am not quite sure of the quality of the contribution that was made, and that is not a reflection. I tell you what I was impressed by, though: the quality of the person who was your candidate at preselection who I met through the Farmers Federation—Paul. A very nice man. I think that he would have made a very fine member for Hammond. That is not reflecting on the current member, just saying that there are some quality people out there. Of course, I understand what it is like to be factionally aligned and how—

Mr Pederick interjecting:

The Hon. P. CAICA: Well, you get back to the point too when we are talking about this.

Mr Pederick interjecting:

The Hon. P. CAICA: Gee, you are a nasty big person. Madam Chair—

The CHAIR: Order! I do not think we need that kind of reflection and, frankly, looking at the other side, I do not think we really needed the references to Nazi Germany. I think that was a little inappropriate. Carry on, minister.

The Hon. P. CAICA: In doing so, I apologise again and withdraw.

The CHAIR: That is the way.

The Hon. P. CAICA: And you didn't even need to ask, Madam Chair. Again, I apologise for that. Quite frankly, and it was mentioned by the chair earlier, this provision has been in section 91 of the EPA act for some time and has not created a lot of problems—the simple fact is that problems have not been brought to my attention. I acknowledge the fact that you had said that I might say that it is consistent with other provisions, but I can only go on the way it has been administered in another jurisdiction. Again, I reinforce the point that I made that it attempts to strike a balance between the need to protect the environment without abrogating the rights of the individual.

If there is environmental degradation going on that is in need of immediate rectification, we would like to know about that and say to that person, 'You need to tell us because we need to fix the damage.' Having said that, I am willing to have a closer look at this particular provision in the time between its passage through this chamber and the other place.

Mr WILLIAMS: Without inflaming the debate, I would simply ask the minister to reflect on the legislation that has been brought to this parliament to try to control so-called outlawed motorcycle gangs and the fact that we can never seem to get convictions against them because they will not talk and they will not answer questions. Yet, the minister would have the parliament seemingly have a different level of accountability for, by and large, the farming community. By and large, the farming community is made up of good, solid, law-abiding citizens and I think we should treat them appropriately.

The minister might also give us some information as to what would be the penalty, because it does not appear in the amendment, if somebody did refuse to answer the questions under this proposed amendment.

The Hon. P. CAICA: I reinforce the point that we do wish to revisit this during the time between this place and the other place. Again, one of the points I made earlier is that authorised officers have to act according to the act that binds them and, just like the majority of farmers, operate appropriately, and the majority of them are decent, law-abiding people. The significant majority of authorised officers, if not all, act within the appropriate mechanisms and parameters of the law.

Clause passed.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Thursday 10 February 2011 at 10:30.