HOUSE OF ASSEMBLY

Thursday 24 February 2011

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:31 and read prayers.

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

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (10:32): I move:

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

Motion carried.

PARLIAMENT (JOINT SERVICES) (WEBCASTING) AMENDMENT BILL

Mr GARDNER (Morialta) (10:33): Obtained leave and introduced a bill for an act to amend the Parliament (Joint Services) Act 1985. Read a first time.

Mr GARDNER (Morialta) (10:33): I move:

That this bill be now read a second time.

It gives me great pleasure to move the Parliament (Joint Services) (Webcasting) Amendment Bill 2010, the first bill I have had the opportunity to move as a member in this house. This bill, simply put, will make parliamentary proceedings accessible to the public at large through the live streaming of those proceedings on the internet.

This is a straightforward bill. It contains two provisions, in effect; the first is that the proceedings of the House of Assembly and the Legislative Council should be made available through live transmission, either in audio or audiovisual form, to members of the public at a website maintained by the parliament.

I should point out that we already have a website maintained by the parliament (www.parliament.sa.gov.au), and we already have audio streams of the proceedings of the house and the council that are currently streamed through the television sets in this building. Connecting the two could hardly be an easier task, at no cost outlay. It could be enacted this afternoon were the government inclined to do so.

On the advice of the parliamentary drafters, though, I have been extremely generous in the suggested time frame, and the bill requires that it come into operation four months after assent. This would provide more than enough time to deal with every conceivable technical issue.

When I raised this issue during the adjournment debate in September, the Speaker suggested that video cameras will be installed in this chamber in due course. Of course, we have heard this refrain for a number of years now, and in the meantime every other parliament in every other state and territory in Australia, indeed, most parliaments in the world and a number of our local council chambers here in South Australia, have managed to install this facility, so I am not holding my breath. The bill, therefore, requires that the existing audio be put online immediately, with the video to follow when cameras are installed.

Frankly, there would be 100 politics and media students studying across the road who could stream our proceedings with their iPhones in return for a reference and some course credit, but my point is that there are no technological or financial hurdles to the implementation of this bill. Indeed, the required technology is so mundane that it was around during the last millennium. The second provision in the bill requires:

...that nothing prevents material transmitted in accordance with subsection (1) from being further transmitted by a person or organisation on another website.

This provision simply ensures that any media organisation, political website or special interest website that might seek to reproduce the live or delayed feed of parliamentary proceedings, should face no impediment in doing so. If they wished to do so, this would enable the ABC, for example, to stream our proceedings through digital radio for their listeners who might be missing Matt and Dave later in the morning. Adelaidenow could stream it on its website, to join the tweetings of Dan Wills and Sarah Martin.

The APAC public affairs TV channel has already signalled an interest in delivering a delayed broadcast, if the footage were available. Even the Premier's media unit could put a stream up on the Premier's website, although regular visitors to that website might be shocked to find out that he is not the only member in this house.

Responsibility for the oversight of these two provisions will rest with the Joint Parliamentary Service Committee. This bill introduces a new section 28A into the act which defines that committee's powers. I am sure that the JPSC will enjoy its association with this new role, in addition to the other roles and responsibilities the committee has in the presentation of this institution to the public who we are all here to serve.

So, to be clear, the Parliament (Joint Services)(Webcasting) Amendment Bill 2010 sets out a viable framework for this parliament to increase its level of accountability to the public by way of making our debates directly available to anyone with their own internet connection or access to one through a public library card.

Why is this important? Well, if anything we are doing in this place is important then I believe that it is crucial that it be done in an open and transparent manner, and through media that is accessible to the South Australian public who elect us and on whose behalf we enact legislation and pass budgets.

I think that members are kidding themselves and dealing themselves into irrelevance if they do not recognise the deep-seated public interest in some of the debates that take place here. Many members of the public care passionately about issues such as euthanasia, the future of the Royal Adelaide Hospital, Adelaide Oval, the government's desalination plant, the forward selling of our forests, the closure of the eating disorders unit at Flinders Medical Centre—

Mr van Holst Pellekaan: Country health.

Mr GARDNER: —country health, the member for Stuart reminds me—or, indeed, the possibility of the government allowing mining, or not, at Arkaroola. Over 2,000 constituents in my electorate of Morialta and the neighbouring electorates of Hartley and Norwood, have gone to the trouble of circulating and signing petitions against the government's funding cuts at the Norwood Morialta High School where their children are being educated. I thank the member for Norwood for his strong work and advocacy on behalf of his constituents.

Some of these are complex issues, but we hide our discussions and debate behind a veil that is no longer appropriate, or defendable, in this day and age. It unfairly shields us from scrutiny by our constituents and it alienates many of those constituents who may wish to contribute to the public debate. This is no longer defensible.

A member of the public who might wish to make a fully informed contribution to the public debate on one of these matters would, naturally, want to be fully aware of the nature of the debate in this parliament. Their options are currently very limited.

First, they can come into the public gallery to witness proceedings. That is fine for those for whom this is convenient, but, for a start, it cuts out anyone who is not in Adelaide. In recent sitting weeks we have witnessed the fury of thousands of residents of the South-East of our state who have come in buses and trucks to show their anger about how the government is treating them. The hundred or so who were able to fit into the public gallery to watch question time were only able to do so on the day they had taken off work, closed their businesses, given up their income and gone to the expense of coming up here. On any other day of the year when their issue is discussed, they are unable to view or hear proceedings for the simple reason that they do not live in Adelaide, and that prevents them from being able to see the government held to account.

The public gallery, at times, can also be limited by space. During the debate in the Legislative Council on the proposed euthanasia legislation late last year, we saw that gallery filled near to capacity with interested citizens. It would be a disgrace if anyone were to be turned away from viewing those proceedings—proceedings on their behalf and which they pay for. Of course, the public gallery is inaccessible for the vast majority of the South Australian population whose work and family commitments, their frailty, disability or lack of transport make a trip to North Terrace to see the parliament out of the question.

The great majority of the public has the opportunity to read *Hansard*, it is true, but they must be prepared to wait two days for it to be published. At any rate, reading *Hansard* is utterly different from being able to view the chamber and this hardly provides a resolution that adds to free

public debate. In reality, for almost everyone, the only way to get objectively presented news of the goings-on in here is through the good offices of our local media establishment.

Sometimes our press gallery here in Parliament House and the news services they are attached to get a bad rap—unfairly, in my opinion. I note that, after a bad opinion poll recently, the Premier felt the need to describe the newspaper that had delivered that bad news as '*Pravda* for the Liberal Party'. Indeed, whenever things are going badly for the government, it always seems that some journalist or other is at fault for some wacky, outrageous story they have run that invariably turns out to be true a few months later.

Those who complain that the media do not report the news as it is, or that they focus on the wrong message, or that they trivialise politics, should ask themselves how credible this argument is when we do not even give our constituents the opportunity to hear or view our debates directly without that filter of the media. I actually think we are pretty fortunate in South Australia in that we have plenty of talent in our press gallery. Just one example: public figures addicted to spin and talking points should do themselves a favour and get hold of Nick Harmsen's report on the Adelaide Oval last night.

We should not forget that news media are constrained by the limits of their medium. My grandma used to joke with me, 'Isn't it funny, there's always just enough news to fill a newspaper every day or a news bulletin at night?' Nick Harmsen and his colleagues only get the airtime for one or two stories each night at most. Naturally, our journalists cover the stories that they can, but on a busy day important discussions do not make it to air, while on a slow news day even a humble backbencher's activities occasionally make it onto the television. At the end of the day, our television stations come into the parliament—

Mr Pengilly interjecting:

Mr GARDNER: Some more humble than others, member for Finniss. Our television stations come into the parliament not out of some civic duty to provide a comprehensive guide to important public debates in the parliament but to get footage for one, or maybe two, state political stories for that night's TV news. The cameras are here for half an hour, or maybe an hour, each day during question time, and that is generally that. However good our journalists may be, there is no substitute for allowing the public unfettered access to hear and view our debates. Not only will this engender greater social and political inclusion from a public currently alienated by a secretive government but I suspect it would also lead to higher standards in this place.

Another of our outstanding local journalists, Tom Richardson, provided some valuable analysis on this issue through the *Indaily* media outlet on 10 December:

> It is disappointing that the standard response to behavioural lapses in the chamber is less about seeking to curb the outbursts and petty name-calling and more about limiting the degree to which the general public gets to witness the unedifying spectacle.

The fact is that members of parliament in chambers that are open to wide public scrutiny must account for their poor behaviour to their constituents. That is not to say that it will put an end to interjections or robust debate, but it does mean that, if someone is going to say something out of order and behave in that way, then it had better be funny or they had better have a good excuse that will wash with the electors who call their offices.

One particular practice I would love to see shown up is the inane nonsense of ministers reading unending, longwinded answers to questions written by their own officers, sometimes over 10 minutes long, and looking up from their script only to deliver personal attacks on the opposition. It looks juvenile and foolish, but they do so safe in the knowledge that hardly anyone is watching and the more time they can take up the less opportunity there is for their ministerial colleagues to be scrutinised by the opposition's questions without notice.

Tom Richardson went on in his piece to raise concerns with the instructions given to outlets only to film or photograph members who are on their feet, saying that this leads to 'disinterest from TV networks to put resources into covering parliament, since they are so limited as to what they can actually cover'. He wrote this in December, which was before the current, extraordinary situation, whereby, when the state Treasurer is answering questions from the opposition about the state's finances or, indeed, when he is answering Dorothy Dixers from his own backbench, our television cameras cannot even film his face as he answers these questions. Tom Richardson goes on to write:

...disinterest from the general public, for whom nightly television news is one of the very few forums that allows a glimpse of our democracy in action. But it's not the media's job to protect them [MPs] from themselves. As far as I'm concerned, when an elected representative is in the chamber, they should be accountable. If they are passing notes, or grumbling to a colleague, or throwing insults across the chamber, or thumbing through a newspaper, that is fair game.

The bill I am introducing today makes no attempt to change the standing orders, but I do agree with Tom insofar as this: when we come into this chamber to make a contribution, we are doing so as representatives of the tens of thousands of South Australians who have elected us. The words we say, the votes we take and the way in which we conduct ourselves here should necessarily be public property.

We have technology available that would immediately provide an exponential increase in the level of accessibility to and accountability of the parliament, and this bill would require its use. I see the Hon. Tammy Franks sitting in our gallery, and I know she calls this sort of thing 'digital democracy'. Frankly, I am not so into catchphrases myself, but I am pleased that the Greens support accessibility and accountability in the parliament, and I am sure that Family First and the other Independents would do so as well.

If the government seeks to oppose the bill, or indefinitely adjourn it, we will remain consigned to parliamentary processes that had already been around for more than 100 years by the time of Federation. I therefore urge the government to support this bill. If it does not, it must face up to the question: what is it exactly that the government is trying to hide? All across Australia and all across the world, even in some places that do not merit description as a democracy, citizens are able to view and listen to their representatives as they speak and act on their behalf. South Australians deserve no less.

Mrs GERAGHTY: For the member's information, we must adjourn your bill now. It is not because we are worried about anything; it is procedure.

The SPEAKER: The member would be very aware that there is a stream of Twitter that is going out and it is published on the net, which is bordering close to breaking standing order 133—Complaints against media.

An honourable member interjecting:

The SPEAKER: We won't mention members.

Debate adjourned on motion of Mrs Geraghty.

WATERWORKS (TIERED PRICING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2011.)

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (10:48): I rise on behalf of the government to oppose this bill. This bill proposes to mandate, to the extent that water use prices or rates set under the act involve an inclining block tariff, that any water not used at the first or lowest tier price in a three-month period may be rolled over or used in the next three-month period in the same financial year.

An inclining block tariff means that the price as applied to water use increases as the quantity of water used increases. At present, there are three pricing tiers. In addition to the annual supply charge of $142.40, the quarterly three tier water pricing is as follows: $1.28 per kilolitre for water use from zero to 30 kilolitres, $2.48 a kilolitre for water use from 30 to 130 kilolitres, and $2.98 for water use above 130 kilolitres.

The change being proposed in this bill is linked with the new quarterly water use billing arrangements implemented by the government in 2009-10. I think it is important that, for the benefit of members, I take just a moment to explain these arrangements. Under the quarterly use billing system, charges reflect water use in the billing period in which it is incurred. If customers use more water during that billing period, their charges for water use will increase; likewise, if they use less, their charges for water use will be less. This means that customers know what their usage is and the cost each quarter.

Under an inclining block tariff arrangement, this is most important because if consumers use a considerable amount of water and incur second and third tier charges the water bill can be

quite substantial, particularly during the summer months. In other words, quarterly billing provides consumers with a most important pricing signal so that they can moderate their water use if necessary.

Water use charges are now shared more evenly over the four quarterly bills, making it easier for customers to budget for them. These reforms have made billing for water use very similar to what has been applied here in South Australia with electricity accounts for many years. They are also in line with the practices of various jurisdictions around the world.

In responding to this bill, I need to clearly establish a most important principle indeed. In recent pricing decisions, this government has continued to support a discounted first tier price to assist affordability on equity grounds and particularly with respect to essential water needs. It needs to be noted, however, that any discounting of water use is inconsistent with the need to promote water used efficiently and, therefore, care needs to be taken and must be taken to ensure that this provision is not used to support non-essential water needs.

Essential water needs—and you would be aware of this, Madam Speaker, as we all are—are those, of course, to do with personal consumption, bathing, laundry and food preparation. At the moment there is a provision of 30 kilolitres of water in the first tier at a heavily discounted price. This provision should be seen as being for essential water needs. In other words, it is useful to see the first tier allocation at a heavily discounted price as responding to essential human need.

It is clear in the local context that a key driver of current complaints about the carryover of first tier water relates to water use that goes beyond essential water needs. It is important to recognise that the primary driver of advocates for the measure proposed in this bill is the ability to take maximum advantage of the discounting inherent in the first tier price and, as I mentioned, that is intended to support essential water needs. At present, this price is $1.28 a kilolitre compared with the second tier price of $2.48. You will note that the first tier pricing offers a very substantial discount which is almost half of the second tier price.

It is also important to note that the effect of the member for MacKillop's bill would be that those customers whose essential household needs require less than the first tier allocation of 30 kilolitres within a quarterly period would be able to carry over their surplus into the next quarterly period. This means that in each carryover period, they would be in a position to use this discounted water not only for their essential needs but, inevitably, also for non-essential needs because consumption for essential needs is largely consistent across those four quarters. This would be entirely contrary to the spirit of providing discounted water for essential needs. It would also not promote efficient use of the water resource which is necessary to ensure long-term sustainability.

In introducing this bill, the member for MacKillop has claimed that under quarterly billing those who put in rainwater tanks and undertake other measures to save water are paying more than they should and that they are paying at a higher rate than those who are not achieving the same savings. This is a spurious claim. The price structure was and remains an inclining block tariff. This means that if customers use more water in a billing period they may incur a higher tier price for the water used above the specified threshold.

By implementing water savings a customer can expect to incur less water use at the higher second and third tier water use prices than they might otherwise or, for that matter, less water use at the higher tier prices than an equivalent customer who has not implemented similar savings. Over the past three years, when significant price increases have been necessary to meet substantial costs associated with water security initiatives, including the building of the desalination plant, the prime focus of those increases has been on water use prices. Residential fixed charges are actually lower than they were in 2007-08.

Clearly, this approach has been to the advantage of those who have installed rainwater tanks and taken other measures to reduce their water use as compared with the pricing impacts for other customers. Who will benefit from this bill? Perhaps those who can access rainwater in winter. If it results in water use below 30 kilolitres for the quarter, they would obtain some benefit and also small households who have substantially lower essential water needs than larger households.

The unused portion of all of these customers' 30 kilolitres per quarter provision could be carried forward for non-essential use later in the year. In addition to the negative policy outcomes, the member focuses on a few winners from the measure proposed in this bill, conveniently omitting any reference to those who may lose.

We have heard comments on the national pricing principles requiring that prices be set to recover the full costs of providing services. If this bill is passed it is likely that water prices in the future may need to be set marginally higher. While this will partially offset the benefits that a minority of customers will receive, the remaining, and I might add the majority of, customers will pay more to raise any revenue shortfall that would arise from the change based on 2010-11 prices.

Regardless of this, the fact is that the majority of consumers will gain no benefit from this bill. Notwithstanding our concerns with the intent of the bill, the government has committed to repeal the Waterworks Act 1932 as part of a wide-ranging reform of water industry legislation. The key instrument of these reforms will be a new Water Industry Act that will introduce economic regulation of the industry.

I tabled an exposure draft of this bill in the house on Tuesday 9 November 2010. Under the bill, ESCOSA will have a much stronger role. ESCOSA will have the power to set prices independent of government. This will lead to greater transparency and greater cost-reflective pricing.

Therefore, I ask: why would the member for MacKillop seek to introduce a bill that seeks to make ill-advised changes to the water pricing arrangements in this state when in the near future water pricing arrangements will be a matter for an independent pricing regulator?

I also note that in a debate on the Waterworks (Rates) Amendment Bill on 13 May 2009, the member for MacKillop supported ESCOSA as the independent price regulator. He said:

ESCOSA, the organisation, in a better world, would actually be the body that would set prices for water in South Australia and the whole range of water services.

The government opposes this bill on the basis that it is flawed in its intent and because the government already has in process reforms which will provide for independent regulation of water pricing arrangements.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (10:57): I am extremely disappointed that the minister has taken the position that he has, particularly in view of the fact that I have been on public radio with this minister debating this particular issue and I was under the distinct impression, certainly, that he left listeners to public radio in Adelaide thinking that he was going to look at this seriously and that he had sympathy for what I am trying to achieve with this bill.

For the minister to say that somebody who uses less than 30 kilolitres of water in the wintertime will be advantaged by this bill because they can use water at a cheaper rate for non-essential use later on in the year, maybe in the middle of summer, is a nonsense. It is an absolute nonsense. The anomaly that I have been trying to right with this bill only arose because the government changed to quarterly billing and quarterly meter reading. It did not arise for any other reason.

So, we have had a change in the system and I am trying to re-establish the situation that pre-existed that change, to benefit particularly those people who have actually done the right thing with regard to water use; those people who have not only cut their water use in a time of shortage but have actually put their money where their mouth is and invested to further cut their reliance on the public water system. The very people who have underpinned the state's ability to get through the recent drought are the ones who have become disadvantaged by the government's change to quarterly billing. I am simply trying to redress that anomaly that has arisen.

For the minister to say that another reason why he will not accept this particular amendment is that the government intends to introduce independent pricing is, to use his word, a spurious argument. I would only accept that argument if the government, particularly the Treasurer, undertook not to issue any pricing orders whatsoever to ESCOSA as they go forward in their new role, once the parliament has given them that function, to establish water prices.

I will guarantee that the Treasurer will insist, through a pricing order to ESCOSA, that the full price of the desalination plant be built into water prices in South Australia. Yet, the decision to double the size of the desalination plant from 50 gigalitres per year capacity to 100 gigalitres per year capacity, was a political decision and should be paid for by a priority of this government; that is, from the general account, because that decision was a government priority. There is no basis in science, or in the need for the current water use in metropolitan Adelaide, for that decision to have been taken.

The government used the excuse at the time that they were getting $228 million from the commonwealth government. In relation to that $228 million—if it ever eventuates, because the government was dishonest about the strings attached to that and remains dishonest about the strings attached to that—we have since exposed the fact that $212 million will be reduced from our GST payments. A net benefit of $16 million through that shabby little exercise.

The decision to double the size of the desalination plant is costing $1 billion. The government cannot get away from the fact that the $400 million interconnecting pipeline is essential when you have a 100 gigalitre capacity desalination plant connected to the southern part of the distribution system. It is not essential if the capacity of the desalination plant stayed at 50 gigalitres, because you could balance up the water system through the pipelines from the Murray, and the—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr WILLIAMS: The former minister, who got thrown off the front bench because he was incompetent, remains incompetent in his interjections. I am extremely disappointed that this measure does not receive the support from the government.

The house divided on the second reading:

AYES (17)

Brock, G.G.	Chapman, V.A.	Evans, I.F.
Gardner, J.A.W.	Goldsworthy, M.R.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Marshall, S.S.	McFetridge, D.
Pederick, A.S.	Pengilly, M.	Pisoni, D.G.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Williams, M.R. (teller)	

NOES (22)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P. (teller)	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	Odenwalder, L.K.
Piccolo, T.	Portolesi, G.	Rankine, J.M.
Rau, J.R.	Sibbons, A.L.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

PAIRS (4)

Redmond, I.M.	O'Brien, M.F.
Venning, I.H.	Foley, K.O.

Majority of 5 for the noes.

Second reading thus negatived.

ELECTRICITY (RENEWABLE ENERGY PRICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2010.)

The Hon. S.W. KEY (Ashford) (11:09): I rise on behalf of the government to oppose this bill. The member for MacKillop's intention is to restore the amount paid by electricity retailers to solar customers to a rate previously received. The feed-in scheme works by rewarding small customers who install eligible solar photovoltaic systems with a legislated amount of 44¢ per kilowatt for electricity fed back into the grid. This amount is funded through distribution charges levied by ETSA Utilities on all of its grid-connected customers. There is now in excess of

25 megawatts of installed capacity of grid-connected small solar photovoltaic units in South Australia.

Some retailers offer a top-up payment of between 6¢ and 8¢ per kilowatt for electricity remitted to the grid, which is not recovered from all electricity customers. No-one disputes that the power remitted by owners of solar panels back to the grid has a value to retailers.

The government does not support the bill because it has two fundamental weaknesses which the member for MacKillop has simply repeated from his identical bill in the last parliament. First, the member for MacKillop mistakenly believes he is obliging retailers to pay for the electricity they are receiving from solar photovoltaic customers exporting to the grid. In fact, his bill places no obligation on retailers.

The bill attempts to increase the current feed-in tariff of 44¢ by a rate set at the default contract price. The distributor, ETSA Utilities, is obliged to pay this amount, not the retailers. Additional cost is then passed through to all electricity consumers.

Secondly, the member for MacKillop assumes that a fair retail rate includes all components such as network charges (equating to around 45 per cent of the default contract price), retail margin, retail costs and administrative costs, in addition to the energy price.

The government believes that the standing contract price regulator, the Essential Services Commission of South Australia (ESCOSA), is better placed than the opposition to determine a minimum fair retailer rate for the value of the solar electricity exported to the grid. For this reason, the government proposes to go further than the feed-in review's final report recommendations and will be seeking parliament to legislate for ESCOSA to make such a determination which will oblige retailers who choose to contract with solar customers to pay for a minimum retailer rate for the power they receive from solar panels.

The house would be aware of the Premier's announcement of the government's response to the feed-in review of 31 August 2010, delivered in his keynote address on South Australia's Leadership Within a Carbon Constrained Economy at the Committee for Economic Development of Australia's Leaders Series. The Premier announced that the government proposes to enhance the reward for owners of small-scale solar photovoltaic panels by lifting the feed-in tariff from 44¢ to 54¢ per kilowatt. This will apply to all solar customers, both new and existing, and will reduce the payback period of solar photovoltaic systems.

To strike the right balance between the availability of the scheme and the overall cost to all electricity customers, the government proposes to close the scheme to new connections when an installed capacity of 60 megawatts is reached. The government will table its own comprehensive legislative amendments to the Electricity Act 1996.

The feed-in scheme remains an important mechanism to encourage the contribution of small-scale renewable generation to South Australia's Strategic Plan target of 20 per cent of renewable energy produced and consumed by 2014. This government has also set a longer term renewable energy target of 33 per cent of the state's energy production by 2020, which is likely to be met by large-scale renewable generation. As of February 2011, South Australia has a total renewable generation capacity of more than 1,060 megawatts. The bulk of this installed capacity (1,018 megawatts) is supplied by wind.

On a final note, honourable members would be interested to know that the feed-in review final report found that the South Australian feed-in scheme has been successful, implemented well and can be measured against a number of criteria, including installed capacity, exported energy, ease of implementation and operation, and customer complaints. The government, for all these reasons, does not support the bill, which it believes will weaken the integrity of the scheme.

The Hon. I.F. EVANS: As a point of clarification, Madam Speaker, can someone from the opposition speak on behalf of the member for MacKillop and close the debate as he is not here, or does the member for MacKillop need to be here? I am sure that he would want to put it to a vote given that everyone has spoken.

The SPEAKER: The normal process is that we have the member here to close the debate and, if he wishes, give him the courtesy to respond. If you are absolutely certain that he would want the debate closed, we do not need to have him here, I guess. You are absolutely certain that we do not need to give him that courtesy? However, just have a little think about it for a minute.

The Hon. I.F. EVANS: I am advised that he is happy for it to be adjourned.

Debate adjourned on motion of Mrs Geraghty.

VISITORS

The SPEAKER: I draw the attention of members to the presence in the gallery of a group of students from Emmaus Christian College, who are guests of the member for Ashford. You have just had an opportunity to listen to your local member speak in parliament. Welcome; we hope that you enjoy your time here.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October 2010.)

Mr PEDERICK (Hammond) (11:19): I rise today to speak to the Criminal Law Consolidation (Looting) Amendment Bill. This bill certainly becomes relevant in light of the recent tragedy in Christchurch, New Zealand, and other tragedies we have seen throughout Australia.

Sometimes, too many rogue elements of society take advantage of a terrible situation and start looting homes and businesses for their own benefit. They take advantage of tragedies that happen to people. This bill increases the penalties for looting after a disaster with heavier fines. I think it is entirely appropriate, in light of the problems that we have had throughout Australia in recent times. We have had flooding in several states. We have had flooding in Queensland, New South Wales, Victoria—and we have even seen flooding in some areas of South Australia—and throughout Tasmania.

Over time, as we saw with the Victorian bushfires several years ago, some criminal elements took advantage of people's misfortune and the sad loss of life that went with those bushfires by looting buildings and establishments. It is one of the worst signs of society when this happens, when people are already grieving the loss of life, loss of homes, loss of businesses, and you get these criminal elements that think they can get away with just going through buildings and taking advantage of other people's misfortune.

This sort of activity flies in the face of what happened in Brisbane, when we saw that most people got on board. Volunteers got on board to assist people they did not even know. You had people from up the street, even neighbours of people, who had not met before and who pitched in and helped people clean up their homes.

A major program was undertaken by the Brisbane City Council, I believe, and it rounded up thousands of volunteers to go through the city to help clean up. In fact, my brother, who lives in Brisbane, had a call for tip trucks to help clean up. He went in and did a day or two of assisting there, and it was very good of him to do so, along with the many thousands of volunteers in the clean-up effort, cleaning up the debris after these floods and making it better for everyone involved.

However, sadly, we do have this criminal element in society who think they can just take advantage of this. It seems that, as time goes on and as the years go by, some people think they can do what they like and they are not accountable to anyone. Too many times these types of people take the law to the absolute maximum. They appeal laws and think they have the right to do what they want.

The Hon. M.J. Atkinson: They appeal, do they?

Mr PEDERICK: They need to be made accountable. Well, I recently had a case in my electorate where someone had been acting quite improperly with regard to living in a Housing SA property, even after eviction, even after they had been told they were evicted. When you get to the bottom of the story, it is absolutely incredulous to think that, even though everything stacks up and the problems they have caused the neighbours, this can happen. We have seen people install their own security cameras to protect themselves because we have these vagrants taking advantage of an appeal process, even after it has been laid down that they need to be evicted. I think things certainly need to be tightened up there. If the member for Croydon, the former attorney-general, does not think so, he has the right to make a comment.

The Hon. M.J. ATKINSON: Point of order. This is a—

Mr Pengilly interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: This is a bill about looting, and the member for Hammond is now talking about Residential Tenancies Tribunal appeals, and I fail to see that it is cognate.

The SPEAKER: I agree with the member for Croydon on this; however, I am sure that the member for Hammond will get back to the point fairly quickly, and it must be relevant in his eyes.

Mr PEDERICK: Thank you, Madam Speaker, and I thank you for your guidance. I do want to get back to the point of the bill. We do need to make looters more accountable. We do have to put some things in place, perhaps some incentives, that, hopefully, stop people taking these actions. I certainly support the bill and commend it to the house.

Debate adjourned on motion of Mrs Geraghty.

The Hon. R.B. SUCH: Madam Speaker, I draw your attention to the state of the house.

A quorum having been formed:

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 1 July 2010.)

Dr McFETRIDGE (Morphett) (11:27): This is a very important issue for all South Australians, and I mean all South Australians from all backgrounds and all religious points of view. The bottom line, though, is that, as this house is aware, another bill has been introduced by the member for Ashford.

The member for Ashford and I have been consulting with a number of parties including the government minister (the Minister for Health) on the best way forward, because we know there are serious concerns out there in the community about whether we should be introducing legislation to allow voluntary euthanasia in South Australia. I, for one, am committed to advancing this whole issue. Over 75 per cent of my constituents, in responses to surveys and when just talking to them around the place, are in strong support of having the choice. This is not compulsory: this is all about choice.

The Hon. M.J. Atkinson interjecting:

Dr McFETRIDGE: And we hear the member for Croydon again. He did not disappoint me. He has been disparaging about some of my views in the past but that will not change my attitude to giving South Australians a choice, as we do in the Liberal Party. We do not want to make people in South Australia victims of poor legislation. That is why we need to consider this legislation very carefully. As a result of further discussions with the member for Ashford and the Minister for Health, we will be moving forward with another bill in this place.

I appreciate the member for Fisher's passion and dedication to giving people in his electorate, and also all South Australians, a choice on this issue. While I am in support of this particular bill, the fact is that it probably will not progress in this house. I should not pre-empt the house, but it probably will not progress, and the bill that has been put on the *Notice Paper* by the member for Ashford and seconded by me will be the one that will be mainly dealt with.

It may not do everything that advocates for voluntary euthanasia want, but it certainly will be a big step forward and will make sure that the people who are going to look at what they can do to die with dignity are able to do so. That is what this should be all about. It is not compulsory: it is pro choice. That is what we should be about in this place—assisting all those in society to make that choice and, if they do not like it, it is not compulsory.

Debate adjourned on motion of Mrs Geraghty.

INTERNET FILTERING

Dr McFETRIDGE (Morphett) (11:34): I move:

That this house condemns the federal Labor government's proposed introduction of internet filtering.

I thank the house for its indulgence in this case; if it had not been for the division, and my need to be in here to speak very briefly on the former bill, I would have had my notes with me. However, I am here now. I should say that this has been a long time coming. I first introduced this private member's motion to this place in April 2009.

The Hon. M.J. Atkinson interjecting:

Dr McFETRIDGE: Something we would like to filter is the member for Croydon over there; he keeps interjecting. It would be nice if they were pertinent interjections, rather than just about freedom of speech. The member for Croydon wants to filter democracy as well as his colleagues wanting to filter the internet.

I introduced this for the first time in April 2009. I then reintroduced it on the 20 May last year. This motion is that this house condemns the federal Labor government's proposed introduction of internet filtering.

While the federal government has delayed discussion of, and possibly introducing, the internet filter, they certainly have not told anybody that it is off their agenda, and I for one do not believe that Senator Conroy is going to back down from his initial position on internet filtering. You only have to see what he said on SBS on 31 March 2009. When he was asked about it, Senator Stephen Conroy, the Minister for Communications, said:

> Look, if there's an argument that the internet should be unregulated we'll have to, at the end of the day, agree to disagree. I'm a huge supporter of the civil society and the internet is the Wild West at the moment. I think—I repeat again—there's been, unfortunately a lot of misinformation spread about what our intent actually is. I was more than happy to accept to come on the show to make sure that people understood—we are talking almost exclusively about refused classification. Then we want to give parents an option...

They want to give parents an option, but why didn't the federal Labor government back the then Liberal government's voluntary option? The federal Liberal government had a plan for 'net alert' which was voluntary and opt in. It was not compulsory internet filtering but a voluntary opt in filter that you could use.

This federal Labor government wants to introduce a compulsory filter. To me, that is an indicator of how little they know about the technology of the internet and IT in the world today. I do not profess to be an expert on this. My son has a PhD on robotics and artificial intelligence and perhaps he should be the one who is talking about this. Certainly, he and all of his friends and work colleagues are dead against this because they know what it is going to do to their ability to access fast internet services. In no way should any implication be drawn that they wish to access any material that is not pure.

The Hon. M.J. Atkinson: Yeah, right!

Dr McFETRIDGE: I am deeply offended by the member for Croydon's inference there that members of my family would be wanting to access some of these sites that are intended to be banned here.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, member for Croydon!

Dr McFETRIDGE: I am deeply offended by that and I ask him, if he cannot interject in a witty manner, not to interject at all. The bottom line is that internet speed will be slowed by up to 87 per cent by the proposals by Senator Conroy—87 per cent. This is what the ISP providers are telling me. They are telling others and they are telling Australians—this is what this government wants to do.

When you see they are going to spend $40-odd billion on a new national broadband to speed up the internet, well, what are we getting here? It is just an absolute nonsense and for them to say that this is going to improve the mental health and well being of our children in future generations, they just do not know what they are talking about. It is not going to work. There are better ways of doing it and this is not just about saying we should not be clamping down on the perverts and portrayers of pornography, it is about clamping down on them by effective means, not by making the whole of the populous suffer because there are people out there who are quite deviant in their mental behaviour.

The government is saying that the filter will restrict access to prohibited content, child pornography, inappropriate material and unwanted material. Unfortunately, it is also going to block a lot of legitimate material and we have already seen numbers of examples of that. So, once again, the government is failing.

As I have said before, it is a compulsory scheme. It is not an opt in or opt out, this is it. You are in; you will do this. This is censorship, and in a moment I will read out the countries that have internet filters in place. It is a draconian government. This is the sort of thing Gaddafi would be doing. Thank goodness for the internet and for Twitter and all those other social networking sites

like Facebook. Thank goodness for them, because they are bringing democracy to those Middle Eastern countries and they are doing it because the internet is there.

What does the government over there do to try to stop that? They shut down the internet. The only problem is they are shutting down a lot of legitimate sites that businesses are using and other sites. That is what is going to happen here and this is what this government has inadvertently, perhaps advertently, I don't know, they can tell us—

The Hon. M.J. Atkinson interjecting:

Mr PENGILLY: Point of order, ma'am.

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

Mr PENGILLY: I ask that the member for Croydon allows the member for Morphett to speak, instead of prattling away like a starving small corella.

The SPEAKER: Yes, I uphold that. The member for Croydon will be quiet and behave himself, and stop behaving like a corella.

Dr McFETRIDGE: The member for Croydon does have some witty interjections very occasionally but, unfortunately, it is usually about things that are quite inane. I told him years ago to forget trying to interject because I just do not listen to him anymore, other than when he makes disparaging remarks about my family. That is not what you are normally like, member for Croydon; you are much nicer than that.

The bottom line is that this mandatory filter is not good for democracy, the internet, business, families or Australia. When you look at the countries around the world that are introducing this, then we really do need to think very, very carefully. Listen to this list of countries that filter the internet at the moment: Azerbaijan, Bahrain, Burma (Myanmar), China, Ethiopia, India, Iran, Jordan, Libya (there is that name again), Morocco, Oman, Pakistan, Saudi Arabia, Singapore, South Korea, Sudan, Syria, Tajikistan, Thailand, Tunisia, Turkmenistan, the UAE, Uzbekistan, Vietnam and Yemen.

There are some countries that claim to be modern, developed countries, but they use internet filtering to help control the populace—and certainly, when you look at this list of countries, that is what they are doing. That is what we are seeing at this very moment in Libya, Iran and other places, and now Senator Conroy would have that power in Australia. Let us be very, very careful about what we wish for when we talk about internet filtering. It is not good. It is not something that we should be encouraging.

In July 2009, during the estimates committee, I asked the Minister for Agriculture and Fisheries (Hon. Michael O'Brien), who is a very honourable and honest man, about internet filtering and he said, 'I think the best way to deal with that issue is by way of advice and self-censorship rather than the filter proposition that Senator Conroy is proposing.' So, once again, the minister is telling the truth, he is giving an honest opinion, and it is certainly not supporting what Senator Conroy and the federal Labor government are proposing.

The minister then went on to say, 'I agree that it has been shown to have a lot of adverse consequences in terms of speed and the like.' That is the big issue with having been put in this position; that is, we are going to spend $40-odd billion on high-speed broadband, then you are going to slow it down again. It just does not make sense.

Nobody could disagree with the overall aims of what Senator Conroy is trying to achieve by getting the smut and muck off the internet, but it is just not going to work. One of the co-founders of Internode, Simon Hackett, has made those points exactly. In a media release that was put out in 2009, he said:

> It is critical to appreciate that the filter proposed will only apply to un-encrypted conventional web pages, using 'URL based filtering', despite most video content (RC or otherwise) in Australia being transported across the Internet through other means; These other transport methods are not proposed to be filtered at all.
>
> Its as if the policy was to erect roadblocks on highways and declare victory, while ignoring the sure knowledge that the criminals being sought are flying overhead in private planes.

Mr Hackett went on to talk about refused classification content. He said:

> Publishing the titles of banned books and DVD's is considered to be a fair and reasonable part of transparency in the operation of government. After all, we need to know what the government has decided that we

can't read, don't we?...And yet, the government have argued that publishing banned URLs is different, because consumers can use the URL to look up the content itself...

This is the point Mr Hackett is trying to make:

It is impossible to avoid the logical fallacy here! If the ISP filter worked, then the list of filtered URLs would be safe to publish in public...because if the filter worked, nobody could access the linked content!

So, what is the government's real agenda here? Is it about censoring what it considers to be unwanted content on the internet, as we are seeing in Iran and Libya at the moment, or is it an honest and altruistic motive? I do not trust the state government, I do not trust the federal government, and I certainly would not trust them with the future of business when they look at doing this sort of thing. The fact is, as Mr Hackett says:

The government doesn't even believe that technical filtering of internet content works (or, surely, they'd be happy to publish the banned URL list because it'd be safe to do so, because...the filter works...)

The evidence that has been given by people who know the technical intricacies of how the internet works is overwhelmingly in support of an opt-in system, not a compulsory system. There is a terrific article by the Brooklyn Law School about Australia's foray into internet censorship which was published in December 2008. I was first introduced to this in April 2009 and it was a lot more relevant then, but I would be very surprised if what is being said in here is still not very relevant. The Abstract by Derek Bambauer states:

Australia's decision to implement Internet censorship using technological means creates a natural experiment: the first Western democracy to mandate filtering legislatively, and to retrofit it to a decentralized network architecture...The new restraints derive from the Labor Party's pro-filtering electoral campaign...The country has a well-defined statutory censorship system for on-line and off-line material that may, however, be undercut by relying on foreign and third-party lists of sites to be blocked. While Australia is open about its filtering goals, the government's transparency about what content is to be blocked is poor. Initial tests show that how effective censorship is at filtering prohibited content—and only that content—will vary based on what method the country's ISPs use. Though Australia's decisionmakers are formally accountable to citizens, efforts to silence dissenters, outsourcing of blocking decisions, and filtering's inevitable transfer of power to technicians undercut accountability.

This is quite a lengthy paper of some 32 pages. It continues:

The paper argues Australia represents a shift by Western democracies towards legitimating Internet filtering and away from robust consideration of the alternatives available to combat undesirable information.

It took a while to get this motion up in the house. I hope that the house does support this because it is wrong, it is wrong in all aspects. I strongly support an opt-in system for internet filtering if parents, carers and others want to opt in on a system like this, but do not come down with a system that is not going to work. It has been shown not to work by those who are far more technically knowledgeable than I am, and I believe what they are saying.

I believe what my son and his colleagues say about this, how it is going to slow down their business, their work, reduce productivity in Australia and reduce our ability to download legitimate information (for businesses and for private people), and I, for one, will not sit back and watch a Labor government that is so out of touch that it is not listening. It is not in any way in touch, never mind through the internet, with the Australian populace, so it stands condemned. I hope that the house supports my motion.

Debate adjourned on motion of Mrs Geraghty.

MARINE PARKS

Mr PENGILLY (Finniss) (11:49): I move:

That this house calls on the Minister for Environment and Conservation to place an immediate moratorium on the imposition of the draft sanctuary zones contained within the marine parks' outer boundaries for South Australia.

This is a critical issue, and let me say that this process has been going on now since 2002. We have had four ministers deal with it, and the current minister has been handed—I do not know what you would call it, but he has been handed it. The reality is that the Liberal Party, myself and many others support the marine parks concept. It has never been in doubt. We also support sanctuary zones.

What we do not support is this nonsense being perpetrated at the moment by the department for environment. The minister, minister Caica, is a decent fellow. He is actually a fisherman as well, I think, but what I see is a totally orchestrated campaign of misinformation and

devious and dangerous philosophical bents and untruths being perpetrated by his department. In fact, I think it is actually voodoo politics that is coming out of the department for environment.

The minister has been misinformed and misled by senior bureaucrats, and he has had to go out and try to defend an impossible situation. He has had to put forward a contrary view to comments made by me, other members, many recreational and professional fishermen and many members of the community. The line he has been given by the department makes me feel sorry for him because I think he has been set up—absolutely, totally and completely set up.

These sanctuary zones should never have been instigated in the manner in which they have been instigated. It has been a joke. In my view, heads should roll in the department for environment for what has happened. It should not be allowed to go on. The suggested marine park areas, the outer boundaries, we can all live with those. Just remember again that there are no marine protected areas off the metropolitan cost. The sanctuaries were a joke.

Let me put on the record again that the department for environment went out two or three years ago and asked fishermen where they fished, and then they put them into the draft sanctuary zones that have come out. So, do you think that the community is wild? You had better believe it. I held nine meetings across my electorate, four on Kangaroo Island and five on the Fleurieu—530 people. Senior officers of the department have chosen to try to put me down on that in the media. I can live with that; I am a member of parliament. It does not worry me, but it is a nonsense.

I can tell you quite clearly in the house that at those five meetings on the Fleurieu the community lifted themselves from the floor and opposed the draft sanctuary zones in their entirety. It did not come from me. I made it quite clear at those meetings that I did not think they were right, but it was their call on it; likewise, on the island motions were put by the community to oppose the draft sanctuary zones.

Absolutely no scientific data has been put together with the draft sanctuary zones to go to the community, and shortly I will read into *Hansard* a letter I received from a gentleman on Kangaroo Island after the meeting over there. What I do not support are acts of environmental bastardry being coordinated by extremist elements of the environment movement, both within and outside the environment department. It is absolutely improper, and it is not what we are about. I have sat there while smug and self-interested bureaucrats at these meetings have put down the public from both inside the meeting and from the periphery of the meeting around the hall. It is absolutely outrageous.

We need sanctuaries. We have had aquatic sanctuaries in South Australia since the 1970s under the fisheries act. They have worked particularly well, and the community owns them and the community very much supports them; they always have and I believe they always will. Only earlier this week, in a briefing in the Balcony Room with the minister for primary industries, from people from his department—and a senior officer was there from the department for environment—it became blatantly clear from the body language in that room, when the subject of marine parks and draft sanctuary zones came up, that the PIRSA officers had not been consulted.

They had not been consulted, to the extent that the minister for primary industries said that he was aware of the concerns and that he was calling in industry groups—recreational, profession, whatever—to speak to them. They are being usurped by the department for environment, and I think it is absolutely outrageous. It needs an inquiry, whether it is a committee inquiry or a select committee in the other house. This whole thing is a whole stinking carcass of a Department for Environment marine parks program. It stinks—it absolutely stinks—and it is not proper.

What is happening with these draft sanctuary zones is an alien culture for the people of South Australia. We are a free state, and we do not need to have some sort of bureaucratic dictatorship (where the poor old minister is the fall guy) running around telling South Australians what they may or may not do and trying to impose large areas of no-take zones without any apparent sense. They went around to these meetings in the last couple of weeks at Victor Harbor and Kingscote, which I attended. They put maps up on the wall, and they attempted to get some sort of semblance of common sense back into it.

Let me also put on the record that I believe that Mr Phil Hollow from the department has acted appropriately and honestly right throughout this. I do not believe that all of his fellow officers have, and it appals me. Let me just read a letter from Mr Ray Louth, which he wrote on 19 February. The letter states:

Hi Michael

I was disgusted with yesterday's meeting and the orchestrated manner in which National Parks took over and drove their own agenda.

I feel Islanders were not represented by the...[local advisory group] and were not given any respect as being an important part of the process, especially given the National Parks people had a pre prepared agenda (not the written agenda provided) and when they got started they took advantaged of a depressed lack lustre LAG group who just seemed overpowered by their pushiness. The gallery was hounded down by one LAG member who actually questioned the right for members of the gallery to be heard. I don't think this was to silence the gallery but rather to try to get a direct grasp on the process unfolding because the National Parks—

that really should read 'environment department'—

were just directing traffic and getting nods to their own agenda. If was as if some member of the...[local advisory group] did not care what they were saying because everything...[the department] was saying was the way things would be.

My four-page submission, which was handed to a LAG member prior to the meeting, was not even tabled or mentioned, yet decisions were made at that meeting that were contrary to any consideration of my proposal. What can I say, the National Parks people have orchestrated a process, and it appears our own LAG do not feel strong enough to even speak out or forward information on our behalf. Not just my submission but also the North Coast submission, it never even got to LAG members till just a short time before the meeting—

despite the fact that it was sent in on time—

and its contents was not mentioned or discussed. The word transparency was raised and we were told that one line public responses without any explanation, were considered and brought into the process. None of the origins of these statements were identified and this gives real rise to the real level of the National Park sham in this pretentious process.

...Let's make a move so that only the public responses that count are those where the originator is willing to be identified for what they say so that we can confirm the validity of the public comment. I cannot believe the level of push for different options for large areas of Sanctuary zones...The professional representation in the gallery alone all had overwhelming knowledge of the area and its value to the community and pro fishing, and they could not believe all these so called...Sanctuary zones should come from our community. I wonder how many even know the importance of the area—

this is I&G—

Without ownership and responsibility being taken for what is lodged, and obviously no control on the way...[the department] accepts information by those who make recommendations, anything can be said by anyone and it appears this has happened. I believe we are being manipulated into a commitment to meet the...[the department]/government wishes, and our responses seem to hold no value... Another very dangerous manipulation at the meeting was positioning. It was like the three dominant conductors at the front—

and this is the meeting the department conducted—

(All...[from the department], a scientist (again...[the department]) at the back in the gallery behind the...[group], and...[department's] support and a diver (supposedly an underwater expert) also positioned up the front, thus splitting the LAG's direction of concentration and firing information and questions to them from front and back. The words from the scientists at the back in the gallery, after being introduced and asked to speak by the...[department's] speaker at the front, were to this affect 'that if you don't make sanctuaries big enough they may be of no benefit at all.' This challenged the LAG from behind, they were being actively solicited for a response from the front and rear and it's this scissor action and negative power play—

this is from a public member—

the likes of which you would never see in a court of law or any fair play forum, that overtook the meeting.

No one is going to ostracize an islander for having their say, but we...cannot be adequately represented by a LAG who are overpowered and directed by an over zealous group from [the department] who appear hell bent on driving their own agenda and subsequently position themselves to do so. [National Parks] people are paid public servants...The balance of power is all for the government. Even some members of the LAG are questioning the probity of the Marine Park process because what was said to [Kangaroo Island] Council by [the department] was not in line with things said to the LAG at previous meetings. One LAG member told me outright 'they are liars'. One line statements from people who cannot be identified, and the acceptance and adoption of this by [National Parks] to reinforce their own agenda makes the whole process a sham and an embarrassment that should be exposed.

It goes on, but in light of the limited time that I have, I will go back to the second reading speech by minister Hill, who, at that time, was representing the then minister for environment in the other place. In that speech he referred to the fact that the definition of the bill addresses the issues of maintaining the economic, social and physical wellbeing of our communities and the functioning of our natural and physical resources, and that the government is committed to a transparent marine park process based on sound scientific advice and thorough community and stakeholder engagement.

There has been no scientific advice brought out. There has been no economic impact statement. The environmental, social and economic impact statements are not there at all. They say, 'Ah, but we'll do them now.' There is not much point when the community is in uproar in trying to reinvent the wheel. The department of environment has totally, completely and utterly destroyed this process by its actions. I repeat: heads should roll and it should go back.

I repeat also: the Minister for Environment and Conservation is a decent fellow and I believe that he has been used in this process. There are 236,000 recreational fishermen in South Australia (and remember that this was never meant to be about fishing), plus a large, important and well-managed—under the department of fisheries and the fisheries act—professional fishing sector. We have an absolute dog's breakfast taking place. As I said the other day, if the minister for primary industries is going to have discussions with the Minister for Environment and Conservation, he could well do to get in the Minister for Correctional Services because he is going to have another 236,000 prisoners to put in South Australian prisons. That is how serious it is.

People will not take note of this nonsense. This is not emotive nonsense but the reality. Last year, after taking a thumping in the state election, the Premier said that the Labor Party needed to get out and reconnect with the community. They have has not done that. In this particular case, this has been driven without any decent consultation until this current round of meetings, which, even then, leaves a lot to be desired. They are simply not up to the task. They are going to destroy livelihoods. Remember, it was never meant to be about fishing. When they are taken to task, they get extremely defensive and do not want to listen.

An abalone diver who was at one of the meetings that I attended was absolutely heartbroken over the way he was treated. This is not going to go away. The media, in particular, are right on it. We have heard it on radio and seen it in print. I am fed up to the back teeth with the nonsense being perpetrated. People can abuse me all they like, and if the local extreme conservationists want to have a crack, that's fine. However, the reality is loud and clear that the vast majority of decent South Australians in this case want something better than what is happening. The wheels are falling off it interstate—in New South Wales, Queensland and other places—and they will fall off here.

Finally, Tony Burke, the federal minister, has said there is absolutely no compulsion for the state government to follow along with this nonsense. There is no agreement in place which requires the state government to go down this path. I say, 'Go back to the drawing board and start this all over again.'

Mr GRIFFITHS (Goyder) (12:05): I wish to commend the member for Finniss for bringing this debate before the house, because it is an important one. There will be accusations made that political games are being played here. I can assure you that is not the case.

I base my comments on the meetings that I have attended on the Yorke Peninsula. The overwhelming number of community people who have contacted me via the telephone, emails, letters and people to whom I have spoken on the street since basically the last week in November is unheard of in my electoral office. A continuous stream of people are coming to this side of the chamber, because we represent those people who are doing a lot of recreational fishing, and they are enormously upset. It is impossible for me to make you understand without putting to you some of their concerns.

I have been to public meetings where people are really fearful about the future of their communities as a result of this. They understand and support the principle of marine parks, they understand the history about the fact that both sides of the chamber support the principle of marine parks, they can appreciate the fact that there needs to be some declaration of no-take zones, but they are very concerned about the impact this is going to have, because they believe they have been misled. They are the words they used to me; they believe they have been misled on this matter.

Those people who put in what I think are termed SAMPIT reports in the middle of last year, which indicated their fishing locations, did so on the basis that they believed that, by doing so, they were providing accurate information to the department for environment which would be used to avoid those areas. So, yes, the marine environment was protected in locations amongst the 19 marine parks, but the impact upon recreational and professional fishing opportunities would be minimal.

Overwhelmingly, the people I am talking to about this are complaining to me about how it appears as though every report that has gone in has been used to actually identify where the

no-take zones or the sanctuary zones should be declared. There will be those who will stand up and say, 'Okay, science has justified this. The minister has appointed local advisory groups who are there to advise'—and all that sort of thing—'and to ensure that the process within communities is a smooth one.' That could not be further from the truth.

Local advisory groups, as I understand it, were not consulted on the location of the draft sanctuary zones. They were told at a meeting in either late November or early December, 'This is where the lines on the maps are going to be and you have to go out and try to defend it in the community.' Obviously, the first question to them would have been, 'Where is the science behind it? Where is the science that justifies the declaration of these sanctuary zones?' That is not available, either.

I started to get calls in the very first week that this started to become evident—and it is people from both sides of the political spectrum. One chap in Port Victoria, who is a very strong supporter of the Labor Party—his son has previously run as a candidate—is ballistic about this. He has been in constant contact with the minister's office. I have received many emails and have had a number of discussions with this chap; he wants to make sure the right process occurs.

I will just focus on Port Victoria, even though Marion Bay, Edithburgh, Port Moorowie, Stansbury, Balgowan, Chinaman Wells, Port Clinton, Price, Port Wakefield are all communities that are part of marine parks 11, 12, 13 and 14, which impact upon the Goyder electorate. They are coming to me and saying, 'What the hell is the parliament doing here? What sort of impost is it trying to put upon us, which is going to prevent us from having a recreational fishing future? What is it going to do to our town that supports recreational fishing opportunities?'

I go back to Yorke Peninsula, and particularly Port Victoria, because people have been most insistent about this: they are really concerned about the future of their town. There are about 400 permanent residents. They have seen the opportunity for the population to grow based around people who like recreational fishing. People come over, they bring their boats the first time, then they come back and stay a bit longer. They look at an opportunity to rent a holiday shack or they will buy their own holiday home and, eventually, they move there. That is how the cycle actually occurs.

Already there are people who are saying, 'If the proposed sanctuary zone around Wardang Island—which takes up probably two-thirds of the water surrounding that island—goes ahead, we are going to sell our properties and move away.' That is the sort of anger that exists out in the community. It is not just in my electorate; it is in the member for Finniss' electorate, I am sure it is in the member for Stuart's electorate, it is in the member for Hammond's electorate—it is everywhere. These people are coming to their members of parliament and saying, 'This situation has to be fixed. We cannot allow this to occur.'

These people are not just complaining; they are actually galvanising together as one. They are doing a lot of work. They are using scientific evidence to justify the recommendations that they are making to their local advisory group. There has been a series of meetings in the last week within the Goyder electorate where the LAG groups have met, and they have had submissions presented by these various communities, and it has taken some work to make that happen.

It is obvious that there is never going to be a completely uniform agreement about where the sanctuary zones may be. There is a variety of differences in opinion, but they have consulted with the recreational fishers, pro fishers, business operators and Indigenous communities to determine in that area—Balgowan, Chinaman Wells and Port Victoria—where they believe their recommendations should be.

I understand that they had a good hearing in a meeting held this week with the LAG group, and they hope that flows through, via that LAG group, to its chairman and then through to the minister, who I understand has some regular meetings with the 19 chairs of the marine parks; admittedly, there are only 18 chairs, as one person is chair of two groups because of a reasonably common boundary. These people just want to see a situation where they have a complete lack of confidence in the process reversed and indeed South Australia able to move forward, because it will affect regional communities.

The member for Finniss has highlighted the fact that there are 236,000 recreational fishers in South Australia. As a group, they are an enormous voting bloc. They are also a group of people who are prepared to expend funds to enjoy their opportunity to go fishing. Luckily, in many areas that results in a lot of visitation and a lot of economic growth that has occurred in the region. In my own area, having some 20 per cent of the state's boat ramps, recreational fishing opportunity has

always been recognised as one of the key economic drivers in the area. If we get this wrong, it will be to the detriment of the regions, and it cannot be allowed to happen.

Every time a member of the opposition has spoken about this, it has not been to play political games. It has been to make the people of South Australia, the parliament and the members on the other side aware of the fact that this is a serious issue. Communities are continually bringing it towards us, and they want to ensure that there is some confidence in the process, because at the moment it has been entirely lost. There is a complete lack of faith out there, and the Minister for Environment and Heritage has an enormous job to try to recover some level of faith in this process, otherwise it will disappear forever.

They come to me with comments like, 'For a long time, we have had bag limits, we have had size limits in place, we have had closed seasons for various different species of fish.' Indeed, those people who do not want the marine parks say, 'Why don't you just uses existing tools to actually preserve the fish species?'

As part of the meetings that have been held in communities on Yorke Peninsula we had Mr David Pearce from the department of environment turn up. He is a chap who puts the case and listens to the arguments that are coming from the community and tries to inject that into decisions the LAG groups are making and the recommendations they will put to the ministers.

The chairs of the LAG groups are also good people—and I have known a couple of them for quite a long period of time—and they are committed to the process because they want to ensure that a good result eventuates from it, but there has to be a real fear now there has been a total con job played here. People came into it believing that there was going to be a positive outcome and that it was part of a national and international agreement.

We know now that Victoria, for instance, has some 6 per cent of its marine waters declared as a sanctuary or no-take zone. The target in South Australia appears to be 10 per cent. The fact that only 44 per cent of our waters have been declared marine parks and their outer boundaries means that, within each of those 19 parks, they are trying to identify up to 26 per cent to become sanctuary zones. It is going to kill the regional areas. It has to be reviewed.

The member for Finniss brings this to the parliament not to score political points but indeed to make the parliament, and primarily the minister, aware that this is an issue that will not go away. If it takes the fact that we have to have a rally on the steps of Parliament house involving thousands of recreational fishers taking their tinnies past Parliament House to actually make people understand, honking all their horns and blocking off North Terrace to make all South Australians aware of it, it will happen.

There is continuous feedback to talkback radio every day, and I commend Leon Byner for this, as he is taking up the issue very passionately. There is a continuous stream of calls coming in from people who have lost faith in them. They want that faith to be returned, but at the moment it has gone completely. Unless we get some really significant change very soon, there will be a lot more discussion taking place in the chamber about the fact that you are going to lose it.

I wrote the minister a letter on 1 December asking him seven questions. The first one was: have you done an economic impact statement to determine what the impact will be? The reply I got back four weeks later said, 'No, that's not going to happen until the draft management plans come out from the marine parks, probably expected to be September/October.' By then it is going to be too late, because the people of South Australia who like their recreational fishing opportunity and, indeed, the pro-fishing lobby groups are going to rise as one beforehand to hold this government to account.

Mr PEGLER (Mount Gambier) (12:14): I am very much in favour of marine parks and protecting our marine environment, but I am certainly against the proposed sanctuary zones that have been put forward in our various communities. I think we should be, first of all, looking at what the real threats are to our marine environment. They are basically land-based activities; international shipping; industries located in the oceans such as oil drilling, gas drilling, aquaculture and inappropriate aquacultural processes; and, also, inappropriate fishing methods where nets or trawlers are used.

These sanctuary zones are not going to address any of those activities, basically, because, if there is an inappropriate activity happening, it may not be able to happen close to that sanctuary zone, so we will not stop that happening. We should be looking at our entire ocean and protecting it in the best way we possibly can. The federal government went into an international agreement

which did not specify that there had to be sanctuary zones, and then the federal government, itself, went into agreements with all of the states on marine parks and there were no specifications there for sanctuary zones, so I think we should look at that very seriously.

If you have a look at the South East, there has been 114 square kilometres identified as sanctuary zones. Those areas have been identified with no proper science whatsoever, and it seems quite ironical to me that the group determining those areas went out to the community and asked where they fish mostly and, once they got all those areas on the map, that is where they decided to put the sanctuary zones. So, that was quite a smack in the mouth for those people who tried to cooperate so well with those departmental people.

The community in the South East is calling very strongly for habitat protection zones. They see the need to look after our marine environment for future generations, and they see that habitat protection zones, and identifying those larger threats, would achieve a lot more than we ever would with these sanctuary zones. You must also bear in mind that, in the South East, for about six months of the year you can not go out in the ocean anyway because it is too rough, so the ocean is certainly getting that spell. And, of course, the type of fishing we do down there with line and pots does not actually affect the environment at all, hardly, whereas, this whole thing is meant to be about environmental protection, not fishing protection. We have fish management programs in place so it is the environment we should be looking at through these marine parks, and the types of fishing that we do down there do not affect the environment unnecessarily.

If we look at the compensation that will be required, I find it quite ironical that when we talk about the forestry sale, we talk about how it is in forward estimates, yet when we talk about these marine parks I can find nothing in forward estimates to ascertain how much the government is going to pay for the compensation to professional fishermen. If you look in our area, if they take 10 per cent of the whole area for these sanctuary zones, you will have to take 10 per cent off the quota of both the lobster fishery and the abalone fishery, and I would suggest that that could cost the government up to $50 million, and there has been nothing put in place to show where that money is going to come from.

We will also have problems with how these parks are going to be funded into the future. Nobody has been able to tell me yet whether these parks will be managed through the NRM process—and, of course, those levies will have to go up—or whether the state is going to somehow miraculously find money to manage these parks. You are also going to have a problem where you have the environmental managers, and you have the fisheries managers, perhaps working against each other, and nobody can tell me at this stage who is going to be the one who determines how we manage our fisheries, if you have other people managing the environment. So the whole process should be managed by one group.

I am completely for protecting our marine environment. I think it is essential that we make sure that we have a great environment for our future generations so we all can enjoy its ambience and be able to catch a fish, but I do not know that the way these proposed sanctuary zones have been arrived at will achieve that. I suggest we should be going back to the drawing board. I have no problem with habitat protection zones and very small areas that are no-go for scientific purposes, but the proposals that have been put forward to our community are completely out of bounds as far as I am concerned, so I support this bill.

Mr VAN HOLST PELLEKAAN (Stuart) (12:21): I support the member for Finniss's motion for a moratorium on the imposition of the draft sanctuary zones. I think the important thing to recognise here is that it is a moratorium on the draft sanctuary zones; it is not a moratorium on marine parks. They are very different things. I will not speak for too long because I spoke on 26 October last year and also 8 February this year on this topic because I think it is very important, so I will not repeat all of the comments that I have made on marine parks already.

Very importantly, the science is very difficult. We would all like to think that we could get a scientific or technical explanation that would support us in making decisions, but there is science that supports and does not support this issue, so that makes it extremely hard.

With regard to the consultation process that has been undertaken, I think it is very fair to say on behalf of the vast majority of people who have been consulted that they feel it has been a very unsatisfactory process. I do not know whether the draft zones that have been put forward are really just an ambit claim from which they think they might negotiate back, or whether they were just a predetermined wish area that they would like to have and they thought they would throw it out and see how it goes but, really without exception, the groups that were set up to consult with

say, 'The draft zones do not fit with what we recommended in the consultation process.' So that, in itself, says that the consultation process is extremely flawed and, certainly, this moratorium is well warranted until that consultation process gets back on track.

There are two key issues that I am most concerned about with regard to this process. The first is the economic impact on hospitality and tourism industries all around our coastline—and, in fact, well within our coastline. I certainly would not extend that to all of the far reaches of the electorate of Stuart but, certainly, this is not just a coastal issue: it is a city and metropolitan issue as well.

The economic impact will be felt by hotels, fishing shops, tackle shops, boat shops, motels and restaurants, at a time when we are doing everything we possibly can to improve regional tourism because regional tourism is one of the areas that certainly will support and benefit regional communities over the next decades. It is inappropriate to be taking an uneducated and uninformed decision in one area that will have such a negative impact on this area.

My other concern is that the idea of plastering excessive sanctuary zones onto the people of South Australia really does encourage people to relinquish a bit of their own personal responsibility. I have a genuine belief that the vast majority of South Australians are conscious and aware of the environment and want to do the right thing. The people who use the environment, whether they be pastoralists, farmers or fishermen (recreational or commercial), and who actually get out and are actively involved in activities outside of their homes, cities and towns are the ones who care the most.

When you say to people, 'Look, you can go here. You can't go there. You can do this. You can't do that. Here are all the rules. You don't have to think about it anymore. Just trust us, we're the government. We'll tell you what you can do and where you can go,' they stop thinking for themselves. People stop actually saying, 'Well, what do I think I should catch? Where do I think I should go? Where is the responsible place?'

I can tell members that there are very responsible commercial and recreational fishers who fish within the guidelines—and by that I mean not up to the very, very limit that they are entitled; they fish well within the guidelines because they know that that is the right thing to do. They know that over here they might get snapper right up to the limit, but over there they may not take them. It is the same with whiting and all sorts of other fishing because of their own personal environmental responsibility.

I think that, when you put too many of these guidelines in place, people will stop making decisions for themselves. It is a bit like the flood levy. 'I don't need to worry about whether I'm going to donate,' a person might say, 'because, if it's a really serious crisis, they'll just tax me, anyway.' This is an example whereby people might just be encouraged to stop thinking for themselves, and I think that anything that does that is very negative.

The member for Finniss mentioned the interaction between the minister for the environment and the minister for fisheries. Certainly I, too, have it on very good authority that the minister for fisheries has really not participated in this debate, and I think that is a great shame. No doubt he has his reasons for doing that; and I also believe that he is about to become very involved in this debate.

Certainly, to exclude or to not have the fisheries people involved in a discussion about something so serious as this that will impact on fishing—both recreational and commercial—is a nonsense. It just does not make sense. I also have a fear and a belief in that I think the minister is not taking as much personal interest and putting as much personal impact into this decision as he might. I fear that he is following the advice of his department, and that he is not leading the process himself in terms of taking and considering their advice.

It appears to me that he is really just following the advice that he is getting; and, in that context, without consulting other ministers and other departments, I do not think that we are going to get the best outcome. I do worry that over-zealous environmental protection is having and has had a major impact on the draft zones.

As members here know, the electorate of Stuart has a bit of coastline—far less than many others. There is approximately 100 kilometres on the eastern side of the Upper Spencer Gulf and approximately 25 to 30 kilometres on the western side, at the very top of the Upper Spencer Gulf. Through that, as well as supporting my colleagues in the industry, I take a very serious interest in

all of the Upper Spencer Gulf. The Upper Spencer Gulf Marine Park is from just south of Whyalla, across to just south of Pirie and all the way to the top at Port Augusta.

The draft zones that have been put forward for that area are extraordinary—20 or, perhaps, 25 per cent, I think just from my own visual inspection of the maps. It is hard to do the calculations, but it looks like about 20 per cent of that area has been taken away, and that is crazy, and I would put that into the category of over-zealous environmental protection.

Members, I think on all sides of this chamber (and I can certainly speak comfortably on behalf of the members on this side), are really keen for the environment to be protected, and they are also really keen for the people to be able to use the environment, whether it is the bush, the outback, the River Murray or the coastline and the oceans responsibly. This is not about impeding that at all; it is about allowing that to happen in a responsible fashion.

I echo comments that have been made by the member for Goyder and the member for Finniss. This is not a political issue. The people who are coming to us in our electorates are not staunch Liberal supporters; they are not staunch Labor supporters. I think that this issue affects all sorts of people. I am sure that there are just as many strong Labor supporters with a tinny in the shed or the backyard as there are Liberal supporters.

This is not a political issue. This is about sticking up for the people we represent. This is about trying to find a very, very good way of looking after the environment and allowing people to use the environment responsibly, both in a commercial and recreational sense. It does not matter whether it is the person who might like to go fishing as a guest with their friends once a year, or whether it is the person for whom that is their real passion and their real hobby and they and their friends, family, partner or parents—whoever—get out and go fishing as often as they possibly can—or whether it is the family holiday. This is not a political issue. This is about trying to find the right way for all those people to be able to use and look after the marine environment as responsibly as possible. I do not believe that the draft sanctuary zones that are in place at the moment do that effectively, so I certainly support the member for Finniss in his motion.

The DEPUTY SPEAKER: Before we carry on with the contribution—

Members interjecting:

The DEPUTY SPEAKER: Order! Before we carry on with the contribution of the member for Flinders, I would just like to point out to both sides that towards the end of that debate it was actually quite hard to hear the member for Stuart because you were all chatting, which is fine, but chat quieter. The member for Flinders.

Mr TRELOAR (Flinders) (12:31): Thank you, Madam Deputy Speaker. I, too, do not mind if people chat quietly. I rise to support the motion from the member for Finniss. The motion asks for this house to place an immediate moratorium on the imposition of draft sanctuary zones. Those draft sanctuary zones are to be contained within the marine park outer boundaries in South Australia.

I do not think I have seen community angst like this in my region since at least 2008. I do not say that lightly, because in 2008 the community angst was against the country health debacle. So, what I am suggesting is that this is a very serious issue. It is an issue for people to be concerned enough to go to public meetings, to go to town halls and, can I suggest, possibly at some point come to the steps of Parliament House, such is the feeling.

I am supporting also the comments from the members for Goyder, Stuart, Finniss and Mount Gambier. I do not think the government has considered in all of this the economic impact that these sanctuary zones are likely to have not just on the regions, not just on the coastal communities, but on the state's economy as a whole.

In my particular electorate of Flinders, we have something like 60 per cent of the state's seafood industry, and they are very concerned; not only that, we also have a significant number of recreational fishers and we also visited very often by people from urban Adelaide on their summer holidays to come fishing.

A lot of our coastal communities rely very much on that tourist influx, the seasonal influx that is supplied by recreational fishers but, even more significantly than that, I would suggest that the commercial sector of the fishing fleet, based in Port Lincoln, Ceduna and up the West Coast, is really going to feel the impact of the sanctuary zones.

It is often talked about in primary industries where we have a multiplier effect through the regional economy. Often economists suggest that that multiplier effect may be six or seven times through the community from the original industry. So, we are talking about significant impact and effect.

The suggestion has been made that there is very little credible science around this current proposal by the government, and that certainly seems to be a theme that comes up time and time again. In fact, there is some science that is being uncovered now that would suggest that sanctuary zones will not have the impact that the government is hoping for, particularly on green habitat and also on fisheries. At your discretion, Madam Deputy Speaker, I might read into *Hansard* an article by Professor Colin Buxton of the University of Tasmania.

The DEPUTY SPEAKER: All of it?

Mr TRELOAR: No, just parts of it. It is not a big paper, Madam Deputy Speaker—extracts only. Professor Colin Buxton is the Director of the Tasmanian Aquaculture and Fisheries Institute at the University of Tasmania. He has done some credible work that has been funded by the Fisheries Research and Development Corporation—a government funded body—that certainly brings into question some of the science around sanctuary zones. He states:

> Providing havens for marine life may be harmful, displacing fishing effort and slowing or reversing stock rebuilding, according to new research.

The article continues:

> New research has shown that marine protected areas—established to provide a haven for marine plant and animal life do not always result in more fish and may [even] have a detrimental effect on fisheries.

It goes on to state:

> This significantly damages the adjacent areas and can eventually lead to stock collapse.

What we are talking about is displaced effort: in fact, when fishing effort is removed from a particular area or a particular percentage of the ocean, the fishing pressure is relocated to the remaining area. It would follow logically that that area that is under pressure sees a collapse of fishing. Buxton states:

> Marine protected areas might not be the best option and could even lead to a network of pristine areas in a sea of degraded habitat.

So you can see that there is certainly some science that brings into doubt the science that has been put forward by DENR. I believe this is a sledgehammer approach by the government.

There is very little credible consultation going on with the community and, in fact, I would even suggest that it is a solution looking for a problem, given the state of the state's fishing industries and the fact that they have been amongst the world's best-managed fishing industries for the last 20 or 30 years, thanks to the good effort of the fishing industry and also the department of primary industries, which I might add seems to have been sidelined in this whole debate. With those few words, I will support the motion for the moratorium on the draft sanctuary zones from the member for Finniss.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:36): I rise to support the motion of the member for Finniss. It is an important motion not just for those of us who represent seats around the state that have extensive boundaries on the sea but also, I think, for all South Australians. Recreational fishing is one of the biggest recreational activities undertaken in South Australia.

The professional fishing industries are incredibly important industries particularly to rural and beachside communities, bringing in many millions of dollars of income to those communities and underpinning, in many cases, the local economy. All of that is under threat due to this move to create not just marine parks but extensive marine parks containing extensive no-go zones. That is the problem we have here: it is the extensiveness of the marine parks themselves and the extensiveness of the no-go zones.

Nobody on this side of the house is against marine parks per se. Nobody is against the idea of establishing a series of representative marine parks and a series of representative sanctuary zones within those marine parks along our coastline. What we are concerned about is the impact on recreational and professional fishing in the first instance and also the impact of access by people undertaking other forms of recreation in the ocean and coastal waters.

If I can just cast back a little way, the government of South Australia has been grappling with this issue for a long time. Indeed it was when the Liberal Party was last in government in South Australia that the move to establish marine parks got underway. We accepted at that point the fact that our federal government had signed off on international obligations and the states had signed off with the federal government on helping Australia meet those international obligations, and we started the process of establishing a system of marine parks within South Australia.

One of the things that happened through that process was that some officers within the department—I think it was then the department for environment and heritage—took it upon themselves to take the running on this and, in fact, a public meeting was held in my electorate at Kingston in the South-East.

That meeting attracted some 450 very agitated local recreational fishers and local professional fishers, and it showed that the whole process was out of hand. The then ministers—I am pretty certain that Iain Evans was the minister for the environment and Rob Kerin was the minister for fisheries at the time—took a decision that they would jointly manage the process and that the politicians would take some responsibility. That is something the current government has walked right away from; that is, the politicians would be responsible for the policy and that those two men, as the lead cabinet ministers, would take responsibility for the process and take back the principle decision-making responsibility from the bureaucracy. At that stage the needs of the state—from the point of view of both the recreational fishers and the huge amount of economic activity which is driven by the recreational fishing industry—and the needs of the professional fishers would be taken into account.

It is obvious that the current process has completely reversed that. The process has got right out of hand, notwithstanding that the establishment of marine parks is not about protecting fish stocks. We all remember the advertisements run when the outer boundaries of marine parks were declared, which caused much anxiety in the community. The advertisements, in both the electronic and print media, all contained a picture of a fish and a small boy wanting to go out and catch the fish.

I remind the house that the marine parks legislation is not protecting fish stocks: that function remains, and will remain into the future, under the Fisheries Management Act. It is a completely different act and it is under the authority of a completely different minister, the Minister for Agriculture and Fisheries. In my opinion, the department—and I say 'the department' because I think it is the department that is running this agenda—and the government, I guess, at the very least, have been dishonest with the South Australian people through this whole process. They are trying to make out that this is about protecting fish stocks.

As the member for Flinders said a few moments ago, we have probably the best managed fisheries anywhere in the world in this state. The fisheries management regime, which has been built up over many years, is one which we can be very proud of: it looks after our fisheries. The two prawn fisheries in the gulf are probably the best managed prawn fisheries anywhere in the world. They were brought back almost from collapse, not that many years ago, by a very strict management regime, and have been turned into very worthwhile, sustainable and valuable fisheries.

It is the same with the rock lobster fisheries. The southern rock lobster fishery, notwithstanding the fact that it has had a few headaches in the last couple of years—mind you, I talked to the previous minister a number of times about his tendency to continue to increase the quota and where that would take us, and, low and behold, we did get to that point and are now going in the opposite direction—is an incredibly well managed fishery, and the cost of managing the fishery is borne by the industry. Its management is not a burden on the taxpayer, the same as virtually all the fisheries in the state. The cost is borne by the industry.

We have these incredibly well managed fisheries which can, I think, hold their head up in comparison with any regime anywhere in the world, yet we have a department of environment trying to run the line that they are threatened and that is why we need these extensive marine parks with extensive no-go zones in them. Anyone who has followed this debate for more than half a second would know that the only part of South Australian coastal waters which is under serious threat—and it has been for a long time, and continues to be—is off the metropolitan coast of Adelaide. It is the only part of the state where there is no proposal to have a marine sanctuary zone. Why is that? The government knows that it is out of control, the government knows that it cannot fix it, and, probably more importantly, the government knows that if it impacts on that particular part of the state, there will be a voter backlash. This government will go out and impose

very, very restrictive zoning in the coastal waters, in areas of the state where it does not have electors, and that is part of the problem with this process.

We have failed to recognise where there is a real problem and seek to address it. Instead, we have gone over the top, where there is no problem, because it will not have a political backlash on the government of the day. That is not the way to formulate public policy, it is not the way to govern our marine environment, and it is not the way to mitigate risks to that marine environment.

I commend the member for Finniss for bringing this matter to the attention of the house. I commend all members, at least on this side of the house, who actually understand the issue and have put their thoughts on the record here today. I only wish that the government would take this issue seriously, so that we can develop a good system of marine parks and a system of good management of our coastal waters and actually address the problems where they occur. Where people are doing the right thing, where the marine and coastal environment has been looked after and continues to be looked after well, leave it alone and let people get on with their lawful business and recreation.

Mr PEDERICK (Hammond) (12:46): I am very pleased to support this motion by the member for Finniss. The motion calls on the Minister for Environment and Conservation to place an immediate moratorium on the imposition of the draft sanctuary zones contained within the marine parks' outer boundaries for South Australia.

I commend all the contributions from this side of the house. We have a great concern on this side of the house for our regional communities. In fact, we have a great concern, not just for our regional communities, but for the opportunities for people who live in urban areas and wish to go recreational fishing. This will impact on people right throughout the city and right throughout Labor electorates. There will be male and female fishers from electorates such as West Torrens and Torrens who will be affected by this. There are people in the minister's own seat of Colton who will be affected by this proposal, if it goes ahead. People right across the state will be affected and for what reason?

It has been said that the whole marine parks process is a solution looking for a problem, and that is what I think it is: a solution looking for a problem. It seems to me that there must be some people within the Department of Environment and Natural Resources who seem to think that we need to have a solution because we think there is a problem. What they do not seem to understand—and I think there is some friction between the department of agriculture, fisheries and forestry and the department of environment on this issue—is that our fisheries are about the best managed in the world.

They are managed under the Fisheries Management Act 2007 and the Aquaculture Act 2001. I will just read a couple of appropriate parts of these acts. In the Aquaculture Act 2001, Division 5—Emergency leases, section 41 is about the granting of leases in circumstances of emergency. I quote from section 41(b):

> the Minister is satisfied that circumstances of emergency exist such that the granting of the lease is warranted for the protection of the environment or the preservation of endangered aquaculture stock.

I think anyone could understand that, and we would like to think that people on the other side of the house know as well. Under the Fisheries Management Act 2007, section 128—Regulations relating to conservation and management of aquatic resources, management of fisheries and aquatic reserves and regulation of fishing, subsection (1) provides:

> Subject to this section, the Governor may make regulations for the conservation and management of the aquatic resources of the State, the management of fisheries and aquatic reserves and the regulation of fishing.

They are only two sections from two substantial acts that manage both our commercial and recreational fishing in this state. I think the minister for environment is being led on a merry chase here by a department—I really do. When we had a briefing the other night in this place on fisheries management, I could certainly sense tension between the department of fisheries and the environment department. What is going to happen here if this proposal takes place? We will have a marine parks act that will take over the management of fishing.

We have already seen tens of millions of dollars pillaged from the primary industries sector over the next four years of the budget period. What will happen? If we are going to lose the right to collect licence fees, permit fees and lease fees—if we are not going to have the Fisheries Management Act or the Aquaculture Act operating—we are going to have a pseudo marine parks act managing our fisheries. Right from the very start we saw advertisements put out by the

department and the government saying, 'It's not about fishing,' and then you see a person standing there with a great big snapper, I believe. It is just outrageous.

I spoke at length on marine parks yesterday as well, and another issue is displaced effort. This government has shown it has no money. It is sucking about $6 billion currently into projects in Adelaide, so it has no money for displaced effort, and it has no money for the secondary areas connected to fishing—the holiday parks, the tourism people. What are all those people going to do when our regional areas are decimated and no-one from the city seats wants to go out there and go fishing because there is no point because they cannot fish.

In closing, I make the point that it is absolutely outrageous that the department—and they have admitted this—can just draw lines on a map to say where they want the sanctuary zones and then go to the people and say, 'We want you to help us alter the lines, but we have to have 25 per cent of the marine parks out of boundaries (44 per cent of the waters) to be sanctuary zones.' There is absolutely no science to this. It is about time we had some scientific debate, got on with the job and did this properly, instead of doing it in such an ad hoc manner. I commend the motion.

Mr PENGILLY: I thank members on this side of the house for their contribution.

Mrs GERAGHTY: If he speaks he closes the debate.

The DEPUTY SPEAKER: Yes.

Mrs GERAGHTY: I actually wanted to adjourn the debate.

Mr PENGILLY: I want to put the matter to the vote, Madam Deputy Speaker, and I was on my feet. I believe that I have the call on that.

Mrs GERAGHTY: I think, given that we were kind previously, it would pay to reciprocate. We agreed to allow the motion to come forward and, yes, the member jumped up and I ran across here while I was making an inquiry. So, I would ask, as a matter of courtesy, given that we showed courtesy in agreeing for the motion to come forward without any objection at all, that the courtesy be reciprocated.

Mr PENGILLY: I have a point of order on that. It is not my place to know where the Government Whip or the Opposition Whip is at any one time. The motion came forward; the member for Fisher actually allowed it to come forward. It has no different precedence. It is a motion on the floor of the house. Our members debated the matter and I believe that, as a point of order, I have the right to conclude my remarks as the mover of the motion and put the matter to the vote.

The DEPUTY SPEAKER: Please bear with me for one minute while I speak to persons from both sides of the house.

Mrs GERAGHTY: Madam Deputy Speaker, if I can make the other point that I think I may have got something in the wrong order. The fact was that the minister was on his feet first and the member then stood up and I stood up. I think the confusion was—I take it the minister was not actually wanting to speak?

The Hon. A. Koutsantonis: I was going to adjourn the debate.

Mrs GERAGHTY: You were going to adjourn the debate. Okay.

The DEPUTY SPEAKER: Yes, I did notice the minister on his feet. I also thought that he was going to speak, but he was going to adjourn the debate.

Mr PENGILLY: I understand where the member for Torrens is coming from, but can I just ask from you, through the Clerk of the house, for clarification of the process here, please?

The DEPUTY SPEAKER: Certainly. Thank you. After some considerable discussion with the clerks it would appear that I have made the mistake, so I am at fault here. When the member for Finniss stood the Minister for Mineral Resources Development also stood. However, perhaps because of the extraordinary charisma of the member for Finniss, I looked towards him first when, in fact, the equally charismatic Minister for Mineral Resources Development was also on his feet. So, in this instance I will have to plea mea culpa and I think we will have to adjourn the debate. My apologies to the member for Finniss, who has been most ill-used in this event by me.

Mr PENGILLY: Thank you, Madam Deputy Speaker. I acknowledge your deep and meaningful discussions with the clerks of the house and the fact that things went pear-shaped, and on that premise I would ask that the member for Torrens adjourn the debate.

The DEPUTY SPEAKER: That is very generous of you, thank you. The member for Torrens.

Mrs GERAGHTY: Thank you for your consideration.

Debate adjourned on motion of Mrs Geraghty.

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

VISITORS

The SPEAKER: I draw attention to the fact that the Blackwood View Club, who are the guests of the member for Davenport, are in the gallery today. Welcome to our chamber.

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

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) (14:02): I have to report that the managers for the two houses conferred together at length, and it was agreed that we should recommend to our respective houses:

No.1. That the Legislative Council no longer insists on its amendment but makes the following amendment in lieu thereof:

Clause 4, page 3, lines 3 to 12 [clause 4(2), inserted subsection (2)]—

Delete inserted subsection (2) and substitute:

(2) An application made to the Minister or the National Director under subsection (1) must comply with the requirements prescribed by regulation.

and that the House of Assembly agrees thereto.

No. 2. That the Legislative Council no longer insists on its amendment but makes the following amendment in lieu thereof:

Clause 7, page 3, lines 24 to 26 [clause 7(2), inserted subsection (1a)]—

Delete inserted subsection (1a) and substitute:

(1a) An application made to the Minister or the National Director under subsection (1) must comply with the requirements prescribed by regulation.

and that the House of Assembly agrees thereto.

No. 3. That the Legislative Council no longer insists on its amendment but makes the following amendment in lieu thereof:

Clause 8, page 4, lines 6 to 8 [clause 8(2), inserted subsection (1a)]—

Delete inserted subsection (1a) and substitute:

(1a) An application made to the Minister or the National Director under subsection (1) must comply with the requirements prescribed by regulation.

and that the House of Assembly agrees thereto.

No.4. That the Legislative Council no longer insists on its amendment but makes the following amendment in lieu thereof:

Clause 9, page 4, line 39 to page 5, line 5 [clause 9, inserted section 79C(2)]—

Delete inserted subsection (2) and substitute:

(2) An application made to the Minister under subsection (1) must comply with the requirements prescribed by regulation.

and that the House of Assembly agrees thereto.

And that the following consequential amendments be made to the Bill:

Clause 5, page 3, after line 15 [clause 5]—Insert:

(2) Section 77(2)—delete subsection (2) and substitute:

(2) An application for a direction under subsection (1) may be made by an approved organisation and must comply with the requirements prescribed by regulation.

(3) Section 77(4)—delete subsection (4) and substitute:

(4) An application for a direction under subsection (3) must comply with the requirements prescribed by regulation.

Clause 9, page 4—

Lines 21 to 23 [clause 9, inserted section 79B(1)]—Delete:

'the Minister may, with the agreement of the National Director, refer the application to the National Director for determination'

and substitute:

'the application will, subject to subsection (2), be taken to have been made to the National Director under this Part'

Lines 24 to 32 [clause 9, inserted section 79B(2)]—Delete inserted subsection (2) and substitute:

(2) Subsection (1) does not apply if—

(a) the Minister decides that he or she will determine that application; or

(b) the National Director or the applicant notifies the Minister that he or she objects to the application being determined by the National Director.

Clause 10, page 5, lines 9 and 10 [clause 10, inserted subsection (2)]—Delete inserted subsection (2) and substitute:

(2) The regulations may—

(a) be of general application or vary in their application according to prescribed factors;

(b) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the National Director.

BROOK, MR P.

The SPEAKER (14:03): I would like to point out to members that today is the last day in this chamber for Mr Perry Brook, Head Attendant of the Office of Sergeant-at-Arms. Mr Brook has held the positions of attendant in this place from 11 February 1980 to 6 March 1989, chamber attendant from 6 February 1989 to 6 March 1998, and Head Attendant from 6 March 1998 until tomorrow. He will be retiring tomorrow—but, of course, we all know that he has been about to retire forever! If he is here on Monday, do not be surprised.

I am told that Mr Brook is a devoted Crows supporter. He is a husband, a father and a grandfather, in that order. Perry came to the House of Assembly from Tip Top Bakery, where he was a bread carter—good training for this place! He was appointed as a corridor messenger on 11 February 1980, so he has had considerable service in this place. He became the chamber messenger, as I said, in September 1983, and for a number of years he relieved in the position of head attendant and was then permanently appointed to that position on 6 March 1998.

I understand that, in his younger days, Mr Brook had a dazzling career with Norwood Football Club. However, I also understand that his cricket career never actually took off. His other interests include trotting and motorsports.

He has had over 30 years of loyal service to the House of Assembly. He has seen over 150 members pass through this chamber, and he has seen seven premiers and 10 speakers pass through this chamber. I am pleased to say that in this instance this Speaker has lasted longer than him! I am sure we will all miss him but we wish him well in his retirement. We will certainly miss his humour, and, of course, we will all miss his complaints!

So, to Perry, from all the members here (past and present) we wish you all the best. We thank you for your loyal support over the years. The staff in this place are extremely loyal to us and we really count on that support, and you have certainly maintained a very high standard in that area. Good luck to you in your retirement. Enjoy your retirement—don't come back! We wish you all the best, and thank you.

Honourable members: Hear, hear!

FORESTRYSA

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition): Presented a petition signed by 2,014 residents of Mount Gambier and greater South Australia requesting the house to

urge the government to take immediate action and stop the forward sale of harvesting rights of ForestrySA plantations.

NORWOOD MORIALTA HIGH SCHOOL

Mr GARDNER (Morialta): Presented a petition signed by 493 residents of South Australia requesting the house to urge the government to reverse its decision to cut funding to Norwood Morialta High School.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Government's Response to advice received from the Premier's Climate Change Council—
Accelerating the Investment in Government Energy Efficiency
Draft Climate Change Adaptation Framework for South Australia

By the Minister for Education (Hon. J.W. Weatherill)—

Local Council By-Laws—
District Council of Tumby Bay
No. 1—Permits and Penalties
No. 2—Dogs
No. 3—Local Government Land
No. 4—Roads
No. 5—Moveable Signs

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

Dog Fence Board—Annual Report 2009-10
National Environment Protection Council—Annual Report 2009-10

By the Treasurer (Hon. J.J. Snelling)—

Super SA—Triple S Insurance Review—Report December 2010

By the Minister for Employment, Training and Further Education (Hon. J.J. Snelling)—

Education Adelaide Charter 2010-11

QUESTION TIME

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:07): My question is to the Minister for Environment and Conservation. When did he first become aware of the groundwater contamination at the former Hills Industries site in Edwardstown?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:08): I thank the Leader of the Opposition for her question. I was advised of groundwater contamination emanating from the Hills site on Thursday last week. I was on Eyre Peninsula visiting, amongst others, the very good NRM officers over there and, indeed, hosted by the outstanding local member, Mr Treloar. I was made aware of that on Thursday and had a meeting the following day with the EPA and, from there, prepared for cabinet the information that is required, and then announced it to parliament, as you would be aware, yesterday.

LEGAL PROFESSION REFORM

Mr ODENWALDER (Little Para) (14:08): My question is to the Attorney-General. Can he inform the house on any updates to the proposed national legal profession reform?

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) (14:09): I thank the honourable member for his question. As members may know, there has been floating around the place for some time various proposals about the introduction of a uniform national framework for management of the legal profession around Australia. This

framework has been worked on through the Standing Committee of Attorneys-General for some time, even though the proposals originated, I believe, from COAG. The proposal essentially involved the establishment of a seamless profession across Australia, and certain arrangements were mooted which were directed towards consumer protection and other things of significance.

However, I have to report that, on 13 February this year, when the Premier attended the COAG meeting, South Australia along with Western Australia reserved its position. That does not mean that we will never, ever, under any circumstances be interested in participation. It does mean, however, that for the time being there are sufficient barriers to our feeling comfortable in participating for us not to do so.

I would like to, very briefly, in answer to the honourable member's question, outline some of those issues for the house because it might be of some assistance. The first, very important aspect of it is that the national board that was proposed to run the legal profession did not guarantee any representation, in particular, for the smaller states.

As members would be aware, the population density in Australia is on the eastern seaboard and the number of people who are legal practitioners in Australia, not surprisingly, are also congregated on the eastern seaboard. If it was through sheer numerical distribution, one would expect people from Victoria, New South Wales and Queensland to predominate indefinitely on the national board. That problem was not satisfactorily resolved.

The second issue was the membership of the national board, and the chief justices around the country and, indeed, the legal community around the country, had a concern that a majority of the appointees on the board should be appointees of the profession rather than appointees of the Standing Committee of Attorneys-General. I agree with that proposition because, this is, after all, a professional body attending to the governance of the legal profession, which is something that one would think would be wise to be kept separate from government. In any event, there was no agreement entirely on that, although there tended to be some agreement that a majority should be not appointed by SCAG. However, who should be appointed, and by whom, remained unresolved.

The general model itself remained, it seemed to us, a little bit too top heavy with red tape. The other thing is that the process of admissions was going to be centralised rather than dealt with by each of the states in their own jurisdiction—again a matter that, I think, would be a retrograde step. Incidentally, the cost burden of participation was going to be visited upon new admittees who would have to pay key money, as it were, to become legal practitioners. Again, in my opinion, and that of the government, that was not an appropriate way to fund this model.

I should also add that the Law Society of South Australia did not agree with the proposal, and it needs to be said also that South Australia has probably the smallest proportion of legal firms who operate as national firms of any of the states, with the possible exception of Tasmania. That being the case, and given the fact that the major benefits from this national harmonisation scheme would accrue to the big firms who have people moving across state borders and are able to consolidate trust accounts in a single jurisdiction and so forth, there was very little in the way of benefits for South Australia and a great deal of question marks and problems.

Members interjecting:

The SPEAKER: Order, the member for Bragg and the member for Davenport!

The Hon. J.R. RAU: So, the model that has been floated up until now by the task force—the working group that was established—has not met with our approval and, for the time being, we will not participate. That does not mean if the model changes we won't look at it, nor does it mean that we are closed off to the idea of a national profession. I should add, also, that the Chief Justice of South Australia does not support the proposed model either.

It is, however, the government's intention that the state should not stand still in relation to reform of the legal profession. It would be remembered, I think by members who have been here for a while, that my predecessor, the member for Croydon, attempted some years ago to reform the legal profession governance arrangements in South Australia to bring us into line with the first generation of harmonisation around the country, and due to the attitude taken at that time by the then members of the opposition, it turned out that the bill was unable to pass the upper house and, as a result, we are already one generation behind the rest of Australia in relation to management of the legal profession. So, I wish to indicate to the house that it is my intention—

An honourable member interjecting:

The Hon. J.R. RAU: I paid tribute to the honourable member a moment ago for his efforts in relation to legal professional reform—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I mentioned to the house that his efforts were ultimately in vain because people in the other place refused to allow his bill to pass. Anyway, let us go on. I want to let the parliament know that it is our intention to get to work immediately on a domestic solution to the question of improving and upgrading the regulation of the legal profession in South Australia.

A working party has been established with members of the Law Society and members of my department who are presently working on producing a model, which we intend to bring to this house, hopefully, towards the middle of this year. I encourage members opposite who are interested in this topic, and I know some of them are, when we get our draft model out there, to have a word to the legal profession—to the Law Society, to the Bar Association—and to ask them whether it is a reasonable solution to the problem, because they are going to be part and parcel of working this product up.

So, I indicate to the house there will be something coming to the parliament probably towards the middle of the year. It will be an attempt for us to bring ourselves as much as possible into the same zone, if I can put it that way, as the other states. It will represent an attempt, once again, after the attempts made by the member for Croydon, to bring us forward in terms of regulation of the legal profession.

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:16): Again, my question is to the Minister for Environment and Conservation. Can the minister inform the house when the previous minister for environment, minister Weatherill, first became aware of the groundwater contamination at the Edwardstown site?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:17): I am not aware of the answer to that particular question.

Members interjecting:

The SPEAKER: Order! The question was asked of the minister for environment, therefore he can answer it.

The Hon. P. CAICA: In fact, I am advised that he was never told about it.

Members interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. P. CAICA: The other point that I would make is this—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! Minister for Transport, be quiet.

The Hon. P. CAICA: I pose the question: what is the opposition attempting to do? We have a situation that is occurring at Edwardstown—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —and, quite simply, what I would urge the opposition to do, instead of instilling a heightened level of fear amongst people—unfounded fear—is to actually work with the government. Quite simply, one of the most significant investments any of us ever make is an investment in our home. Most of us have children and we care about the health and wellbeing of our families. What you are doing is unnecessarily heightening the anxiety of people.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I am blaming you for being irresponsible. Madam Speaker, not you; I am blaming the opposition for being irresponsible—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —just as was the case with respect to the nature of the headlines that appeared in the paper this morning, and other assertions made in other forms and areas of the media, and that are continually being promoted by the opposition. Become a responsible opposition.

Members interjecting:

The SPEAKER: Order!

AFFORDABLE HOUSING

Mr PICCOLO (Light) (14:20): My question is to the Minister for Housing. Can the minister update the house on South Australia's continued success in the delivery of affordable housing to South Australians?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (14:20): The Productivity Commission's 2011 Report on Government Services once again highlighted South Australia's leading position in the delivery of affordable housing. South Australia continues to provide more public housing per capita than any other state or territory.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: With 7.3 per cent of the population, we provide more than 12 per cent of the public housing. If the rest of the country followed our lead, there would be 571,000 public housing dwellings in Australia rather than 333,000.

As well as providing more public housing for South Australians, we also target that assistance more effectively. In 2009-10, South Australia ranked second highest in the proportion of new housing allocations to special needs households and allocated over 80 per cent to households determined to have greatest need (that is, of course, in comparison to 48.6 per cent under the Liberal government). These households often require additional support such as disability modifications or flexibility with moving in.

Despite these challenges, South Australia maintained the second quickest turnaround times, ensuring that vulnerable families get the help they need sooner. When the Liberals were in government we weren't second best. We were second last.

Mr WILLIAMS: I have a point of order, Madam Speaker The minister is starting to debate the answer.

An honourable member interjecting:

Mr WILLIAMS: Yes, she is.

The SPEAKER: Order! The member for MacKillop will sit down. I will listen very carefully to the minister's answer. At this stage I will not concede.

The Hon. J.M. RANKINE: Thank you, ma'am. I am reporting from the ROGS data which states 18.4 working days under Labor and 51 days under the Liberals. We provide more opportunities more quickly to those who need it most. We also do it below the average recurrent cost. Not only does South Australia perform well on the level of opportunity, turnaround times and efficiency, but also South Australia ranked second in customer satisfaction, with over 81 per cent of tenants reporting that they were satisfied or very satisfied.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I beg your pardon?

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: I bet you wish you had 81 per cent satisfaction from your colleagues, because you wouldn't be sitting where you are now.

Members interjecting:

The SPEAKER: Order! Does the member for MacKillop have a point of order?

Mr WILLIAMS: The minister is now debating, Madam Speaker.

The SPEAKER: Yes, I will uphold that. Minister, can you finish your answer, please? We need to be careful.

The Hon. J.M. RANKINE: Thank you, Madam Speaker, but there is a bit to go. Under the Liberals there was only 75 per cent satisfaction, but I do note the member for Bragg wishes she had 81 per cent satisfaction amongst her colleagues. This was backed up by 84.7 per cent of tenants reporting that the amenity of their properties met their needs and 87.8 per cent reporting that the location of their homes met their needs. We are not resting on our laurels. We are continuing with—

Members interjecting:

The SPEAKER: Order! The minister will be heard in silence.

The Hon. J.M. RANKINE: —the largest program of social housing construction in 20 years, forging ahead on urban renewal projects and looking at better ways to ensure that our assets match the needs of our changing population.

Ms Chapman interjecting:

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

The Hon. J.M. RANKINE: That's a hard ask, Madam Speaker.

Members interjecting:

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

Mr HAMILTON-SMITH: Madam Speaker, the minister is reading from copious notes. Could I ask that you suggest she table the written notes she is reading from and put us all out of our misery?

The SPEAKER: I don't think that was a point of order.

The Hon. J.M. RANKINE: Thank you, Madam Speaker. The misery is sitting right next to him.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Housing SA has implemented a program to assist people with high needs by employing social workers to link new tenants with tailored support services. The homelessness sector has recently undergone sweeping reforms, and a $200 million partnership with the federal government is providing support packages to vulnerable people accessing the new stimulus properties.

I want to ensure that our community continues to have confidence in its public housing authority and that fairness, equity and consistency are at the core of our system. I want to ensure that we continue to lead and innovate. As such, I have asked my chief executive to arrange for Warren McCann, the Commissioner for Public Employment, to review, analyse and report on all public and any other sources of verifiable data (including the Report on Government Services, ROGS), and any data sets held by Housing SA as they relate to the operational performance of Housing SA. The member for Bragg was trying to rewrite history on radio on 17 February—

Mr WILLIAMS: Point of order.

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: The minister is, again, debating the answer to a question. Madam Speaker, she is reading a written answer, and she cannot even have the wit to prepare a written answer without debating it.

The SPEAKER: Order! There is still no point of order there.

The Hon. J.M. RANKINE: Talk about lack of wit!

The SPEAKER: Order! The minister will not respond to interjections across the chamber—

Members interjecting:

The SPEAKER: —and the opposition will stop interjecting across the chamber.

The Hon. P.F. Conlon: So says the man with three votes.

The SPEAKER: And the Minister for Transport will be quiet also.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Thank you, ma'am. They don't like the numbers, Madam Speaker. They don't like the numbers. She criticised the government for a public housing occupancy rate of 95.5 per cent, yet in 2000 (according to ROGS) the Liberals could achieve only a 94 per cent occupancy rate—the lowest in the nation, and in 2001 the second lowest in the nation pipped by Tasmania by 0.1 per cent.

Members interjecting:

The SPEAKER: Order! Point of order.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Madam Speaker, you have already ruled that my point of order earlier should be upheld; but the minister is debating and she should wind up her answer. Can you please ask her to put us all out of our misery?

The SPEAKER: Could the minister start to wind up her answer, please.

The Hon. J.M. RANKINE: Thank you. Underutilisation—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —is another area that is reported under—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: South Australia had the highest underutilisation rate in the country (complained about by the member for Bragg), but that is where a tenant has spare rooms they are not occupying, it is where someone has raised their family, their children have grown up, they have left and they want their grandchildren—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —to come back and stay with them. The Liberals' policy was to force them out and move them into walk-up flats.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Madam Speaker, under the Rann Labor government, we continue—

The SPEAKER: Order! Point of order. The minister will sit down.

Members interjecting:

The SPEAKER: Order!

Mr PENGILLY: The member for MacKillop has had several attempts, but the minister is just going on and on debating, honestly.

Members interjecting:

The SPEAKER: Order! Minister, have you finished your response?

The Hon. J.M. RANKINE: Thank you, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order! Minister for corrections, be quiet! The member for Frome.

MARINE PARKS

Mr BROCK (Frome) (14:28): Thank you, Madam Speaker. My question is to the Minister for Environment and Conservation. Can the minister please advise the house whether the displaced effort working group has completed its work and provided the advice on compensation matters to the minister if the proposed marine parks eventuate? Has the minister accepted this advice? If the minister has not accepted this advice, what are the guiding principles that will govern the payment of fair and reasonable compensation to those fishers whose businesses and livelihood are impacted by the creation of marine parks and their zoning? Also, when will these fishers whose businesses and livelihoods will be impacted by the creation of zoning of marine parks be informed of the principles or regulations related to compensation so that they can have some certainty as to their future direction?

In 2008 the government established a joint industry government advisory committee—the displaced effort working group—to advise on the principles of fair and reasonable compensation for commercial fishers whose principles are affected by the establishment or zoning of marine parks. The payment of such fair and reasonable compensation is a requirement of section 21 of the Marine Parks Act 2007.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:30): Madam Speaker, if I do miss anything in responding I am sure that the member will be on his feet quickly to say that I did not answer this part of it.

I think it is important to put all this in context. The government and the commercial fishing industry continue to work together on what is a very important issue that has been raised by the member for Frome. I acknowledge his outstanding representation of the people of the electorate of Frome. It is an extremely important issue, that of displaced commercial fishing, which may result from the zoning of the South Australian marine parks.

What I would also say, too, is that in reality we say that we do not want to pay compensation, and that is true. A 5 per cent maximum was agreed to from the EconSearch report. However, quite frankly, through the input of the commercial fishers, we want to undertake a process that minimises any displaced effort whatsoever.

The same applies, I might add, to recreational fishers. I have said ad nauseam that we are not about compromising in any way what is a very vibrant and robust industry here in South Australia, the commercial fishing sector. In fact, I was on the West Coast last week, as I mentioned, and saw the input into those communities of recreational fishers who travel to those regions to enjoy not only its beauty but also to catch a feed of fish.

The government is committed to ensuring that marine parks will provide comprehensive, adequate and representative protection for South Australia's marine environment, and, importantly, whilst also ensuring, as I mentioned, minimal impact on the displacement of our state's valuable seafood industry and, in turn, recreational fishers.

To achieve this the government has made a firm commitment that the marine parks will have no more than 5 per cent economic impact on the state's fishing industry—and that is as

measured by the 2007 EconSearch report—by ensuring that wherever possible sanctuary zones have minimal overlap with working areas.

There has been the establishment of a displaced effort working group. It has completed its work, and, as a result, there is considerable common ground between the commercial fishing industry and government on the process for managing displaced commercial fishing effort. I just want to make this point, too, in response to the member for Frome: I have advised industry that the agreed sequential steps for managing displaced effort that are expected to be implemented are, one, avoid displacement by pragmatic zoning, which makes a lot of sense, and, two, redistribute effort only where possible without impacting ecological and economic sustainability to the fishery. That is, if we draw a zone—I will explain that for the—

An honourable member interjecting:

The Hon. P. CAICA: Yes, it's obvious isn't it? And it's appropriate too.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. Evans interjecting:

The Hon. P. CAICA: He's so funny, isn't he? The longstanding—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Another member of—

Mr PENGILLY: Point of order.

The SPEAKER: Order! Point of order. Members will sit down.

Mr PENGILLY: The minister is directly reflecting on another member of the house.

The SPEAKER: I am more concerned about responding to interjections across the floor. The minister needs to be careful.

The Hon. P. CAICA: Yes, madam. I will not respond to that or any other interjection from any of the displaced deputy leaders that exist over there.

The SPEAKER: Order!

The Hon. P. CAICA: Thirdly, market-based buyback, that is—

The Hon. P.F. Conlon interjecting:

The Hon. P. CAICA: Oh, sorry!

The SPEAKER: Order!

The Hon. P. CAICA: Wasn't he a displaced deputy leader as well?

An honourable member interjecting:

The Hon. P. CAICA: I'm sorry, displaced leaders—market-based buyback of sufficient effort to avoid impact on the fishery and, finally, because I know you are interested, the member for Frome, compulsory acquisition as a last resort option. In addition to the Marine Parks Act 2007, it provides that if the rights of commercial fishers are affected—this is in addition to the sequential steps, because no matter what we agree on with the commercial fishers they will still have rights—under the establishment of the marine park, the government must, through the act, pay a fair and reasonable compensation to those fishers. I want to assure—

Mr Pederick: Show us the science.

The Hon. P. CAICA: What, the science? I won't respond, Madam Speaker, because—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Well, no, because—

Members interjecting:

The Hon. P. CAICA: It would be like going searching for his brain, Madam Speaker, it might take too long, and I do not want to—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: What I want to do, Madam Speaker, is assure industry members that all applications for compensation under section 21 of the Marine Parks Act will be considered as per the government's legal responsibility. We are currently working through—

An honourable member interjecting:

The Hon. P. CAICA: Well, don't we want to identify what the total sum is before anything else?

Members interjecting:

The Hon. P. CAICA: Well, it depends. What you are—

Members interjecting:

The Hon. P. CAICA: —doing again is creating an undue level of fear amongst the commercial sectors—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The government is currently working through the SA Marine Parks Alliance. That is the peak body representing the commercial fishing industry. I met with them recently to finalise displaced effort and compensation arrangements. In fact, there is a meeting today between my departmental officers, PIRSA officers and representatives of the SA Marine Parks Alliance to further progress this matter. I am considering also the need for administrative regulations to clearly set out any application, assessment and appeal procedures, and I am seeking further advice from my department in this regard. I am also seeking advice on the potential future role of the Fisheries Council—which I think is appropriate—in relation to this matter, as has been requested by industry.

Members would be aware, of course, that there has been much interest and debate about the preliminary sanctuary zone scenarios that were provided to the marine park local advisory groups in November. Again, I met with the presiding members two Thursdays ago—very good representatives of the community presiding over the local advisory groups. They are outstanding people. They have been advised, as has everyone, that those drafted scenarios were a starting point. I expect that, with the work that is being undertaken by the local advisory groups, when information comes back to me, it could well be vastly different from that which was presented as a starting point.

There have also been suggestions through the media that these scenarios will have a significant impact on commercial fishing. Again, I say this—I need to say it again and, hopefully, it will get through to the opposition in particular—this government has made a commitment that marine parks will have no more than 5 per cent economic impact on the state's fishing industry. I also remind members again that the scenarios provided were not proposing sanctuary zones: they were simply a place to start. Members may be interested to know that key stakeholders actually asked the government to have a starting point. Clearly, the best way to minimise—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —the potential economic impact on commercial fishing is by placing sanctuary zones—which I think the member for Bragg mentioned is a no-brainer, and that is right—by placing sanctuary zones wherever possible in areas that are not heavily fished, and that is what we are trying to achieve. However, to date, there has been little information forthcoming from the commercial fishing sector. Quite frankly, what we want is this: we are seeking additional industry data be available so this can be incorporated into the design of the preferred zoning scenarios. I urge the commercial fishing sector, knowing full well that on the—I will stand corrected here, but say we have 150 people who are on the LAGs across the state, a significant proportion of those (it could be between 60 and 80) are commercial fishers who are actually inputting into that process. But we want this: we want the peak organisations in the commercial fishing industry to assist us in

the drawing of those sanctuary zones and, again, it is a no-brainer for them to involve themselves in this. So, it is critically important that commercial fishers—

Mr Griffiths interjecting:

The Hon. P. CAICA: I very much respect the member for Goyder, who is a very decent human being. I am doing this, the government is doing this: we are undertaking a process that we hope will install a higher level of trust and faith. All we can do—

Members interjecting:

The Hon. P. CAICA: Well, we haven't even—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —got the sanctuary zones in place. So, again, I would ask the opposition to, instead of playing political games, get behind this process because, as I recall, it was the opposition that introduced marine parks in the first instance.

An honourable member: They did.

The Hon. P. CAICA: They did. So, it is critically important—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —that commercial fishers provide—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —the necessary fine-scale industry data to the design process so that we can work together to minimise the impact on industry. What we want—

Members interjecting:

The Hon. P. CAICA: Madam Speaker? We want these—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: We want these marine parks to be co-produced—we want the community to help us to produce marine parks—for the very sound reason everyone over there says that we need to have marine parks. We want it to be co-produced. We want the broader community—the commercial and recreational fishers, people who are interested in tourism, people interested in conservation—to be part of this process to co-produce these parks.

I will finish off here, if I have answered the question, but I want to make this point: we are also committed to ensuring minimal impact on the displacement of recreational fishing. Again, it is anticipated that careful design of marine park zoning to avoid high-use areas, combined with policy commitments, will minimise any displacement of the recreational—

An honourable member interjecting:

The Hon. P. CAICA: Self-praise is no recommendation. I am a dual world champion in the art of angling, and I want to make sure that I can still continue to fish! I understand recreational fishers very, very well.

Members interjecting:

The Hon. P. CAICA: No, I don't have a conflict of interest. What I have—

Members interjecting:

The SPEAKER: Order! The minister will wind up his answer.

The Hon. P. CAICA: What I have is a commitment to make sure that this state continues to have a robust commercial industry and a very, very vibrant recreational fishing industry.

Members interjecting:

The Hon. P. CAICA: PIRSA, Fisheries and Aquaculture—

Members interjecting:

The SPEAKER: Order! The minister will wind up his answer.

The Hon. P. CAICA: I will indeed, Madam Speaker. PIRSA, Fisheries and Aquaculture agrees that pragmatic zoning will mean that displaced recreational fishing can be redistributed without impacting the ecological sustainability of any fishery without adjusting size, boat or bag limits. I thank the honourable member for his question—

An honourable member interjecting:

The Hon. P. CAICA: At least two—

The SPEAKER: Order!

The Hon. P. CAICA: —but I wasn't counting—

The SPEAKER: Order! The minister will sit down.

The Hon. P. CAICA: Sit down? I will, Madam Speaker. I want to thank the honourable member for providing me with the opportunity to answer this question.

Members interjecting:

The SPEAKER: Order!

MARINE PARKS

Mr PENGILLY (Finniss) (14:42): I have a supplementary question. What compensation will be paid to associated industries such as tourism, hospitality, retail outlets, fishing shops—

Members interjecting:

The SPEAKER: Order!

Mr PENGILLY: —if this madness goes ahead at the moment?

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order, Madam Speaker: the deputy leader, having been such a stickler for argument, I think referring to something as madness is pointedly argument and the question should be ruled out of order.

Mr Williams interjecting:

The Hon. P.F. CONLON: Standing order 97, from memory, says that there should not be argument in a question.

Mr BROCK: Supplementary, Madam Speaker.

The SPEAKER: Just a minute, member for Frome. I do uphold the point of order about argument in the question. Minister, do you want to respond to that question or not?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:42): All I would say, Madam Speaker, is that the only madness that abounds is that madness being promoted by the opposition with respect to marine parks. It was a ridiculous question.

Members interjecting:

The SPEAKER: Order! Member for Frome, your supplementary needs to be very much related to the question.

MARINE PARKS

Mr BROCK (Frome) (14:43): Thank you, Madam Speaker. The minister has indicated that the displaced effort working group has finished its work. All those minutes, and so on, minister, will they be made public on the website?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:44): I thank the honourable member again for his very thoughtful question. What we want to do is be completely transparent about this. The marine alliance has asked for more clarification on detail with respect to those sequential principles.

Certainly, if we want these parks to be co-produced—if we want the input of commercial and recreational fishers and others—we will make that information available.

Members interjecting:

The SPEAKER: Order! I remind members that we are 35 or 36 minutes into question time and the opposition has had two questions. The Leader of the Opposition.

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:44): Thank you, Madam Speaker. I am filled with trepidation because, finally having got that minister to sit down, my question is for the Minister for Environment and Conservation. Can the Minister for Environment and Conservation tell us when the EPA conducted its first test (or had conducted on its behalf) for contamination beyond the boundaries of the old Hills site?

The SPEAKER: I just remind the photographer in the gallery that you have been seen taking photos of people when they are not on their feet, and that is not appropriate. If I catch you I will ask for you to be removed from the gallery. You will take photos of people on their feet; that is the permission given to you.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:45): Of course, the leader should be filled with trepidation because they are manoeuvring around you, Isobel—they are.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I am told the EPA first became aware of potential contamination in domestic groundwater bores last week, not 18 months ago, as some media reports have claimed. Just for the information of the leader, the EPA does not do the testing; under the act it requires the polluter to do the testing. So, get the question right.

Members interjecting:

The SPEAKER: Order!

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:45): My question is also to the Minister for Environment and Conservation. When did the EPA first learn of positive results on contamination tests done at the former Hills site and outside of the former Hills site at Edwardstown?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:46): I am not quite sure the context of what 'positive results' means—

An honourable member interjecting:

The Hon. P. CAICA: Why didn't you ask the question correctly?

Members interjecting:

The Hon. P. CAICA: Yes, that's right.

An honourable member: Inside or outside—that is everywhere.

The Hon. P. CAICA: That's right—inside or outside is anywhere. The EPA became aware of the contamination outside of the Hills site—

An honourable member interjecting:

The Hon. P. CAICA: There may well be. They received that report, I am told, on 14 February.

Members interjecting:

The SPEAKER: Order! Deputy Leader of the Opposition.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:47): My question, again, is to the Minister for Environment and Conservation. Why wasn't the community progressively notified of contaminated groundwater at Edwardstown, as the extent of the pollution bloom was progressively identified, as told by the minister to the house yesterday?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:47): I think it is appropriate that you are equipped—

Mr Pisoni interjecting:

The Hon. P. CAICA: You're the genius. Just pass around some information to your mates and see which ones you can do over next time. Quite clearly, I think it is appropriate that the full information is available before it is promulgated.

An honourable member interjecting:

The Hon. P. CAICA: That's right. So we agree on that, do we? All right. That the full information is known about the extent of the contamination. A report was provided to the EPA on the 14th, I found out last Thursday and, as I mentioned earlier, advisers were—

Members interjecting:

The Hon. P. CAICA: Listen, let me finish. What I will say is that there are some interesting things about—and I think they pay attention to detail—but there is a document that is issued by the Department of Health on the website. It is a water quality fact sheet about using bore water safety. I am sure that Mitch would be aware of this.

The SPEAKER: Order!

The Hon. P. CAICA: It produces a lot of information about bores and how bore water should be used appropriately. Of course, and we know this, it distinguishes between deep bores and shallow bores. It says that bore water should never be used for drinking, cooking, watering edible plants or filling up swimming pools, unless it has been tested. If it hasn't been, then specific advice should be sought from the SA Health scientific authorities. It is quite a detailed fact sheet and it goes on to ask: 'How can I use bore water?' I will just read a little bit from it, if I can. It states:

> Particularly in urban settings and where mains water is available, the use of shallow bore water is not recommended because of the high likelihood of chemical or microbial contamination.

It goes on to say that bore water quality might change over a period of time and, therefore, after the initial analysis, the bore water should be checked every two to three years and monitored by the owner for any undesirable changes in the water quality.

An honourable member interjecting:

The Hon. P. CAICA: No, not at all. It's about the appropriate use of water. I think it is a bit rich that the opposition is making a political football out of this when the government is making sure that it notifies people effectively and properly about the situation. I also remind the house, and I wasn't at the—

Mr WILLIAMS: Point of order: this information is all very interesting, but the question was, why wasn't the community—

An honourable member: Which standing order?

Mr WILLIAMS: Ninety eight.

An honourable member: And that is?

Mr WILLIAMS: Relevance.

The SPEAKER: Order!

Mr WILLIAMS: The question was: why weren't the community progressively told of this pollution, this contamination, because, as the minister told the house yesterday, it was progressively identified that the pollution was beyond the old Hills site. You want to read your statement—read the *Hansard.*

Members interjecting:

The SPEAKER: Order! The minister can choose to answer the question in any way he wishes, but I am sure he is about to wind up.

The Hon. P. CAICA: Well, I may be, Madam Speaker, if you are instructing me to, then I will wind up, but I do have a point to make and that is: we notify people through, amongst things, the water quality fact sheet, about their responsibilities in relation to the appropriate use of—

An honourable member: So it's their fault?

The Hon. P. CAICA: No, it's not their fault.

The SPEAKER: Order!

The Hon. P. CAICA: They have a responsibility to use it properly.

Mr Marshall interjecting:

The SPEAKER: Order! The member for Norwood, be quiet.

The Hon. P. CAICA: They have a responsibility to use that water appropriately. We have a situation here where the level of anxiety is deliberately and wilfully being heightened by what is, an irresponsible opposition.

An honourable member interjecting:

The SPEAKER: Order!

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:51): My question is to the minister for the environment. Why weren't buffer zones established when groundwater contamination was first identified at the former Hills Industries site? The minister, in his ministerial statement to the house yesterday, identified that the EPA had identified the extent of the groundwater pollution, and had created buffer zones beyond that which have been included in the area where residents have been given notification of the pollution and warnings.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:52): Madam Speaker—

Members interjecting:

The SPEAKER: Order! Member for Norwood, I warn you.

The Hon. P. CAICA: What has been identified through a report that was provided to the EPA on 14 February was that the contamination had extended beyond the site. Immediate action was then put into place within the—

Members interjecting:

The Hon. P. CAICA: Maybe you blokes might be better informed—I shouldn't say blokes—people might be better informed, if you actually asked for a briefing on this. I am happy to give it. With respect to the 2,000 houses that are going to be—and are being as we speak—notified about this situation—33 bores within the area, we don't know how many bores that aren't on the register are there, but, quite simply, a buffer zone exists around the plume, and that is appropriate.

Members interjecting:

The SPEAKER: Order!

CHRISTCHURCH EARTHQUAKE

The Hon. R.B. SUCH (Fisher) (14:53): My question is to the Premier. In light of the New Zealand tragedy and the fact that much of South Australia, including Adelaide, is in an earthquake zone, how well prepared are we, should we experience a major earthquake?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:53): Madam Speaker—

Mr Marshall: You wanted to put a stadium—

The SPEAKER: Order!

The Hon. M.D. RANN: Earthquakes—

Mr Marshall interjecting:

The SPEAKER: Order! The member for Norwood, you are already on a warning. I will give you another warning.

The Hon. M.D. RANN: Earthquakes can occur anywhere in Australia and anywhere in South Australia, although some areas have a greater history of earthquake activity such as the Flinders and Mount Lofty Ranges. By world standards, the earthquake risk to Adelaide is low to moderate. Only one earthquake of magnitude 7 or above has been recorded in the last 100 years in the whole of Australia—so that's in the whole of Australia. Since proclamation, almost 175 years ago, Adelaide has only suffered damage three times from earthquakes.

The largest earthquake recorded to date in South Australia measured 6.5 offshore from Beachport in 1897. In 1902 an earthquake of Richter magnitude 6 occurred in the gulf resulting in more damage, with several people dying from heart attack or shock. The most well-known local earthquake is the 1954 Richter magnitude 5.5 earthquake, believed to have had an epicentre near Darlington.

Earthquakes have been identified as one of the 10 hazards of state significance by the State Emergency Management Committee. The State Emergency Management Plan provides for the establishment of hazard leaders for each of these hazards identified by the State Emergency Management Committee. In the case of earthquakes, it is the Department for Transport, Energy and Infrastructure, headed by Jim Hallion.

The role of a hazard leader is to ensure a coordinated state approach to a designated hazard (in this case, earthquakes), including mitigation, response and recovery measures. Under the state Emergency Management Act and State Emergency Management Plan, the State Emergency Centre will be utilised to coordinate the state response. SAPOL exercises overall control for all emergencies, including earthquakes.

The Department for Transport, Energy and Infrastructure has developed the earthquake hazard plan that has been in operation since 2009—so, it was obviously updated. The plan deals with the effective management of earthquake risk for events with a benchmark of Richter magnitude 5.5. The plan is updated continuously and will obviously take into account lessons learnt from the earthquake that took place in Christchurch on Tuesday.

What we do after each disaster, such as the Christchurch earthquake and Black Saturday in Victoria, is look at how we can learn from experiences elsewhere to make sure that we are even more vigilant and even better in recovery processes. Honourable members will be aware of the substantial changes in the approaches of the CFS to bushfire management that came out of the royal commission into the Black Saturday bushfire in Victoria.

The plan is updated continuously. State monitoring stations are scattered around, with most transmitting to PIRSA at Glenside. They are backed up by a number of commonwealth stations that transmit to Canberra, including a monitoring station in Government House that transmits back to Canberra by mobile phone. A substantial earthquake in metropolitan Adelaide is an automatic signal for full activation of the State Emergency Centre. Support plans, functional service plans and, if necessary, national support plans would also be activated.

South Australia was the first state to have requirements for designing buildings for earthquakes back in the mid-1970s, prior to any Australian standard for earthquake design. The first Australian standard for earthquake design was released in 1979 and subsequently adopted in 1983 into the South Australian building regulations at the time, replacing the previous requirements. So this is an area where South Australia has led.

Since then, the design of new buildings for earthquake has been part of the building rules in South Australia. The latest Australian standard requires new buildings in Adelaide to be built to a higher standard than applies in other capital cities around Australia, which is appropriate to the geology of our region. So we have tougher standards to deal with earthquakes.

Considerable work has also been undertaken in planning for the unlikely event of a loss of a significant number of houses, and short and longer term housing options for thousands of people are being developed. Large venues have been identified for relief and recovery centres that would

accommodate thousands of people. The Keeping Safe in Emergencies Guide, that includes earthquake, has been distributed to 50,000 vulnerable people.

The State Emergency Information Call Centre Capability, which can link through to the National Emergency Call Centre Capability if the state capacity is overwhelmed, has been established and the volunteer registration system has been upgraded to improve functionality and capability.

As a result of the recent floods and cyclone in Queensland, the Department Families and Communities has undertaken training of additional staff from across government who are now capable of undertaking recovery roles.

All South Australian hospitals have an emergency response plan in place that would be activated in the event of an earthquake. SA Health is improving measures in relation to ensuring supply of potable water, electricity and other essential services.

Madam Speaker, here we come to the nub of the interjection by the member for Norwood. Despite much speculation, I am advised that the new Royal Adelaide Hospital is not being built on a fault line. I have been advised that the Para fault runs further west of the CBD, but there is not a fault line under the proposed hospital itself, and extensive testing has been done to ensure that there are not any splinter faults underneath the site. Interesting! Wrong, again. Absolutely irresponsible, even though that is where they wanted to build a stadium for 50,000 people.

SA Health's Major Projects Office has worked with government and independent seismology and geotechnical experts to determine the specifications required to enable the new RAH to withstand a significant earthquake of the type that could happen in Adelaide. The hospital will be able to stand and continue functioning as the state's major trauma facility in the case of an earthquake. I will repeat that point for emphasis: the hospital will be able to stand and continue functioning as the state's major trauma facility in the case of an earthquake.

The newer buildings at the current Royal Adelaide Hospital were built to much lower specifications, and, while they would be unlikely to collapse, they would not be functional in the aftermath of an earthquake. So, compare the standards for earthquakes for the new hospital to the old one.

The new RAH will be able to generate its own power and store water on site to enable it to operate for 48 hours before initial remediation could start, so there would be no break in service for patients in the hospital or the casualties who would need to be treated. The state government—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —is continuing to undertake various activities to reduce our risks to our communities from earthquakes, and these include—and I am pleased that the honourable member for Fisher asked this responsible question. I presume that, on this issue, given the tragedy across the Tasman, members opposite would actually like to listen. These include:

- maintaining an urban search and rescue capability across the MFS, CFS, SES, the State Ambulance Service and SA Health. Two major training exercises have been held and over 100 persons have been trained to date;
- an ongoing program of strengthening government buildings for earthquakes. A recent example was earthquake strengthening incorporated into the recent development of the old stock exchange building, which has been transformed as the headquarters for the Royal Institute of Australia;
- an ongoing program of dam upgrades by SA Water;
- bridge upgrades by the Department for Transport, Energy and Infrastructure. The bridge at Port Augusta over the Spencer Gulf was strengthened last year; and
- an upgrade of the local Earthquake Monitoring Network by PIRSA.

The government and South Australians are learning some important lessons from the recent devastating earthquake suffered in Christchurch and taking note of what to do in the event of a major quake here. Indeed, following the September 2010 earthquake in Christchurch, the Emergency Management Council met and discussed what lessons could be learned in terms of response should such an event occur in Adelaide. So, we had a special meeting after the

September Christchurch earthquake to take into account what we could learn from that, and we will do the same again with the current tragedy across the Tasman.

The state government takes its emergency preparedness, response and recovery responsibilities for all hazards seriously, but it is vital that the wider community is prepared for emergencies also. At the COAG meeting held just two weeks ago, all leaders signed up to the updated National Disaster Resilience Strategy. Importantly, this strategy identified that we all have a responsibility to be prepared for emergency. This includes the state government, councils, business, households and individuals, because, ultimately, the way in which a community prepares and responds will determine how well it will recover.

CHRISTCHURCH EARTHQUAKE

The Hon. I.F. EVANS (Davenport) (15:05): Supplementary: Premier, given your statement to the house that the new Royal Adelaide Hospital is guaranteed to survive an earthquake, can you please advise the house what level on the Richter scale the new RAH is designed to withstand?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:05): If you listened to what I said you will find, in terms of the management, that we have the highest standards in the nation, and this will be much higher than them.

Members interjecting:

The SPEAKER: Order!

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:06): My question is to the Minister for Health. Has the health department been monitoring health complaints from residents in the Edwardstown area since the EPA was notified in August 2009 about groundwater contamination at the former Hills Industries site, and if not since 2009 when did the health department become involved in this matter?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:06): I thank the deputy leader for his question. My understanding is that the health department, as is the way in which the government operates, has been involved, otherwise that monitoring would not have occurred. It is as simple as that.

EDWARDSTOWN GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:07): I do not know why the Minister for Environment and Conservation took the question. I specifically asked: if they had not been involved since August 2009 when did the health department become involved?

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) (15:07): I am happy to try to assist the member. I am not aware of any complaints from people from that area in relation to health problems. Though I imagine that within the Edwardstown area there have been some people who have been ill over the last year and a bit, whether or not those illnesses can be associated with drinking bore water I am not sure, but if they did drink bore water they would be doing so against the express recommendations of the health department, which was read to the house just a few minutes ago by the minister.

In fact, the health department says if you have available water you should not be accessing bore water—for a whole range of things, including drinking, personal contact and vegetable gardens and the like. So, if people were drinking bore water it was a very unwise thing for them to be doing. But I can ask my department to see whether or not we have had any examples of people who have consumed or been in contact with bore water who have had an illness.

FORBES PRIMARY SCHOOL

Mr PISONI (Unley) (15:07): My question is to the Minister for Education. When and how was the Minister for Education first made aware that the Forbes Primary School was using water from a contaminated zone, and when did he inform the school?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:07): I thank the

honourable member for his question. The question presumes that the Forbes Primary School was in fact using water from a contaminated zone.

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: That is what you said in your question. If you want to have another question, rephrase it. I cannot help you if you cannot ask a question in the precise terms you really want to ask it.

Members interjecting:

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: The deputy leader has been a stickler for the standing orders. Can he stop interjecting? It is out of order.

Members interjecting:

The SPEAKER: Order! The minister will continue with no interjections from the other side.

The Hon. J.W. WEATHERILL: It is important that we give this information to the house, Madam Speaker, because it actually goes to the question of risk, and that is presumably what the community wants to know about. In relation to the particular bore in question at the Forbes Primary School, I am advised that it draws from a very deep level of the aquifer; something in the order of 35 to 45 metres. That, apparently, is not the level of the aquifer that is implicated in the potential contamination which is coming from the Hills Industries site.

Notwithstanding that, as soon as the EPA advised the education department—and I think that was on Monday of this week, but I will bring back to the house a precise answer. I became aware of this on Monday when cabinet was advised. I am not certain when the EPA took this step with the education department, but as soon as they took that step the school community was advised and they ceased using the bore until tests could be undertaken, although there was a very strong likelihood that this particular bore would not be implicated in this contamination. In any event they have taken the precaution, that testing is underway, and when we have those results we will then be able to act on the basis of those results.

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (15:10): My question is to the Treasurer. How can the Treasurer guarantee that the PPP for the new Royal Adelaide Hospital will be best value for money when he told the house yesterday that cabinet decided to use a PPP before it even received the final cost or tenders?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:10): I am not quite sure I understand the import of the member for Davenport's question. The cabinet made an assessment at the time based upon what would represent best value for money, either a government-funded finance project or a PPP. Cabinet came to a determination that a PPP would be the way of achieving best value for money. I have complete confidence in that decision.

MULTICULTURALISM

Mrs VLAHOS (Taylor) (15:11): My question is to the Minister for Multicultural Affairs. South Australia is a rich and vibrant multicultural state, but I have been following the debate over the past weeks both in our state and at a national level about the value of multiculturalism.

An honourable member interjecting:

The SPEAKER: Order!

Mrs VLAHOS: Can you please explain how the government is supporting diversity in our community in South Australia?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers, Minister Assisting the Premier in Social Inclusion) (15:11): I would like to thank the member for Taylor and acknowledge her commitment to multiculturalism in our community. Can I say that I do welcome this debate that our community is having at the moment because the future of multiculturalism is much bigger than all of us in this place and much bigger than all of our parties, and it is something worth fighting for.

This parliament should be very proud of its contribution to this policy so far. In fact, it was only a few years ago that I moved a motion that this place reaffirms its commitment to multiculturalism in the face of the then Howard government's intention—and he did—to remove it from the public policy agenda. I was very pleased that this place supported that motion, and we did so together, both parties. Of course, I am thrilled that Gillard government has announced a move back into this policy area with the appointment of Senator Kate Lundy as parliamentary secretary.

What we need to remember is that multiculturalism is a policy for managing our community's diversity, and it is one that has worked. We know that this is a debate that is often filled with emotion, and that certainly has its place, but we also need to ensure that our debate is informed by facts, not only emotion. This brings me to a report that was released yesterday entitled Challenging Racism Research Project. The research was led by Professor Kevin Dunn from the University of Western Sydney's School of Social Sciences and surveyed more than 12,500 people throughout Australia over 12 years.

The data is very interesting. It shows that nearly 90 per cent of South Australians feel good about a society made up of people from different cultures, and 85 per cent believe that all races are equal. These results also reflect the ongoing reporting against the State Strategic Plan that shows that nine out of 10 South Australians believe that cultural diversity is a positive thing.

But what the research shows is that this debate is deeply complex. For instance, the report also found that 37.5 per cent of respondents from South Australia believe that increasing the levels of diversity will lead to a weaker nation and 12.3 per cent admit to being prejudiced against other cultures. The figures reflect concerns related to specific groups in our community, with nearly 50 per cent anti-Muslim; 31.7 per cent anti-Indigenous; and 30.7 per cent anti-black African.

While our society is underpinned by laws to protect people against race discrimination, community attitudes such as these still give us enormous concern. However, I do believe very strongly that the solution lies not in trying to gag or control the debate, but to inform the debate. We need to ask ourselves in this place what are the values that we believe are worth fighting for. Do we tolerate racism, or do we reject it and work to inform our community about the value of different cultures? I commend the report to all members in this place.

SOUTH ROAD

Mr GRIFFITHS (Goyder) (15:15): My question is to the Minister for Transport. When will the government deliver upon its promise, made by the minister on 6 April 2005, to commit '$47 million to widen South Road between Port Road and Torrens Road'?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure) (15:15): It is very surprising because the same member went out and did a press release about public transport. I have his rather ungrammatical press release, but he does not want to talk about that in here because he wants to go out and make up stories for the media and ask a different question. I have been looking forward to a question from him so I could address the complete misinformation he put out about public transport, but he is not going to go near that—are you?

Mr WILLIAMS: Point of order. The member for Goyder has asked a very important question about a government promise to widen South Road, and the minister obviously is intent on talking about something completely unrelated.

The SPEAKER: I refer the minister back to the question.

The Hon. P.F. CONLON: I do make the point, because—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: You don't know what I have said yet. I am going to talk about South Road.

The SPEAKER: Order! The minister will get back to the question about South Road.

The Hon. P.F. CONLON: I am going to answer the substance of the question. For the benefit of members, the standing order says that you do the substance of the question and you do not engage in debate. It does not say that you cannot answer something—it does not say the substance of the question. I think it is nothing but the substance of the question. They have been here for years and they still do not understand—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —the standing orders.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Madam Speaker, standing order 127 actually refers to the member not digressing from the subject matter of the question, and I would put to you that that is what he is doing.

Members interjecting:

The SPEAKER: Order! The minister can choose to answer the question anyway he chooses; however, I refer him back to the substance of the question.

The Hon. P.F. CONLON: They didn't point out that they now refer to a standing order about debate—

The SPEAKER: The minister will get on with it.

The Hon. P.F. CONLON: —but it does not matter, you don't need to know the standing orders. You just turn up, get your salary and go home again. You don't need—

The SPEAKER: Order! Minister, back to the question.

Members interjecting:

The Hon. P.F. CONLON: How did you get through? Who were the other two voters? That is all I want to know: who were the other two?

The SPEAKER: Minister!

The Hon. P.F. CONLON: Who were they?

Members interjecting:

The Hon. P.F. CONLON: Hang your heads in shame!

The SPEAKER: Minister!

The Hon. P.F. CONLON: Hang your heads in shame!

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: On the substance of the question—

An honourable member: Six years ago.

The SPEAKER: Order!

The Hon. P.F. CONLON: Six years ago. They talk about keeping a promise. I point out that it was the member for Schubert and the member for Morphett, who is not with us today, who came in here and moved a motion that we should extend—

Mr PISONI: Point of order. It is unparliamentary to draw attention to the fact that members are not in the chamber.

The SPEAKER: I am not sure that it is unparliamentary. I thought you were going to talk about relevance. Minister, will you get on and answer the question.

The Hon. P.F. CONLON: If someone interjects and says, 'You promised to do it six years ago,' I would just point out that it is ill in the mouth when their party moves a motion calling upon you to extend the tramline to North Terrace and then votes against it. It is—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The truth is—

An honourable member interjecting:

The Hon. P.F. CONLON: Not only have we kept our promise on the north-south corridor, we have exceeded those commitments we made years ago, and let me explain it to you. Let's also bell the cat on this. What we are doing is the tiniest puff of dog-whistle politics, because we are talking about accidents, accidents that are still under investigation. It is just a gentle little puff on the dog whistle from the member for Goyder—the gentlest of little puffs—but it is good to see him come out of the shell in the 12 months since the election.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Now, let me go back to what we promised—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: They're angry, aren't they? Let's go back to what was promised by this government. A number of years ago, we promised to make a number of improvements to the north-south corridor. We decided that this state had under-invested in infrastructure for far too long and that the entire north-south corridor had not been addressed for far too long, so we went—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The Deputy Leader of the Opposition has great concern for the people of Port Adelaide along South Road. It is a shame that he could not find that concern for the people of Penola when he was sitting on the balcony up in Darwin with his feet up sipping on a pina colada, or whatever it is he prefers. What we did those years ago—

The Hon. M.J. Atkinson interjecting:

The Hon. P.F. CONLON: At Hindmarsh, and I apologise to the member for Croydon. We made some promises on the north-south corridor. We went away and we—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Oh, goodness me!

The SPEAKER: Order! The minister will finish answering the question and stop responding.

The Hon. P.F. CONLON: I would like to be able to give my answer, if they would stop interjecting. We looked at the under-investment in infrastructure in this state—the under-investment on the north-south corridor, something no-one had every tackled. We went beyond that small promise to widen a small section, and we committed to addressing the entire north-south corridor. Can I say that the first section of that completed, on the Gallipoli Underpass, a wonderful piece of infrastructure; another section of it completed, lifting the tramline over South Road down there. A section—

An honourable member interjecting:

The Hon. P.F. CONLON: They whack on about $47 million. We have let the biggest road contract in the state's history on the north-south corridor on the $800 million on the superway. We have released the Darlington plan on the north-south corridor—a massive project and important infrastructure for the state.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: We initially committed our funds and we dragged out of the commonwealth $500 million towards it—and they want to talk about $47 million! Not only have we kept our commitment to the north-south corridor, we have increased it by about a thousand per cent. This state has a record level of infrastructure on roads, a record level of infrastructure on public transport. Despite your going out and saying that we are not doing that, our buses are more than 25 years old, we have a record number of buses in service in this state,

travelling more kilometres than ever. We have more trams than this state has ever had before. We are buying 60—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order.

The SPEAKER: Order! Do you have a point of order?

Mr WILLIAMS: Point of order, Madam Speaker. Very interesting information, but the question was: when will you deliver on your promise—when, minister?

The SPEAKER: Order! I think everyone has finished. Thank goodness it's the end of the week. I'm sure that Mr Perry Brook, after today's question time, is very glad that he is leaving this place. The house will now note grievances. The member for Adelaide.

Members interjecting:

The SPEAKER: Order! We will listen to the member for Adelaide in silence.

GRIEVANCE DEBATE

RUNDLE MALL TOURIST PRECINCT

Ms SANDERSON (Adelaide) (15:23): I rise today to speak on an issue that I find perplexing. So far, debate in this house and the other side has been condemning of the concept to create Rundle Mall as a tourist precinct. To quote from *Hansard*, the Minister for Tourism stated—

The Hon. M.J. ATKINSON: Point of order.

Ms SANDERSON: —if it is to say—

The SPEAKER: Order! A point of order.

The Hon. M.J. ATKINSON: It is a point of order I made earlier in the week, and that is that the member for Adelaide is anticipating debate on a bill before the house, a bill that she has placed before the house. She is canvassing the merits of that bill, namely, Rundle Mall as a tourist precinct.

The SPEAKER: At this time, I will not uphold that point of order because I must admit that I have not been able to hear what she has had to say. However, the member does need to be extremely careful. There is a bill before the house, and you need to be extremely careful what you talk about.

Ms SANDERSON: To quote from *Hansard*, the Minister for Tourism said:

> If it is to say that Rundle Mall is a particularly significant tourism area, I would ask rhetorically...why The Parade should not also be, why every other area should not also be.

Given this view, it is very surprising, that last Sunday, 20 February, the mall was given a special exemption by the Minister for Industrial Relations to open for an extra two hours, from 9am. Rundle Mall was always considered important enough as a tourist precinct by the government to be opened specifically for cruise ship passengers on the *Queen Mary 2* and the *Amadeus*—

The Hon. M.J. ATKINSON: Point of order.

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

The Hon. M.J. ATKINSON: Thursday 24 March, Order of the Day No. 1: Shop Trading Hours (Rundle Mall Tourist Precinct) Amendment Bill (No. 55)—adjourned debate on second reading.

The SPEAKER: Again, I am going to listen very carefully to what she has to say. It is straying very close and now there is some inference that this is being used to hold up. The member was given new time, so she needs to be very careful about her references there. I will listen for the next couple of minutes and if I decide it is not appropriate then she will need to sit down.

Ms SANDERSON: Okay. Whilst I commend the government's decision to allow the retailers to open why are tourists on two cruise ships more important than the tourists who visit on public holidays throughout the year? Rundle Mall has 23 million visitors per year with 85 per cent of

visitors to the city of Adelaide visiting the Mall, and 75 per cent of cruise ship passengers visiting throughout the cruise ship season.

Did the Minister for Tourism insist that The Parade, Norwood—as he referred to in his speech—also be given special consideration and be able to open from 9am for tourists from the cruise ships? Did the member for Little Para ensure that his constituency, which includes the Elizabeth City shopping centre, geographically approximately the same distance from Outer Harbor as Rundle Mall, also be given special consideration by the government?

In short, the answer is no. Neither of these areas were given special consideration. I believe that is because the government now recognises that Rundle Mall is, in fact, a place of significant interest to our tourists and this position is supported by industry stakeholders and the wider community. The argument that tourists do not come here to shop can also be dispelled by the fact that busloads of cruise ship passengers flooded into the Mall.

An honourable member interjecting:

The SPEAKER: I am sorry, but you are straying on to this bill. I think you will need to sit down. This can be reserved for when you bring up your bill.

Ms Chapman interjecting:

The SPEAKER: Which the member for Croydon is not able to do. I call the member for Mitchell.

SOUTH-WESTERN SUBURBS

Mr SIBBONS (Mitchell) (15:26): I rise to speak about the area of the south-western suburbs in general that also includes my electorate of Mitchell. I am repeatedly reminded about how much is happening in the area—from the soon to open state-of-the-art State Aquatic Centre and the GP Plus at the Marion Domain in Oaklands Park, to the electrification of the Noarlunga rail line, and the planning and reconstruction work for the duplication of the Southern Expressway. These pictures of progress stop you in your tracks, literally.

As well as that, the Marion shopping centre, the heart of the retail trade for the area for more than 40 years is soon to undergo further extensions and major upgrades. Also, as I have mentioned in this place previously, we can look forward to the redevelopment of the Tonsley Park site as an education and training hub.

My electorate and its surrounding districts are at the centre of projected growth outlined in the 30-Year Plan for Greater Adelaide 2010. We must adequately plan for the infrastructure and employment needs of our communities into the future for this growth to be sustainable. The creation of non-stop north-south corridors to move people and goods has been identified as a crucial element of such future planning. This is where the Darlington Transport Study comes in. This study is an investigation into future transport and land use option. It maps out a vision of requirements for all modes of transport through to 2031, and looks at the way they relate to urban regeneration.

We must also look to the future by finding solutions for the Oaklands crossing. This extremely busy intersection of Morphett and Diagonal roads with the Noarlunga train line has been touted as a candidate for road and rail separation since the 70s—and little wonder. It can be an absolute nightmare for motorists. I have used this crossing all my life. I totally understand the frustration of road users that get stuck at the junction, with traffic and railway lights seeming to conspire against them. Realignments of the roads and the upgrade of the Oaklands station have made great improvements but they have not addressed the underlying issue of the bottleneck. One constituent who lives 100 metres south of the crossing has said that it takes him 20 minutes to get to his house from the northern side, a total journey of no more than 200 metres.

The combination of road and rail at intersections can be a recipe for traffic trouble, just as separating them can reduce, and even prevent, gridlock. Indeed, traffic congestion at Oaklands crossing has actually eased since the Noarlunga train line closure early this month. However, the rail closure affecting the intersection is only a temporary measure while the line heading south is electrified. Congestion will most likely increase to the previous level when the line is reopened later this year.

The Oaklands crossing remains a big issue for everyone who uses it and I am committed to work towards a permanent fix to this problem. I will continue to push hard on this issue, as minister Conlon will no doubt attest. The Rann government and the department of transport know

that a solution such as an underpass or overpass is needed for Oaklands crossing, and I am very confident this upgrade will go ahead sooner rather than later. I look forward to the announcement of more specifics of this overdue project and, finally, the start of work at the site. It will be a day to remember and certainly celebrate when this occurs.

NORWOOD MORIALTA HIGH SCHOOL

Mr GARDNER (Morialta) (15:31): I rise to discuss the ongoing concerns of the school community of the Norwood Morialta High School in relation to the significant budget cuts being delivered to that school as a result of last year's budget. Prior to question time, the Clerk announced the tabling of a petition signed by 493 members of that school community. That is, of course, in addition to the 1,967 signatures on the same petition that was tabled on 28 October. So, in total, this is now 2,500 members of the communities of Morialta, Hartley and Norwood particularly concerned about the plight of this school community.

I will refresh members' memories. These schools were forced to merge in 1993, and they currently exist across two campuses, one in Rostrevor for the years 8 to 10 middle school campus and a senior school campus in Magill. It is a seven-kilometre round trip. The school runs two libraries and there are significant responsibilities undertaken on each campus. I reiterate that the schools would, in fact, attract greater funding were they operating as separate schools rather than as one, dual-campus school.

Last year, there was media concern that there was public unease at the advice that the school would find its funding cut as a result of the budget cuts to multiple campus schools by $620,000. The *East Torrens Messenger* of 28 September reported:

> The school says it will be forced to cut at least four staff members and reduce the hours of its school service officers and groundskeeper.
>
> Governing council chairman Jeff Eglinton told the *East Torrens Messenger* that parents were both 'devastated' and 'concerned' by the news.

In estimates committee the education minister provided advice that the cuts to the school's funding was only $588,000, so that was $30,000 better off but still $588,000 of cuts. He also said, both in the press and in estimates, that the school could deliver efficiencies. When pushed in estimates committee on 7 October, the minister said:

> What we were going to do (and we are doing this) is work with the school to identify the way in which the school works across the two campuses, because there are ways in which the school works across the two campuses that can creates costs for the school, and there are ways of working across the two campuses, in terms of the way in which staff are allocated, that can reduce costs. We want to find ways in which we can work with the school to minimise those costs.

The school was no more convinced than I was. I also note that these concerns were initially shared by the member for Hartley, who wrote in a letter to the Minister for Education:

> My constituents are concerned about the ramifications this decision will have on the school and its existing structure, program delivery and quality of education.

She also wrote:

> I share these concerns and take very seriously the representations being made by local residents and the school community.

The minister responded that:

> The member for Hartley wrote to me expressing the concerns that the school council had expressed, and I have given her the explanation that I have given you just now, and she accepts that explanation and is continuing to work with the school community, a school community that she has a very close relationship with, to achieve those outcomes, and we are very confident that we will get there.

He went on to say:

> I then represent back to her my response, which I have given to you just now, which she accepts, and we will continue to work together.

Since then there has been some movement. Further details of the student centred funding model have been made available, and there has been some increase in the base funding that the school will receive; but, certainly, it does not cover the net cost of this cut. I can inform the house that the net loss to the school—depending on the census—will be approximately $327,000 per year as a result of this cut, and it will not reap the benefits that the government has proclaimed of the student

centred funding model because all that increase will go up into halving the amount of net cuts the school has received.

Also, at the end of last year, the school applied for and received in January one-off supplementary funding of that amount, $327,000, for this financial year (it was advised in mid January), although that includes $80,000 that was already promised for IT.

For the future, it will still be a net loss of $300,000 per year. There have been no efficiencies advised by the department. Its school council was effectively told, 'Well, you tell us what you think you might be able to cut and then, you know, we'll let you do that.' That is not good enough.

I encourage the member for Hartley to renew her efforts in the cabinet and the caucus, which she is a member of, to get the education minister and the cabinet to change this funding cut that will hurt this school. I particularly encourage the Minister for Education to reconsider this cut that will devastate this school community over the course of the coming 12 months and ensure that, from the beginning of next year, the member for Norwood and I, and indeed the member for Hartley, can go to that school and deliver some good news.

Time expired.

AUSTRALIA DAY AWARDS

Mr ODENWALDER (Little Para) (15:36): Like most of us in this place, I was honoured to attend several Australia Day celebrations across my electorate in January. As well as the ceremonies welcoming the many new citizens to our community, it was also a great opportunity to recognise the contributions of various residents, and I want to speak briefly about a few of those people recognised by the City of Playford.

The winner of the 2011 City of Playford Citizen of the year was Mr Les Chaplin. Les is well known to anyone who has been involved in any of the sporting clubs which use the Argana Park sporting fields in Elizabeth Downs, of which I am one. Les has lived across the road from Argana Park for many years. He has dedicated a lot of time over the years as the ground's unofficial groundsman. He also spent last year's Christmas break repainting the netball club's 40-odd goal posts with donated paint. He regularly picks up rubbish across the park, puts out and takes in bins and removes graffiti from the various buildings across the park. He was initially nominated by the Elizabeth Netball Club, but he also devotes his time to the same activities across the grounds of the Elizabeth Football Club and the Elizabeth Downs Soccer Club. He is an inspiration to us all, and he was justly recognised on Australia Day.

Madam Speaker, Kay-Cee Hayes was named the City of Playford's Young Citizen of the Year. The field of nominations for this award was particularly strong, which augurs well for the future of my city. Kay-Cee has been committed to making her city a better place and providing opportunities to the local youth through involvement with the arts. After getting involved with an Anglicare youth program in her mid teens, she has moved on to many projects, largely off her own bat.

As well as being involved in every aspect of performance, administration and fundraising, she has also acted as a mentor for other young people in our area. Kay-Cee is also the youth representative on the City of Playford's Obesity Prevention and Lifestyle Committee, as well as being a cheer leader for the mighty Central District Football Club.

Mr Gardner: Hear, hear!

Mr ODENWALDER: 'Hear, hear,' from the member for Morialta.

Mr Piccolo interjecting:

Mr ODENWALDER: No, I have never been there. Apparently they have one in Norwood; I have never been there. The only time I have ever seen Norwood play is in the grand final, and we all remember how that went.

Madam Speaker, other winners on the day were Mr David Bonney who was awarded Sports Club Member of Year for his work with the Elizabeth Football Club; and the Grenville Players, a performance group made up of retired players, was nominated for Community Group of the Year.

Finally, I want to make special mention of the winner of the City of Playford's Older Citizen of the Year, Mr Ray Sargent. Ray is a neighbour of mine, and I have known him over several years

as the secretary and a board member of the Elizabeth RSL. The RSL, under his and other leadership, is a hub of good works in my community, playing host to many valuable community groups, including one particularly close to my heart, the Midway Road Community House. Ray's receipt of an Australia Day award, however, was as a result of the tireless volunteer work that he has done over the last 10 years or more, helping the residents of an Anglicare nursing home in Elizabeth East. He spends many hours every week taking residents out, helping them with their shopping, taking them to shows, walks and on bus rides. He has been described as 'irreplaceable', but I hope that his award serves to encourage others in the City of Playford to continue his work in the future.

With the time I have left, I would like briefly to mention the City of Salisbury Citizen of the Year. I also had the opportunity to attend the City of Salisbury Citizenship Awards with the federal member for Port Adelaide. I was delighted to learn that the winner this year was Father Christos Tsoraklidis. I apologise to him if I mispronounce his name, as I invariably do. I have known Father Chris, as he is universally known, for several years, and I know first-hand the effect he has had on the lives of many people in the northern suburbs. His good works extend well beyond the Greek Orthodox community and he devotes much of his time to helping new migrants of all different faiths and backgrounds. He is a worthy winner and an inspiration to all of us who try to make a difference in our communities.

ABDULLA, MR I.W.

Mr MARSHALL (Norwood) (15:40): I rise today to acknowledge the passing of Ian Wayne Abdulla, a proud South Australian, and one of Australia's most important Indigenous artists. He and his twin brother, Rodney, were born under a tree on the banks of the Murray River at Swan Reach in February 1947. Mr Abdulla was one of 12 children born to an Aboriginal-Afghan man from Hawker and a Ngarrindjeri woman from Raukkan. Ian had a hard start to life, surviving the River Murray flood of 1956 and living in various foster homes and missions throughout his childhood. As an adult, he lived a short time in Adelaide before returning to the Riverland with the Parks and Wildlife Service.

Ian did not discover painting until 1988 when he attended a screen printing course but once he started delving into the art world he was to make a lasting and valuable impact upon the contemporary Australian art scene. Ian Abdulla's art vividly recalled his childhood memories of growing up with the Ngarrindjeri people of the Riverland, often reflecting his experiences of dispossession and the marginalising nature of seasonal work and scavenging.

Ian's paintings were deeply personal and often confronting and, yet, at their heart there existed a love and joy for the Indigenous community of the Riverland, and for the beautiful land he had grown up on. His deceptively simple paintings continued the tradition of Indigenous storytelling. Often funny and carefree, they also hinted at the anger and violence felt by Aboriginal people growing up in poverty.

The River Murray was also ubiquitous in his work, a reminder of the importance of the river to Ngarrindjeri culture and of the threats which it is increasingly facing. Having lived on the River Murray for his entire life, Ian was witness to the devastating changes to the river, and his fears about the impact of water allocations and weirs was evident in his artwork.

Ian's work came to national prominence in 1991 following his first solo exhibition at the newly established Tandanya National Aboriginal Cultural Institute here in Adelaide, and from that point he became known as one of the leading contemporary Indigenous artists. His work was so popular with galleries and collectors that he only managed to keep one of his paintings in his own house, such was the demand for his art.

In 1991, Ian was named South Australian Indigenous Artist of the year and was awarded an Australia Council fellowship in 1992. Ian had a book about his art and life published, held over 32 solo exhibitions, and was involved in 12 group art exhibitions. He often showed his art at the AP Bond Gallery in my electorate of Norwood, where I was lucky enough to meet him several times, and to share some conversations about his art. He was strongly promoted by Tony Bond, the proprietor of that gallery which specialises in promoting Indigenous artists, many of them from South Australia on the APY lands.

His art is housed in every major collection in Australia including the National Gallery in Canberra and the Art Gallery of South Australia on North Terrace, and I cannot recommend enough taking the time to look at his work to all of the members of this parliament.

Ian Abdulla died this January in the Berri Hospital in his Ngarrindjeri homeland. He is survived by his children Tracey, Joseph and Owen, and nine grandchildren. His funeral was held in the Riverland earlier this month and was attended by the member for Chaffey, Tim Whetstone, who said that it was a most moving, appropriate and wonderful funeral to attend. Although his humour, compassion and dedication to his people and his land will be greatly missed, his art will live on, leaving his unique talent and love of the Riverland to be discovered by the next generation.

AUSTRALIA POST

Mr PICCOLO (Light) (15:44): Today I wish to bring to the attention of the house an issue that has become of great concern to some members of my electorate. This matter centres on a service that many of us take for granted; that is, a regular and reliable mail delivery service. At the outset I wish to emphasise that my criticisms are not of the local post offices, as the mail is delivered by contractors and the contractors are managed outside the local area.

The residents of Parkers Road and Barkley Drive, Gawler Belt, brought this issue to my attention in late July 2010, when one constituent lodged a formal complaint regarding the repeated receipt of her neighbours' mail and non-delivery of her own mail. In response to this constituent's concerns, I contacted all the residents along the two streets, conducting a survey asking for their own experiences with the services and delivery of mail by Australia Post. It soon became apparent that this initial complaint was just the tip of the iceberg. The survey highlighted an extensive failure by Australia Post to deliver mail in a time in excess of two years.

From these two streets, 31 responses were returned to my office, 30 of which expressed problems with mail delivery. The responses included—but were not exclusive—the receipt of neighbours' mail, lost mail, the receipt of mail addressed to completely different streets, utility accounts and bills missing that had led to many instances of residents being charged late fees, receipt of mail that had been opened, and damaged mail which had not been delivered pursuant to normal Australia Post standards. These issues, as I am sure you will appreciate, caused residents considerable distress and inconvenience. After numerous complaints to Australia Post, residents had resorted to taking matters into their own hands by organising swap meets for misdelivered mail. I am sure that you would agree that this is not the level of service that should be expected from our national mail carrier.

In attempting to resolve this matter, my office contacted the state retail office of Australia Post on 30 August 2010. A follow-up letter was then emailed to Australia Post on 7 September 2010 stating my concerns, including a table of the survey's findings to illustrate the issues raised. A reply received by my office on 17 September stated that Australia Post was investigating matters, and a promise was made to 'work closely with a mail delivery contractor to address issues with a view to achieving a significant improvement to delivery standards'.

After several follow-up phone conversations, I received what seemed to be a concluding letter from Australia Post stating that 'remedial action had been taken including refining work practices in consultation with the contractor'. Australia Post assured me of their confidence that these measures would significantly improve delivery standards in the area. Unfortunately, the issues with mail delivery continued and even spread to a neighbouring street, Kerr Road, with residents there reporting similar issues.

Although Australia Post further assured me that measures were taken, including removing and replacing contractors, mentoring new staff and providing contractors with names of residents, there was still no discernible improvement to the mail delivery service. Following this continued failure, I conducted a community meeting in the region to address developing issues such as the delivery of mail. Australia Post was invited and encouraged to attend this meeting, but much to the disappointment of myself and those residents, no representative could attend.

It was no surprise to me that the vast majority of this meeting was focused on the distress caused by this issue, with residents questioning why such a simple issue had continued for such an extended period of time despite many complaints. Also, at the meeting a resident gave me a copy of a letter Australia Post had sent to residents as a means of resolving the issues. I found this letter, quite frankly, to be offensive. Both the tone and content implied that the faults of Australia Post were with the customer base and not with processes within the organisation itself.

A lack of accountability has not only frustrated me, but it has antagonised a region of dissatisfied customers. Nevertheless, I sought to investigate the claims of Australia Post. Through their own visits, conducted by Australia Post, I am advised that the majority of residents are complying with Australia Post protocols. This is further compounded by the fact that many residents

have mail delivered addressed to the wrong street, let alone the wrong residence. While the renumbering of houses in the area, due to council planning, has complicated the issue, the service of Australia Post in this area is unacceptable. A period of transition should have been afforded to residents to alter their address in line with the new council numbers. Surely a national body such as Australia Post must have the internal structures and capabilities to be able to cope with such events, as it is not an isolated case.

Many residents are now complaining that letters, cards and presents from overseas did not reach their destinations. I believe this to be an unwarranted burden for the people of the area. After a frustrating six-month period, I am now receiving reports that the delivery of mail is slowly improving. I will continue to monitor the situation.

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

Consideration in committee of the recommendations of the conference.

The Hon. J.R. RAU: I move:

That the recommendations of the conference be agreed to.

I just want to say very briefly in relation to this matter that, whilst the outcome is good, I had hoped for it to be even better, but I would like to compliment in particular the member for Bragg for her cooperative manner in addressing this matter—

Members interjecting:

The Hon. J.R. RAU: No, no. I do believe that, in spite of the fact that this is not the optimum position, it is a significant improvement on the present arrangements. As I said, for that reason I thank the participation of all those who were involved in the committee, and I am happy to move that the recommendations of the conference be agreed to.

Ms CHAPMAN: I would have liked a more gracious move towards the support of this compromise by the Attorney, but nevertheless he has agreed to this and the conference was unanimous in its resolution to resolve this matter. The expectation, as I understand it, in acquiescing to this resolution, is that the regulations for both the minister and the national director, as I understand it, will be the same; that which is to be foreshadowed. Accordingly, the agreement has been reached on the basis that it is in compliance with the requirements as prescribed by regulation that there will be uniformity in that regard.

I join happily with the Attorney in indicating to the house that we have reached agreement. We joined as one, of course, as members of the House of Assembly against those potential rogues in another place. We were both insistent upon each other as to how this should be resolved, and, happily, we reached some agreement. We will support the amendments.

Motion carried.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

In committee.

(Continued from 22 February 2011.)

Clause 22.

The Hon. P. CAICA: I would like to make a couple of points and reinforce a couple. The amendment provides, as we know, for the regional NRM plan and the Water Allocation Plan to be comprehensively reviewed at least once during each 10-year period as distinct from the current five-year review. As I mentioned, that does not preclude plans from being reviewed and amended at any time and does not affect the requirement for each board's business plan to be revised annually.

The Water Allocation Plan forms part of the regional NRM plan and the 10-year minimum period is consistent with clauses 46 to 51 of the National Water Initiative which, of course, the deputy leader mentioned. I want to address a couple of the issues that were raised by the deputy leader. In particular, I want to reinforce that the amendment does not affect the power of a board to review. It has that power whenever it is necessary under the NRM Act, and a board can commence that process of amending a plan at any time.

The member for MacKillop stated that the South-East NRM board was obliged to review and rewrite an existing Water Allocation Plan by the end of June 2006. The NRM Act does not require a plan to be rewritten following a review. The review requirement does not include any obligation to revise, amend or change a plan. The only legislative requirement is that a review be completed within five—now proposed to be 10—years from the date of adoption and, following the review, the board determines whether it is necessary to begin the process of revising the plan.

This amendment will reduce statutory requirements for review procedures. It is consistent with the view expressed by the opposition. The point I would like to make is that what has occurred within the NRM system—I heard this when I was the agriculture minister as well—is that the statutory requirements or the growth, if you like, of the bureaucracy and bureaucratic arrangements were such that it was having an impact on programs on the ground. So this, quite clearly, is aimed at minimising the concern expressed by the opposition and others so that as many resources as possible can be freed up to deliver on-ground activities.

In regard specifically to the Water Allocation Plan in the Lower South-East, the member for MacKillop (the deputy leader) is quite aware that work has been undertaken on that, and there are some other circumstances that are being brought into the frame with respect to that. Ultimately, it is my decision to adopt—or not—a water allocation plan and, quite frankly, I think there is more work to be done in a couple of other areas before that plan is in a position to come back to me. So, it was really a bit unfair to blame the NRM board for that, and you know that, too.

Mr WILLIAMS: I feel obliged now to actually come back a little.

The CHAIR: You do not have to. Do not feel obliged.

Mr WILLIAMS: I do feel obliged, Madam Chair—compelled. If there was any misunderstanding that I was saying that it was written in the act somewhere that the NRM board had to revisit and rewrite its plan by the end of June 2006, I apologise. The reality is that, in June 2006, the pre-existing plan, a plan that we are still operating under, had come to its five-year life. So, it had already been in existence for five years. It was a 2001 plan, and it was due to be reviewed by then.

With regard to that particular NRM board, the minister is absolutely right, and I congratulate the minister and his predecessor for not having signed off on some of the plans put forward by that board, simply because the plans that board had been working on for all of these years were not compliant with the legislation that had come out of this parliament—they were ultra vires: they did not comply with the statutes of this state, and that was the problem.

This board in the South-East had been working on developing a water allocation plan. Then, in the first instance, minister, the board went to your predecessor, gave him the plan to sign off on and said, 'Oh, by the way, minister, before you can sign off on this, you have to change the legislation so that it will be compliant.' There is a section in the draft plan that goes to the compliance with the relevant legislation, and that section in the draft plan I received probably 18 months or two years ago had all the boxes ticked, but it still needed this parliament to change the legislation so that it would be compliant. I have had some trouble with that for some time, and I congratulate the minister for not signing off on the plan.

Just whilst I am here, I want to advise that the following came to my attention the other day, and I want to draw it to the attention of the committee and particular to the minister because I suspect that this is not unusual. In relation to these NRM boards, the minister talked about their resources and that, if parliament accepts this amendment, their being able to apply their resources to on-the-ground works. As luck would have it, when I was home on the weekend, minister, for some reason I was riffling through my desk at home and I came across these envelopes, five of them, all dated 11 August last, and all containing the same piece of information—important roadside winter weed information is important and it is good that is sent out to landholders.

The first one is addressed to 'Williams Estate, DG and a post office box; that is my late father, who died in 1986. The second one, 'Williams, Michael Richard'; that is me—same address and same post office box number. The third one, 'Williams, Michael Richard; same post box to the exact same name. The next one is just 'Williams', same post box. The last one, no name, just the post box. Five of them, minister. I am not arguing—please, nobody think that I am arguing that the NRM board is under-resourced. In fact, I have been arguing for some time that it is over-resourced, and it annoys me because I actually contribute greatly to those resources through my NRM levies. There are some problems, minister. I bring that little instance to the attention of the committee,

because that is the sort of nonsense farmers are putting up with and are being charged levies to cover.

I did point out to the committee when we were last debating the clause that the opposition accepts this clause, and we will be supporting it in the other place as well. I have some concerns, not about the clause itself but about the way the NRM boards are failing to meet the obligations that they have been up to date—the requirement was that they did meet them. It was that failure I was trying to make the point about, minister.

The Hon. P. CAICA: I thank the deputy leader for his support for this amendment, both here and in the other place. I am sorry—and I am genuinely sorry—that your late father receives correspondence through the mail.

Mr Williams interjecting:

The Hon. P. CAICA: I don't think it is proper. The point I would make is that what you are describing to me now is not appropriate or efficient, and it is not an efficient use of their existing resources. I want their resources to be used most effectively and as efficiently as they can possibly be, which is something I know you support. I will look into that matter in terms of certain practices. This is part of the reason, of course, that we are looking at the integration, if you like, between the department and the NRM boards, that is, to make sure that work that might best be done by the department, for example, could be undertaken to free up those resources for doing what it is they do best, which is, clearly, not what you have just described to me.

Amendment carried; clause as amended passed.

Clause 23.

Mr WILLIAMS: I seek an explanation from the minister. First, I think I understand that the clause is about introducing into the act a matter which I was responsible for having introduced into a number of our statutes which would allow farming businesses to amalgamate, for the purpose of levies, notwithstanding that they had more than one property or assessment—however you describe them—as part of that business. However, because this clause is specific to outside council areas, my colleague the member for Stuart is most anxious about it and wants an explanation as to whether there is any potential for this to impact on pastoral lease, as opposed to other land titles.

The Hon. P. CAICA: The short answer is no. As has been my wont today, I will not let that short answer suffice and I will make an explanation. Of course, it mirrors what is in the Local Government Act, and I am told these subclauses, as you have identified, are meant to clarify the meaning of single farm enterprise and farmland. They are consistent with the Local Government Act. Of course, where a leaseholder is able to verify that the entire property is part of his farm—and this is meant to deal with outside and inside local council areas, to address the issue that you have raised—that would attract just the single levy rate.

Mr WILLIAMS: Can I confirm that the definition of the word 'farm' would also apply to a pastoral lease? If we had a pastoral lessor who had more than one lease, would they gain the benefit of this as well?

The Hon. P. CAICA: Yes, if it is the single farm enterprise, as I am advised.

Mr VAN HOLST PELLEKAAN: I thank the member for MacKillop for raising a couple of things. I was not sure whether or not I would be here. I think, and I trust, that the intent of this is quite clear and straightforward and helpful, but there are potentially quite a lot of complications, so I would like to ask a couple of questions just to get on the record what I expect the minister will say. The reason it is a bit complicated is because there is some freehold land outside council areas and there are some pastoral leases inside council areas. There is a range of potential complications.

My first question: is that the intent is purely about the amalgamation and no intent whatsoever to change fees, adjust fees or change any authority for the way in which fees are charged. The second thing I would just like to have clarified, please, is that the clause talks about amalgamating properties and parcels of land that are occupied by the same person. I would like to clarify that that means 'owned and operated', if you like, because it is quite common to have separate parcels of land owned by one person, family or company.

However, there might be another house on one of the separate blocks where a different family lives. It might be an employee. It might be that the house is rented out to someone else on a

separate block. I want to be 100 per cent sure that the 'occupation' that is referred to here is with regard to the owner of the pieces of property, or the lessee in the case of a pastoral lease.

The third thing I would like to clarify is that I understand the definition of 'farm land' here is to do with primary production. The minister has clarified for the committee—through the question from the member for MacKillop—that that includes pastoral leases. How does that apply to pastoral leases that are not used for pastoral purposes, because, as we know, there are technically pastoral leases but they are not running stock. They might be used for tourism, mining companies might own them for the water rights or they might be for Aboriginal and cultural pursuits, or various ecological/conservation purposes. So, there is a group of pastoral leases not actually used for primary production. I would like to know how they would be dealt with.

The Hon. P. CAICA: I thank the member for Stuart for his questions. Of course, we are dealing with two aspects which, obviously, are linked under the same clause. I will just deal with them in the order in which the questions were asked. Quite clearly, it is meant to have a rateable levy (which, in essence, I am responsible for collecting), which is able to be collected in the unincorporated lands as well. So, that will apply to those pastoral leases as it will to other property that is being farmed for primary production in those other areas. It is about clarifying that.

The second question, as I understand it, is about the rateable land. My understanding, as I am advised, is that, where a collection of the levy under section 97 is to be imposed in areas outside the council areas, this amendment, as I mentioned, provides for contiguous land to be identified in separate landholdings considered as a single farm enterprise; so, they would need to be under this 'contiguous'.

They still might be part of your farming empire with bits and pieces all around the place but, for the purposes of this, it is about consolidating what historically might have been seen as being two sections of the single farming enterprise, if that makes sense. That is what that clarifies. Thirdly, for the purposes of these clauses here, it does apply specifically to farm land or land being farmed as a single enterprise and being occupied by the same person. In essence, if it is being used for another purpose that will still attract a levy but it will be a levy under a different section than this, if that makes sense to the honourable member.

Mr VAN HOLST PELLEKAAN: Just to clarify, and I think that this goes back to the first point the minister made, the effect of this clause is about the amalgamation of the properties. It is about the adjoining blocks and essentially treating them as one area, if you like. However, it has no impact on the fees that could or might be charged; is that correct?

The Hon. P. CAICA: Again, I thank the honourable member for his question. The fees are set through the plan, and this is to allow processes that clarify what is to be—not so much the total collected, because that will be determined through the plan and then subject even to an appearance before your committee if it goes beyond a certain level. So, this is about the administration perspective of what constitutes that rateable property, more so than the setting of the levy itself.

I want to clarify something, and I think it is important that I correct the record. I mentioned earlier to you, and I apologise for this, that it needed to be contiguous. As I understand, they can be parcels of land still part of what is the entire farm that do not necessarily have to be contiguous, and then still seen as being the single farm entity or farmland for the purposes of this rating.

Clause passed.

Clause 24 passed.

Clause 25.

Mr WILLIAMS: Minister, this one interests me because an issue arose during the construction of the Northern Expressway about the contractors taking water. I can fully understand and appreciate the intent of this clause where it would exempt water taken for the purposes of construction or repair of a public road in determining the quantity of water taken. In that particular instance, when the Northern Expressway was being constructed, as the shadow minister I received a number of complaints from people in the Northern Adelaide Plains, principally water users who had been under significant restrictions for some time, who were furious that the contractors involved in that construction were pumping—in their words—vast quantities of water which were not being metered, and were in no way being accounted for.

I am not suggesting that it was not a necessary use of the water and that we should not be building roads—God forbid—but I can appreciate that, in some instances, notwithstanding we should not be stopping them from this activity, I think we should be monitoring how much water is being taken. I have a concern about giving an open exemption for that activity and I wonder if you have any comments to make about why this has been put into the act, and have you considered the instances such as the construction of the Northern Expressway, which was a major project and used a considerable amount of water?

The Hon. P. CAICA: I thank the honourable member for his question and, as he is aware, and I think we all are, where an NRM water levy is based on the quantity of water taken, water used for purposes such as firefighting and drinking water for stock is required to be excluded under the relevant section of the act. Certainly, from the government's perspective, it is considered appropriate that water used for road making should also be excluded from the basis of the levy. To get to the point that was made by the honourable member, the effect of this amendment is not to remove any requirements to be authorised to take water for road making but to ensure that levies will not be charged on water taken for road making from the licence holder.

It seems to me to be particularly relevant in a prescribed water resource area, where, in some cases, water for road making is accessed from the existing licence holder's bore or dam because that is more practical than creating new bores or dams to access water in the short-term construction period. It would not be appropriate then, for the licence holder to be liable to pay a levy on the water that has been taken from their bore for road making. Of course, all water from prescribed water resources for public road making is authorised under the statewide authorisation under section 128. Specifically, I know that, when the extraction of water is coming from any bore, the quantity needs to be taken into account so that it is not having an adverse effect on that resource.

I am happy to look into this little bit further on the basis that, if I read you right and hear you right, what you are saying is that there may be circumstances like the Northern Expressway, which is a huge undertaking, that may have a greater than expected impact on that particular resource, and a consequence of that, circumstances like that, for the purpose of this exercise, should be measured and then the impact on that resource known before that water is extracted. That is essentially what you are saying. I am happy to speak to my colleague, the Minister for Transport, on this particular matter to see if we can come up with something that might be appropriate to ensure that there is a clear understanding of what, for the purpose of this exercise, that extraction will have on that resource.

Mr WILLIAMS: The Salisbury council at that stage, during that project, was willing to supply water from their recycled stormwater; there would have been a cost, I believe. They were a bit dark about the whole situation of what happened there too; so, I am pleased that you have undertaken to look into that.

Clause passed.

Clause 26 passed.

Clause 27.

Mr WILLIAMS: Again, I have a concern with this and would like an explanation of exactly what the intent here is. My concern is about the ability of this amendment to be put into practice. What we are doing is adding in the words 'an adverse effect' on the productive capacity of land. This is the definition of the word 'degradation'. The current definition provides that:

> *degradation* of land means any change in the quality of land, or any loss of soil, that has an adverse effect on water, native vegetation or other natural resources associated with, or reliant on, land, any other aspect of the environment, or biological diversity.

Why would we want to add on to that those very words on the productive capacity of land? I am particularly concerned, because I am not too sure that the NRM boards physically have the capacity to make a determination about the productive capacity of land. I am probably as disturbed about that aspect as any other. I certainly would like an explanation from the minister as to why he is seeking this particular amendment and how he sees it working.

The Hon. P. CAICA: I could recount the time when I was kindly hosted by the member for Flinders recently and the working relationship between the local farmers in the southern region of Eyre Peninsula, and their relationship with SARDI, but also the NRM board and others, with

respect to improvements that are made to the quality of the land and the increased production that comes as a result of it. It was fascinating stuff.

This amendment provides for the degradation of land to include any change in the quality of land or unreasonable soil loss that has an adverse effect on the productive capacity of that land. In the current definition a change on the quality of land or any loss of soil is not sufficient on its own to constitute degradation. It must also be established that there has been an adverse effect on water, native vegetation or other natural resources.

Certainly, in the work that has been undertaken in respect of a review of this act, it was determined that it sends a poor signal on how the soil resource is valued, but this has been improved by tying the resource to the productive capacity of the land, and that is the thrust behind it. This amendment does not give a regional NRM board the authority to take action where water availability varies on a piece of land, as the inherent productive capacity of the land does not change.

The productive capacity of the land in this instance is not connected to the availability of water, but the nature and amount of product that can be grown does vary with water availability, either rainfall or irrigation. In simple terms, this amendment provides that the definition of degradation of land now includes two possibilities: one, any change in the quality of land, or any loss of soil, that has an adverse effect on the productive capacity of the land or the capability or potential of the land to produce; or, two, any change in the quality of land, or any loss of soil, that has an adverse effect on water, native vegetation or other natural resources associated with, or reliant on, land, any other aspect of the environment or biological diversity. That is the clarification I hope you sought.

Mr WILLIAMS: I am still confused, minister. I wonder who makes the assessment about the productive capacity of the land, to be quite honest, because from time to time land use obviously changes from one land use to another, and the factors which underpin the productive capacity of the land might vary with the land use that the land has been put to. A simple case in point is land adjacent to the town of Mount Barker currently being used as farming land. It will be rezoned and it will be used to build houses on—a totally different land use. I think that is an extreme example but I fail to understand how an NRM board is going to make an assessment of the productive capacity of land.

The Hon. P. CAICA: I thank the deputy leader for his question. The NRM board cannot make that assessment independently of advice being sought. The example I used, which might not have been a very good one, was the collective way in which the production or the quality of the land on the Treloar farm was not done just by Peter but through a whole lot of very good and astute farmers working with other scientific people, but also the NRM boards working collectively.

Quite frankly, this cannot be done by the NRM board independently of the advice that it needs to seek in relation to what would indeed constitute that loss of productivity or that reduction of productivity of that land.

Clause passed.

Clauses 28 to 34 passed.

Clause 35.

Mr WILLIAMS: This clause is about carryover provisions. I know the minister would be incredibly disappointed if I did not have some questions of him regarding carryover. Section 52(1) of the principal act talks about water allocation, interstate water entitlements etc., and the transfer of them. This amendment is to try to strengthen and underpin the carryover provisions.

We have seen a very sad—for want of a better descriptor—situation in South Australia this year where irrigators on the River Murray have been told that they can carry water over. In fact, it seems that they have not been able to physically carry the water over. The amount of water in their account, which they are ostensibly using this year as carryover water, has actually come from the state's water account for this year. So, notwithstanding that they were told they would be able to carry water over from one season to the next, the water that they did not use in the previous water season—that physical volume of water—was not allowed to be carried forward in the state's water account for the next year. In a practical sense, they were not able to carry that water over at all, and the water that is in their carryover account is water that they would have otherwise received as their share of the allocation in this water year.

As luck would have it, with the improving water flows in the system, all irrigators would have otherwise received 100 per cent of their allocation in this water season. Interestingly enough, an irrigator on the River Murray who currently has a 67 per cent allocation and has carried forward, say, 50 per cent of their allocation—giving them a nominal amount of 117 per cent of their allocation—is unable to use that 17 per cent which is over their 100 per cent allocation, because not only do irrigators have a water allocation, they also have a site allocation, and their site allocation prevents them from using more than 100 per cent of their water allocation. So, we have a whole host of irrigators in South Australia at the moment and, unfortunately, the minister said that the average irrigator has 105 per cent of their allocation. That is an impossibility.

The Hon. P. Caica interjecting:

Mr WILLIAMS: Yes, an average. If the average irrigator has more than 100 per cent, the total must be more.

The Hon. P. Caica interjecting:

Mr WILLIAMS: Yes; an impossibility, minister, if you think about it. Notwithstanding that, a proportion of irrigators who have carried water over, ostensibly, and added that to their 67 per cent, have got more than 100 per cent of their allocation. They cannot use that additional portion; they physically cannot use it, yet there are other irrigators with less than 100 per cent. Some are on 67 per cent and some, obviously, have smaller portions of carryover—somewhere between 67 and 100 per cent—and obviously cannot use 100 per cent. We are all agreed that we have a problem with the carryover system. We can all see that. My question, I guess, to the minister is: in what way does this amendment solve that problem?

The Hon. P. CAICA: I thank the member for his question. I am not going to go into a longwinded response to some of the things he said, but I am extremely glad that we finally have agreement that the amount of water available to irrigators is enough. We also agree, finally, that the aggregate is fine; it is the distribution of it that creates a problem.

This amendment does provide for water allocations to include water carried over to a subsequent water year where a full allocation was not used in the relevant year. It does not mean that carryover will apply. Action needs to be taken under the provision of 35(iii) to implement carryover policy. The point I would make is that carryovers that relate to—and, to a very great extent, this is talking about the NRM board—the example that was provided by the honourable member are subject to reaching further agreement as it relates to permanent storage, and that is something that is being discussed with the upstream states. In fact, one of the issues that needs to be addressed—and it was a direction at the ministerial council meeting, and it has been for some time—is that respective schedule. So, we need to secure a permanent, if you like, place to store that water.

From there, we then need to develop the carryover arrangements that will apply. Once we have that permanent storage, it has certainly been my comment, both privately and publicly, that the agreement we would like to secure in the future is one that has this carryover in addition to existing allocations, not forming part of that following year's allocation. That is the objective, and I think it is an objective the opposition supports our pursuing. However, it is going to take the agreement of the states. We want this to be addressed sooner rather than later, so that we can implement that. Of course, it would need to be based on certain provisions that apply elsewhere where carryover is taken into account, such things as evaporation and the like. We are a little way off.

The first port of call has to be securing those permanent storage rights, and I have given that commitment to the irrigation industry, particularly the trust, to develop what would be a transparent, appropriate and proper carryover policy that will take us to what will be the new world of water management as it applies to the Murray-Darling Basin. What I am saying is that that needs to be resolved. This amendment facilitates water allocations being carried over to a subsequent year, but the amendment specifies that carryover may be authorised in a relevant water allocation plan (and that is what I was speaking about in relation to the Murray-Darling Basin), determined in a particular case or cases by the minister, and established by the minister by notice in the *Gazette*.

I am not going to go on about the carryover, because I hope I have answered that and answered it well. There will not be a carryover policy for next year, and I have announced that as well. I have also announced that there is a 99 per cent chance of there being a 100 per cent allocation, which is what they would all want, and that will be announced sooner rather than later,

given the water resource at the moment. That does give us time to determine the longer-term or, we hope, medium-term question, about carryover as it applies to the River Murray irrigators.

Mr WILLIAMS: I am going to ask the minister to confirm what I think he has just said, and that is that we do not at this stage have access to permanent storage, and I am principally talking about the Hume and Dartmouth storages. I will check the record, but I am absolutely certain that one of the minister's predecessors, the former member for Chaffey, told this house that, when we changed the legislation and handed certain powers over to the commonwealth to allow it to proceed with the commonwealth Water Act, one of the agreed positions was that we would have access to those permanent storages. Now the minister is telling us that that agreement still has not been reached.

The Hon. P. CAICA: I apologise for any confusion there. Formal agreement for the provision of South Australia water storage rights was finally provided by the agreement on the Murray River reform 2008, which was signed by the Murray-Darling Basin Ministerial Council. That agreement endorses providing South Australia with access to upstream storage rights we did not previously have. As a result of that, two new schedules (G and H) to the Murray-Darling Basin Agreement, which detail South Australia's water storage and sharing rights respectively, are those which are currently being negotiated to provide improved security and flexibility to South Australian water users.

It is safe to say, too, that the agreement that was reached is being met or followed by a degree of tardiness, I believe, by the upstream states with respect to fulfilling the commitment that was agreed to and signed back in 2008. That is why I raised it at our most recent ministerial council meeting and it was reinforced as a matter that needs to be fixed and addressed as a matter of urgency. Quite simply, that is what is being negotiated—to provide and improve security and flexibility to South Australian water users. But what we also want, contained within that subsequently, is the ability to be able to store carryover water that can then be used the following year, if you like, that doesn't have an impact. That is another debate that we still need to have in line with what I said earlier. I know you support us having that debate and supporting that right.

Once schedules G and H are agreed, as I mentioned and I reinforce this point, a long-term, robust carryover policy will be developed to utilise the storage and sharing rights that they provide, and I will not be doing that independently of dialogue that needs to occur with, amongst others, the very good people within the member for Chaffey's area.

Mr WILLIAMS: I am still confused. The minister has told us that we established this back in 2008, I think, that we did have access, and our irrigators have been told for the last three seasons, I think, that they could carry over water. They had no way of knowing that they were not actually carrying over that water until we got to this year when they should all be enjoying 100 per cent allocation. Suddenly, they have come to the realisation that they have probably never physically been able to store that unused water and carry it forward into the next season. The government has now been caught out, and now—

The Hon. P. Caica interjecting:

Mr WILLIAMS: Don't explain that to me, minister. Explain that to the irrigators, because they think you have been caught out. Now you are saying that we have this agreement, so I am not quite sure what we have and what we do not have. You may wish to try to relieve my confusion, minister, I am not sure. The minister said that one of the things that was up for negotiation is the allowance for evaporation.

The Hon. P. CAICA: What I meant was that when we actually agree on certain arrangements for future carryover arrangements subject to the actual signing off—I apologise, Madam Chair. I will wait until the member finishes.

Mr WILLIAMS: Will the exact same arrangements apply to critical human needs water? I want a confirmation that if we have a situation where irrigators can have access to upstream storage and can lock away an unused portion of their water and carry it over into the next season, will they be treated exactly the same as, say, SA Water would be if it chose to do the same with an unused portion of its water and chose to carry it forward into the next year?

The Hon. P. CAICA: I want to clarify this as best I can. The simple fact that a formal agreement for the provision of water storage rights for South Australia was signed by the ministerial council does not necessarily mean that it is going to happen in a hurry. We had difficulty in our discussions with both Victoria and New South Wales, our upstream partner states, about fulfilling

what it was they signed up to. We say they are obligated to do that, they ought to put pen to paper, and they ought to do it sooner rather than later.

In relation to carryover arrangements, my understanding was that it was always a short-term drought contingency—one that was very much welcomed, as I understand it and was told by the majority of irrigators who were able to access that storage. They were very much appreciative of that. We, naturally, had changing circumstances that created the situation that we spoke about in regard to the 67 per cent. I would make this point, too. It would depend on the circumstances that apply in relation to what water would be then carried over and whether that be critical human needs or not. I am presuming that the member is not saying that the ability to provide critical human needs water, depending on the circumstances, should be compromised in any way. I know the member is not saying that. That is critically important to the entire population of South Australia so we will not compromise that.

What I want, and I think what everyone wants, is a Murray-Darling Basin agreement that, for the majority of years—99 out of 100—is managed in such a way that everyone gets what is their entitlement in any one year. That ought to be our objective, and it ought to be the objective that we are seeking from the final development of the Murray-Darling Basin plan. So our requirement may be then to store more than what we necessarily might, or to carryover more than we necessarily might, and there still might be special circumstances, depending on the climatic conditions of the day. What we know is that, if we manage the resource in such a way, it is more sustainable than what it is at this point—or has proven to be over the last year. What I want, then, is for the majority of irrigators—and, indeed, SA Water and anyone else who has an entitlement to take water from that system—to be able to have 100 per cent of that provided 99 years out of 100. In fact, I would prefer 100 out of 100, but that might not happen because of the climatic circumstances of the day.

Mr WILLIAMS: I am not blaming the minister, and I understand that what he has just said is that we have had an in-principle agreement for access to storage, but it seems that we are still negotiating how that will work in practice, principally with—

The Hon. P. Caica: What we say is, 'Fulfil what it is that you signed for.'

Mr WILLIAMS: Let me say, minister, that my information is that one of the problems we had in South Australia—and I repeat: I am not blaming you because I do not think that you have been responsible for this—is that a lot of cheap politics has been played in this state over the recent years. Your interstate colleagues, particularly in New South Wales and Victoria, are not of a mind to go out of their way to help you or anyone in South Australia.

One of the cheap bits of politics that has been played was this nonsense of running off to the High Court about the 4 per cent cap, even though an agreement had been struck between Victoria and the commonwealth that water sold to the commonwealth government was excluded from that cap, even though the agreement was already struck that the cap would be wound back as of next year. We have still had this ongoing nonsense about a High Court challenge. We have had a number of instances where your government has claimed some small victories from that process when, indeed, there was no victory associated with that process at all. That is why the irrigators in South Australia are now being burdened with the upstream states not fulfilling that earlier agreement. They have been put in a position where your government keeps poking them in the eye, and then you walk around there and say, 'Please, can you help us?'

Well, whilst they are rubbing their sore eye they are using their other hand to make another rude gesture back to you. Unfortunately, minister (and it might be giving you a bit of heartburn because I know you are not in a comfortable position), it is costing real dollars to irrigators in South Australia, and that is the reality. There are small business operators and large business operators, particularly in the Riverland but all along the river, who are suffering today economically, and the state's economy as a whole is suffering economically because of that sort of small-minded politics being played out by your government, and that is a damn great pity.

Minister, I suspect that this will be my last question. I understand that SA Water (and it is probably in your name) holds a significant amount water which has been purchased—it might be as much as 167 gigalitres over and above your allocation this year—and that that is held in storage. Will that be treated the same as irrigators' water, or will you seek to use some device, some mechanism, to carry that over into the next water year or will that disappear also at the expiry of this water year?

The Hon. P. CAICA: I just want to make the point that the deputy leader spoke, not ad nauseam but for an extended period of time, about the politicking; and, quite frankly, that was the

biggest load of politics I have heard for some time with respect to his contributions on this bill. The other point that I make is that the state makes no apologies for going in hard on behalf of South Australia, and you wouldn't expect us to do otherwise. I remind everyone that we are at the bottom end of the system, and others are at the top, and they have access to water up there.

I welcome the bipartisan approach of the opposition in this regard, and when the Murray-Darling Basin Authority plan is fully developed, the opposition needs to join with us in making sure that we not only remain the conscience of the system as a whole but that we also get an outcome that is beneficial to South Australia—because it will be beneficial to South Australia if it is dealing with the system as a whole. I look forward to the removal of that politicking, and to approaching this in a bipartisan manner.

In regard to the water that was purchased by SA Water, that is water that was purchased at the height of what was the most unprecedented drought, it is water for critical human needs and it will still be used in the future for critical human needs. With respect to it not being carried over, if we still have that water, if we haven't used it by that time, I will be making sure that that is still in reserve for critical human needs.

Clause passed.

Clause 36 to 38 passed.

Clause 39.

Mr WILLIAMS: I am really disturbed with this clause. Notwithstanding, as I indicated, I think in the second reading contribution, that the opposition will be allowing all clauses to go through here, we will certainly be seeking to disallow this particular amendment in the other place. This amendment basically changes the powers under the act to make regulations to powers to make new law, simply by giving notice in the *Gazette*. I think I can say that I have constantly argued in this place against the amount of regulation making powers that we give.

The parliament is the place where laws should be made. We give ministers the head powers under a number of our statutes to allow them to make regulations, which is law—a regulation is a piece of law. The parliament reserves its right to disallow regulations through the Subordinate Legislation Act and there is a process. Already that process is being abused. There is a facility within that process for a minister to make a claim that regulation should come into effect immediately.

It is only since this government has been in power that that facility is being used all the time. I think virtually for every regulation that is made by this government today, part of the process is utilised and the regulation is brought into effect immediately. That, again, is usurping the power which should be reserved for the parliament. If we want to hand over all of the power to the executive government, this is what we will do. We saw in the house only today, minister, with regard to an area of your responsibility, that the EPA, it seems, has been working on a ground water pollution issue in metropolitan Adelaide for at least 18 months, and the first time you had heard about it was last Thursday.

The Hon. P. Caica interjecting:

Mr WILLIAMS: No, I am only going on what you told the house yesterday and today. You told the house yesterday that the EPA was aware in August 2009 and that there was a pollution issue down at the old Hills Industries site, and that it then sought a further study to be done, and that a report was given to them, and that they informed you last Thursday, and you brought it to the attention of the public yesterday. That is my understanding of the order of events.

What I am trying to say, minister, is that if this parliament did not hive off so much of its power and so many of its obligations, particularly obligations which I believe should rest with the executive, you and your predecessors would have been well aware of that situation much earlier. I am amazed that the EPA did not advise the minister concerned, way back in August 2009, that there was an impending issue.

The CHAIR: Sorry, member for MacKillop, just to indulge me for a moment, what precisely does the argument about 2009 refer to in clause 39 and the 13 subclauses involved?

Mr WILLIAMS: It is a very current example of what happens when the parliament gives up its powers and transfers them to the bureaucracy. It is a very current example of what happens. Madam Chair, it breaks down that chain of accountability. We are part of what is called responsible government. We are called responsible government because the executive arm of government is

responsible to this parliament, and this parliament, through each one of us, is responsible to our constituents. That is the way the Westminster system works. This particular clause—

The CHAIR: Thank you, member for MacKillop. I am familiar with the way it works, and I see where you are going; however, I think it is a very long bow to draw.

[Sitting extended beyond 17:00 on motion of Hon. P. Caica]

Mr WILLIAMS: This is a matter which I think I have consistently raised during the third reading debate on many bills. The amount of regulating-making power that we put into our statutes disturbs me, because I think it is an abuse of the parliament. It is abused by ministers regularly, particularly, as I was saying a moment ago, using the process under the Subordinate Legislation Act to bring regulations into effect immediately. That was never the design of that piece of legislation and it overrides the right of the parliament to review regulations.

Now we have before us an amendment which would propose to go a step further, where the executive would seek to not have these powers to make regulations, but to take the next step and simply have a power to make new laws by putting a notice in the *Gazette*. That is what this amendment is asking the parliament to do. It is asking the parliament to give the executive, an executive which already abuses its existing powers to make regulations, the power to make new laws simply by putting a notice in the *Gazette*. It takes away any ability of the parliament to review that new law and I do not think that is what we are here to do. I think we are here to maintain that chain of accountability between the laws that are made and the people who those laws impact on, namely our constituents.

The Hon. P. CAICA: Again, I do acknowledge that this is an issue that has been raised previously by the member. Again, I would say that to a very great extent he is politicking in the way in which he delivers that, but that is his desire to do so.

An honourable member interjecting:

The Hon. P. CAICA: He is indeed, but there is a time for everything in politics.

Ms Chapman: Here, in the parliament.

The Hon. P. CAICA: But he ought to just get the facts right; that is what I am saying. This series of amendments provides for water conservation measures to be established, as was mentioned, by notice in the *Gazette* rather than by regulation.

Water restrictions that apply only to reticulated suppliers, for example SA Water, are imposed by gazettal under the Waterworks Act 1932, at any rate. I acknowledge your philosophical or ideological bent that that is inappropriate, but that is what exists at this point in time; and the requirement to make regulations, in my view, limits the capacity to change water conservation measures rapidly and, in particular, as the resource conditions change.

What I will tell you, and I think you know this, is that from time to time it is said that the bureaucracy of various levels of government is not the speediest way by which action normally occurs. It can also be said that parliament itself is not necessarily a way by which matters are resolved in a timely fashion or, indeed, resolved at all.

What I am saying here is that the ability to be able to impose restrictions under the gazettal notice, which already exists under the Waterworks Act 1932, is proposed here because to do otherwise, through regulation, limits the capacity to change water conservation measures readily as resource conditions change and we adapt to what is required under those changing circumstances. It also limits the capacity for consistency of water conservation measures and water restrictions; the latter being adjusted far more quickly.

It is a lot more difficult to monitor compliance if water conservation measures and water restriction requirements are different; and the introduction of urgent water conservation measures would, I think, be more immediately progressed by utilising the *Gazette* rather than regulation, and will provide consistent measures across both acts.

Mr WILLIAMS: Might I make two points. The first is that we see the growth of legislation in an incremental way and I do not think it is a viable reason to put something into a statute because it is in another statute, without asking ourselves: is it necessary in that statute, and even if the answer to that is yes, is it necessary in this statute?

I think we have imposed incredible restrictions on our constituencies by this incremental acceptance that, because it has gone through the parliament in one act, that is reason enough to have it put it in every other act. So I make that point.

The other point I make is that I have already pointed out that under the Subordinate Legislation Act there is provision for a minister to make a regulation and to have it apply immediately. I simply do not accept that a minister can make a gazettal notice change to the law any more quickly than the minister could achieve the same end through a regulation and using the provisions of the Subordinate Legislation Act appropriately. I do not accept that that is an issue. What I do know is that, if we accept this amendment, there is no opportunity for redress. There is no opportunity for the parliament to have a look at the change of the law; we are stuck with it. That, in my opinion, would be a bad way to go.

The Hon. P. CAICA: I thank the deputy leader for his comments, and I will be very brief. To me, it is very sound for it to occur this way, that is, via a gazettal rather than by regulation. It is cleaner, more efficient and far more practical, and that is why it has been proposed. However, I will look at how the debate occurs in the upper house knowing full well that this is my position at this point in time: that it is appropriate, otherwise I would not be proposing it. However, I am happy to have a look at it if it means that we can go forward.

Clause passed.

Remaining clauses (40 to 46) and title passed.

Bill reported with amendment.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (17:06): I move:

That this bill be now read a third time.

Mr VENNING (Schubert) (17:07): I want to take this opportunity to have a say before we close the book on this legislation. I was not that active during the course of this amendment bill, but I want to have a say now. As this bill goes from this house to the other, certainly consideration should be made.

The original debate—which I have read just recently—was in March 2004; in fact, it finished at two o'clock in the morning on April Fools' Day, and we wonder why this bill was not properly constructed. It was agreed during the debate on the clauses—and I followed that one right through, as did the previous member for Stuart—that the minister (of course, it was minister Hill at the time) would liaise with members, particularly the then member, the Hon. Graham Gunn, and others, to revise the powers of NRM officers, but it never happened. I understand that this part is not considered in this amendment bill, but there is no reason why, while this bill is open for discussion, we cannot move amendments between the houses, or in the other house, to now add or change some of the things that were never addressed back then.

Time has proven that much of the concern raised during the debate all those years ago has come about, and the government now sees fit to introduce the NRM amendment legislation to address the problems that we (the opposition) said were going to happen. We need to understand that we started legislating on an organisation that was working extremely well. Why the heck did we ever go there? Why did we need to mess with something that was working well? What we have now is a bloody mess, an expensive mess, where people are no longer with us and where the cooperation is not there. It is a pretty sad day, indeed. I want to particularly address the powers of officers. I know that the minister will tell me that this is not in this amendment bill. It is not, but it can be because the bill is open for discussion and amendment. The power of the officers has been in the news. We need to amend chapter 3, part 6, section 69 of the act, specifically subsection (1) which currently provides:

An authorised officer may, as may reasonably be required in connection with the administration, operation or enforcement of this act, at any reasonable time—

We should move an amendment to delete the words, 'at any reasonable time' and insert—this is up to somebody else—'after giving 48 hours' notice to the person(s) under investigation.' The reason for the visit should also have to be stated and a directive given as to why documentation is required to be viewed or seized.

I also believe we should move an amendment to disallow an NRM officer from being able to enter a property without a warrant. I suggest we move an amendment to section 69(1)(d) that

reads: After the word 'magistrate', delete the words 'or in circumstances in which the authorised officer reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, any place or vehicle'. Also, I believe the NRM council needs a better balance. I believe it is top heavy with theorists and light on practitioners. Why can't we have, for example, stock agents represented on the council, as well as a direct representative from pastoralists, because we do not have that. I realise that we do have SAFF representation on this committee already, but I believe we need to have representation from specific areas.

I am most concerned that, over the years, we have not addressed some of the real nubs of this problem. When you pick up the original act, you will see that it is incredibly bad legislation, particularly section 69(1)(d). How did we allow this to go through the parliament? It provides:

> An authorised officer may, as may reasonably be required in connection with the administration, operation or enforcement of this act, at any reasonable time...
>
> (d) with the authority of a warrant issued by a magistrate—

and cop this—

> or in circumstances in which the authorised officer reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, any place or vehicle;

I cannot believe you could write legislation that says 'authorised officer reasonably believes'. What sort of accountability is that? What protection is afforded to our constituents against an over-zealous officer? There are two open-ended judgments there: first, the officer has to reasonably believe; and, secondly, what is reasonable force? It is up to the officer who is standing there to make that judgment. We have seen some pretty horrific incidences, and you wonder why we have the hostility out there we have. This legislation did not need to be written like this.

The Hon. P. Caica interjecting:

Mr VENNING: I am just saying to the minister—

The Hon. P. Caica interjecting:

Mr VENNING: There are lots of other different—

The Hon. P. Caica: Give them to me?

Mr VENNING: There are other ones, too—a lot of them. We should not have officers with that power. It should not have been written. The act would still work really positively, without having that there. If they give 48-hours notice, you will still get your man if you need to get him, or her. Without any further ado, I make those comments. All I can say is that I cannot understand why in this parliament—and I have been here a little while now—do we introduce laws in relation to a body that was working extremely well? And it was. We had a very good volunteer involvement. It was a low-cost operation and extremely effective and, most importantly, the stakeholders (the landowners on the land) felt they got good service. So, what is happening now? We have built a massive bureaucracy.

I told the minister at the time this would happen—not this minister; I do not blame him. His chief executive was a fellow called Mr Wicks, who happens to be my constituent. I said at the time, 'You are just going to build a massive bureaucracy,' and that is what we have done. Not only that, we have cost-shifted the cost away from state government onto the landowners, through the levies. Even worse, we are getting a lot poorer service for that. I say that guardedly. It is easy to stand here, as the minister would say, and slag public servants. I do not do that. A lot of these public servants are my friends, and I worked with them in my previous vocation in these areas of landcare—animal and plant control, vertebrate pests; I was a regional chairman. I am sure that local government will tell you that no way are we getting the service we used to get, and we are paying about 10 times more for it, and we do not have that good feel that was going.

Landcare was being driven by the practitioners back then. Now I believe it is being more shoved down their throat by the bureaucracy, laws, legislation and officers, and I think that is very regrettable. This is a movement I could be accused of beginning probably 23 or 24 years ago by putting these groups together, and I never intended it to finish like this. It should have been done gradually, as we were doing, one at a time, keeping the costs where they were, with the three levels of government sharing those costs and not having one level of government shoving it over onto someone else, as has happened here. I feel very much for local government and, indeed, the landowners because, through the levies, they are now paying a huge amount of money.

So I regret that, and it is really annoying to say, 'Well I told you so.' In this instance I do not want to do that. I just wish we could fix this. I plead to the next government, when the Liberals win the election in 2014, that one of the first things they do is address this. The member for Stuart will be here and the member for Flinders will be here. I do not know whether you can reinvent this—I doubt whether you can—but, surely, you have to put ownership of this back with the people it affects—that is, the landowners, the people who love and respect their land—and let them make the decisions themselves rather than shoving it down their throats. I certainly hope that the upper house members—and I have been fairly judgemental of them over the years—are able to address these matters so that the legislation can be a lot more user friendly.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (17:16): I feel inclined to address the issues that were raised by the member for Schubert, but the fact is that he acknowledged himself that he did not make much of a contribution during the debate so it is probably inappropriate for me to address the issues he raised during his third reading contribution.

I make this point. If he has some examples of the heavy-handed work that is being asserted by some NRM officers, bring it to my attention. I was on the West Coast last week and what impressed me was the working relationship that exists between NRM officers, farmers and other members of the community in what needs to be the next evolutionary process in natural resource management, and that is whole-of-landscape management. I will take that up with my very good friend the member for Schubert at a later date.

I want to thank all members who participated in the debate. I particularly want to thank the member for MacKillop, who undertook what I believe to be a very thorough analysis of the bill—sometimes, as I said, sprinkled with politicking, but that is the nature of the business we are in. I said at the beginning that this bill is fundamental in making the operation of the Natural Resources Management Act 2004 more effective and more efficient, thereby ensuring that South Australia is well equipped to meet the future challenges in natural resources management that I flagged just a moment ago.

I particularly look forward (and I do not know whether it is going to come, given the comments of the member for Schubert) to bipartisan support for the passage of this legislation in the other place and through the process. I thank members for the way in which they have worked with me to progress the bill. I gave the house a number of undertakings in relation to consideration of further amendments—certainly, to give consideration to some issues—and I will go through that process as quickly as possible at the appropriate time.

I also take this opportunity to sincerely thank the officers of my departments—the Department of Environment and Natural Resources and the Department for Water—and from my office who assisted me in this process. I also say thank you for the valuable input of parliamentary counsel, in particular, Richard Dennis and Mark Herbst, who have supported the processes in here. Finally, I thank all members again for their contribution to the debate and the staff who have helped us through this process. Again, I reinforce that I look forward to ongoing bipartisan support for this bill.

Bill read a third time and passed.

At 17:20 the house adjourned until Tuesday 8 March 2011 at 11:00.