HOUSE OF ASSEMBLY

Wednesday 27 July 2011

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

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (11:01): I move:

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

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT

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) (11:04): I move:

That the annual report 2009-10 of the committee be noted.

This is the sixth annual report of the Aboriginal Lands Parliamentary Standing Committee. It provides a summary of the committee's activities for the financial year ended 30 June 2010. Over the last year, the committee has consulted and engaged with a wide range of Aboriginal people in their communities. These consultations have assisted the committee's understanding of the way services and programs are delivered to Aboriginal people.

The majority of this report summarises the activities undertaken by the committee as it was constituted prior to the 2010 state election. During the year the committee visited communities at Oak Valley, Yalata, Oodnadatta and Coober Pedy and numerous Aboriginal organisations and support organisations within Adelaide.

The highlight for the committee was attending the hand-back ceremony of the Maralinga Tjarutja lands to its traditional owners in December 2009. I am pleased to report that the current committee is building on the work already established, particularly its commitment to take time to work with Aboriginal people in their own country.

I am thankful to all members of the committee, past and present, for their dedication and hard work. I would like to particularly thank previous members for their contributions: the Hon. Jay Weatherill, Mrs Lynn Breuer (yourself, Madam Speaker), Dr Duncan McFetridge, the Hon. Rob Brokenshire and the Hon. Lea Stevens. I also thank current members of the committee for their ongoing efforts: the Hon. John Gazzola, Mrs Leesa Vlahos, Francis Bedford, the Hon. Terry Stephens, Steven Marshall and the Hon. Tammy Franks.

Lastly, on behalf of the entire committee, I express my gratitude to the Aboriginal people and communities the committee has met with over the past year. I appreciate their willingness to share their stories, their knowledge, their expertise and their issues, and I am certain the committee looks forward to continuing this good work and building on these relationships.

Mr MARSHALL (Norwood) (11:06): I thank the minister for tabling the Aboriginal Lands Parliamentary Standing Committee annual report. I note that this is a report that is legislated to be received by the parliament by 31 December each year, so it is running approximately seven months late. I am not wishing to cast any blame, but one of the issues associated with the passing of the report so that it can come to parliament is the situation where you need to have a six-member quorum for the passing of an annual report.

There are seven members on the Aboriginal Lands Parliamentary Standing Committee, and the minister is one of those people. As with previous ministers, we have the odd situation where the minister, although being on the committee, does not attend the meetings. I know the minister is considering this at the moment, but I believe this is the fundamental reason for the delay in tabling this report.

It is an important report, as the minister has said, and it is important that it is received in a timely fashion in accordance with the legislation. However, it is running seven months late, as I pointed out. I encourage the minister, at her earliest convenience, to consider her position on that

committee and get back to the committee so that we do not have this situation again for the annual report this year.

The Hon. R.B. SUCH (Fisher) (11:08): I am pleased that this committee has been resurrected, so to speak. The issue of what happens in the Aboriginal lands and the concerns have been around for a long time. Some years ago, I visited the lands; I do not know whether things have improved since that time, but one longstanding concern I have is that, if you do not provide some economic basis for the people who live in the Aboriginal communities in remote areas, they will be continually dependent upon welfare.

The focus should be on trying to provide some sort of economic basis, whether it be tourism, pastoral activity where appropriate, manufacturing artefacts, or whatever. In the long term, maybe through the use of modern communication, it would be possible to have people employed in those areas. I know it is a long-term option, but they could participate through the internet in a whole range of economic-type activities. That is a fair way off, I suspect.

It is fine to be focusing on improving housing, roads and so on in those areas, which is necessary, but if you do not provide an economic basis then all you will ever have is a community based on welfare, and that is not a good thing for those people, for their community or for the wider community.

Motion carried.

NATURAL RESOURCES COMMITTEE: INVASIVE SPECIES INQUIRY

The Hon. S.W. KEY (Ashford) (11:10): I move:

That the 57th report of the committee, entitled Invasive Species Inquiry: 'It's not over until the cat lady sings', be noted.

This report relates to the committee's inquiry into invasive species in South Australia. The inquiry was first suggested by the former member for Stuart, a former member of the Natural Resources Committee and West Coast farmer, the Hon. Graham Gunn, back in 2009. Initial hearings in mid to late 2010 coincided with the outbreak of a mouse plague on Eyre Peninsula and the locust plague in the north-east of the state.

Recent rains in South Australia and around the nation have heralded a welcome end to one of the worst droughts in Australia's history. However, there is also a flipside: while floods were inundating parts of South Australia, Queensland, New South Wales and Victoria the same rains were also producing a boost to pests, plants and animals, including weeds, feral cats, mice, rabbits, cane toads and camels.

This inquiry revealed a wealth of community knowledge about invasive species, as well as a strong commitment to tackling them. Committee members were particularly impressed by the hard work volunteers put into combating weeds and pest animals in order to protect endangered species. Volunteers are often the first line of defence against new invasive species, and I have to emphasise that without this volunteer labour force and expertise South Australia would be much worse off.

Despite the overwhelming challenges, volunteers like Ron Taylor devote significant proportions of their lives to the ongoing battle against invasive species. In the words of Mr Taylor:

I have been over on my West Coast property dealing with one of the worst weed infestations I have seen since I have owned it. I have come back and, instead of doing my normal weed management here as a volunteer, I was asked immediately by the department to go out and start slashing areas on the coastline because of a lack of budget by the Department of Environment and Natural Resources. I was even yesterday out there for nearly nine hours slashing wild oat that was two metres high.

Mr Taylor works about 100 hours a week volunteering and has been doing so for 18 years, and for this I would like to thank him, together with all the other dedicated natural resource management volunteers who do so much for our state. I would also like to quote from another volunteer who gave evidence to our inquiry. In the words of Margaret Wilksch, a Mount Barker councillor and long-time Landcare volunteer:

I am really concerned, and I have been for many years, about the weed situation, particularly in the high rainfall areas. It appears to me to actually be an increasing problem, whereas it should be a reducing problem…in the last three to five years, maybe it is the global warming, weeds seem to be having a better environment and growing worse than they were before.

On the subject of weeds, the CSIRO has estimated that escaped garden plant species account for 94 per cent of all naturalised weeds in Australia. The CSIRO reports that garden escapees comprise 69 per cent of the 954 listed agricultural weeds and 72 per cent of the 1,765 listed environmental weeds. Unsurprisingly, this phenomenon is often cited as a good argument for using indigenous species in home gardens. Members who know me in this place know that I am a keen advocate for the local provenance of Indigenous species—

The Hon. R.B. Such: Hear, hear!

The Hon. S.W. KEY: —having grown these, together with native plants, in my own garden—and I should acknowledge Dr Such's efforts in these areas as well. Indigenous species have significant benefits for gardens, for example, the excellent and much sought after Adelaide and Mount Lofty Ranges NRM Board's *Coastal Gardens—A Planting Guide (*for anyone who has not seen that guide I suggest they try to get hold of it) where it describes local species as low maintenance, drought tolerant and providing good habitat for Indigenous fauna, including birds, butterflies and lizards.

South Australian Research and Development Institute (SARDI) Entomology has also published an excellent guide using native plants on the Northern Adelaide Plains to benefit horticulture, highlighting their role in displaying and suppressing weeds and supporting populations of beneficial insects, thus reducing the need for pesticides. However, while indigenous and native plants are fantastic, it is also apparent that in many places around the state our natural environment is so modified it would be clearly impractical and undesirable to try to return it to its pristine or pre-European state. I have to say my husband does not agree with this—he talks about botanical imperialism—but I certainly think we will need to take this on board.

Ecologist Mark Davis wrote recently in the June edition of *Nature* that:

> Increasingly, the practical value of the native versus alien species dichotomy in conservation is declining—

and that, while the bias against alien species still exists—

> ...today's management approaches must recognise that the natural systems of the past are changing forever thanks to drivers such as climate change, nitrogen eutrophication, increased urbanisation and other land use changes.

Professor Davis suggests that:

> It is time for scientists, land managers and policy makers to ditch this pre-occupation with the native-alien dichotomy and embrace more dynamic and pragmatic approaches to conservation and management of species—approaches better suited to our fast changing planet.

Professor Davis points out that, while some alien species damage ecosystems, many others do not and, in fact, native or indigenous species are just as much a problem in rapidly changing environments.

In line with this perspective, committee members heard about the negative impacts of overabundant native species such as wombats, koalas, kangaroos, emus and some forms of unpalatable vegetation (for example, the sticky hop bush) and what they can do to grazing lands. This is in contrast to introduced species such as the freshwater crayfish marron. Having had some on the weekend in Kangaroo Island, I can certainly vouch for how wonderful it is. This does not strictly come from that island, so it is interesting how, in some cases, we have used different native species like the marron in a very positive way.

When we travelled to the arid lands natural resource region in late 2010, the Natural Resources Committee saw examples of the highly invasive Athel Pine from North Africa growing at Coward Springs. This tree is a weed of national significance and has been responsible for infesting hundreds of kilometres of the Finke and other arid rivers in the Northern Territory and the Far North of South Australia, with removal programs costing upwards of $2 million to date. While it is a listed weed, the pines at Coward Springs have been assessed for this location and allowed to remain to provide shade and dust suppression around the camp sites. The trees are carefully monitored to ensure they do not spread. Members of the committee support this sort of common-sense approach to invasive species management.

One hundred and seventy five years after South Australia's first European settlement was established in Kingscote (and today I believe we actually celebrate that 175 years), invasive species are widespread in South Australia. While combating invasive species is often portrayed in the media as a battle, it is a battle that can never be won. Faced with the seemingly impossible

task of eradicating invasive species in South Australia, the committee concluded that key issues are invasiveness and the relative impacts of invasive species rather than the origin of the species.

While success stories regarding weed control are rare, one recent and ongoing success, which members would no doubt be aware of, is the ongoing biological control of the highly invasive weed known as Salvation Jane, which the CSIRO considered to be Australia's worst broadleaf temperate pasture weed. Since 1995 South Australian Research and Development Institute (SARDI), working in partnership with the CSIRO and cross-border departments of primary industries, has overseen the release of four insects designed to limit the dominance of this weed by reducing its vigour and size and the quality of the seed produced.

These insects, (the crown weevil, the root weevil, the flea beetle and the pollen beetle) are proving successful in the controlling of the weed. I should say that the botanical and correct names are all in our report; I have decided not to murder them by my pronunciation in my presentation to you. Smaller and fewer plants mean that other more palatable pasture species or native plant species are able to compete more successfully, which is obviously great news.

In this report, the committee has made some key recommendations, some of which I would like to highlight today. Firstly, the committee has recommended legislation requiring mandatory registration and microchipping of domestic cats, together with a specific control program for non-registered and non-microchipped or unowned cats. There are some interesting terms associated with these cats. I think in one report they were addressed as 'free-living' cats; some of you may remember *Top Cat* on television—I think they were 'free-living' cats, from memory. It was my favourite show, but now I realise that they were actually cats that should have been controlled.

The Dog and Cat Management Board has estimated approximately 590,000 of these unowned cats exist in South Australia, which is about three times the number of pet cats. Unowned cats include neighbourhood cats that appear to be someone's pet but are not really. Unlike pet cats, that are generally well looked after and desexed, unowned cats are responsible for producing around 172,000 kittens each year. Members heard from the Dog and Cat Management Board and were told that over a seven-year period one female cat and her young can produce 420,000 cats, so you can see that this is a serious issue if left unchecked. I notice some members looking at me askance, but I certainly think the numbers are really worrying.

While visiting the South Australian arid lands NRM region last year, committee members heard evidence of the shocking rate of predation on small mammals and reptiles by cats. We were shown a photograph—and this photograph appears on page 22 of our report—of a feral cat that had been killed, with the contents of its stomach inspected. In this one cat's stomach were found 24 painted dragons, three bearded dragons, three striped skinks, two earless dragons, one mouse and one zebra finch, all of which were apparently the result of one day's hunting. I think it is pretty worrying that after one day's hunting all those animals have disappeared.

Time expired.

Mr ODENWALDER (Little Para) (11:23): I am delighted to continue speaking on this report. Committee members concluded that the only really effective way of controlling feral and unowned cats would be to introduce a biological control similar to that used against rabbits, together with statewide mandatory identification and inoculation of pet cats.

On the subject of mouse plagues, the committee has recommended a review of the rules relating to financial assistance for farmers affected by mice. In response to requests from NRM groups and NRM boards, the committee has recommended that DENR establish a rolling fund specifically for NRM boards to access in times of emergency in order to tackle invasive species outbreaks in a timely fashion. There are also a number of other recommendations, and I and the committee hope that members will consider viewing this report.

On behalf of the chair of the committee, I wish to thank all those who gave their time to assist the committee with this inquiry. The committee received 26 written submissions and heard evidence from 27 witnesses. On her behalf, I commend the members of the committee, including me, Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP and the Hon. Russell Wortley MLC. All members of the committee have worked cooperatively throughout the course of the inquiry. Finally on behalf of the chair, I thank members of parliamentary staff for their assistance. I commend this report to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (11:26): I would like to just say a few words about this report. I was very pleased to be part of the committee that put this together. The member for Ashford (our chair) did say at the outset that recent rains have made this a far more pressing issue than it has been. This has always been a pressing issue, obviously, for decades. I am pleased that it is getting more attention at the moment.

The rains that we have had throughout South Australia in the last two years now have been thoroughly welcome. They do far more good than bad, but they certainly encourage everything that lives in our state to thrive and do better and that includes pests and weeds, and that has made this a more pressing problem than it probably has ever been recognised before in South Australia.

I would like to just touch on a couple of the recommendations from the report and highlight a few of them. I certainly do not want to say that these are the most important ones but, in the available time I have, I just want to highlight a couple of them. It was recommended that the minister direct DENR to establish a rolling fund specifically for NRM boards to access in times of emergency in order to tackle invasive species outbreaks.

I think that that is incredibly important, because there is enormous knowledge, enormous goodwill and a strong desire throughout all segments of the community to address issues as they arise but if the funds are not there, it just will not happen and it does seem to be putting the cart in front of the horse to recognise the problem and then have to hunt for scarce funds. We all know that funds for whatever project it happens to be are very scarce at the moment. By then, it is probably too late and, if it is not too late, your opportunity to have greater impact has certainly gone if you cannot get onto these problems quickly, so annexing some funds for that I think is very important.

Another recommendation to the Minister for Transport and the Minister for Environment and Conservation is to direct DTEI and DENR to work together with local councils to prepare a manual clarifying responsibility for weed management on road verges, road reserves and other corridors taking into account biodiversity and fire management. Again, I think this is incredibly important because typically these tracts of land are considered to be public land and that cuts both ways. It means that everybody has a responsibility and sometimes nobody takes the responsibility.

These tracts of land are vectors for the spread primarily of weeds but certainly for other pests as well. I think that even just clarifying the responsibilities—and hopefully that manual could include some recommendations for management and perhaps even some directives for management—would go a long way because I think, whether it is in a metropolitan area or a country area or even in a remote outback area, the public roads tend to act similarly with regard to allowing pests and weeds to spread more rapidly in those sections than they might in other areas.

Another recommendation which I would like to highlight, and with a bit of a positive stance, is to review the policy of withholding assistance to farmers affected by mouse plagues. That is a big issue in country areas. I suspect at the moment that people in metropolitan areas are also struggling with mice in their homes, but it is certainly a big issue for farmers. There has been some action on that, and I compliment the government on that. The bait mixing stations are a positive step forward, but on a personal level I recommend that mice be declared as a pest. I think that would go a long way towards helping this problem, too.

Another recommendation is to encourage relevant NRM boards to upgrade their public education campaigns about cane toads to assist early detection. To me, this is possibly the most important recommendation because it is possibly the one where we have the most opportunity to make an impact in South Australia. I am sure there is the odd toad hopping around that has come in a vehicle or container or something like that in South Australia, but broadly we consider ourselves to be free of cane toads in South Australia. I think that it would be incredibly foolish of anyone to expect that it will remain that way if we do not take some very positive and strong action.

These cane toads will work their way down the Murray. I think it would be incredibly hard to stop them, but we need to try. They will work their way down the Cooper Creek and Diamantina River as well, and I worry about those areas as well because, as many in this chamber would know, while some of those waterholes do not progress down to Lake Eyre continuously, some sections of them never dry up and so we will never get the cane toads out of them if we let them in, and they will ravage those environments. I see that as a recommendation where we actually could achieve the most by getting onto that problem before it is too late, putting resources towards that to try to stop the arrival of cane toads, rather than trying to manage them, deal with them, exterminate them, after they are here, which is so often the difficulty we face with these sorts of issues.

Another recommendation I would like to highlight—again, with a positive spin for the government—is to allow land managers to trial aerial baiting for non-domestic cats, dingoes and foxes south of the dog fence. Everybody here knows that is a campaign that I have taken on very vigorously, and I appreciate the fact that the government has given permission to private landowners to aerially bait below the dog fence for dingoes, and I think that is a very positive step. I think there is a lot more support that could be given to remove dingoes from below the dog fence but I am pleased to highlight that that recommendation has already been surpassed, let alone taken.

The last recommendation is with regard to Biodiversity SA, the Eyre Peninsula NRM Board, the Northern and Yorke NRM Board and interested committee groups, including Port Augusta Coastal Homes Association Incorporated, to seek ways of halting the spread of the native pearl oyster in the Upper Spencer Gulf around the Port Augusta area. There is an example of a situation where they are out of control. I think it would be silly for us to assume that we will get rid of them, but that is an incredibly important recommendation to at least contain them and stop them where they are. I appreciate that some work is going into that. I would also like to thank the Port Augusta Coastal Homes Association Incorporated for the good work that they have done addressing that issue over approximately 20 years, but particularly with regard to their written and in person presentations to our committee.

I would like to touch on the issue of resources, addressing these problems again. Resources is a vexed issue, and I started out by highlighting the recommendation for a rolling fund and, as members know, I support that strongly. Resources are a difficult one, and I would like to give an example. I have seen several cases on boundaries between private farmland and national parks in the electorate of Stuart where there are more weeds on the national park side than there are on the private landowners' side. I am not having a crack at national parks or staff or DENR, because it is an incredibly hard job and sometimes these areas of land might be in prime focus for the landowner but they might be at the back of the park or one of the areas that DENR or parks staff have not been able to get to.

What tends to happen is that there is a directive given to the landowner: 'You must address this issue.' The responsibility is the same for the land manager whether it is public land or private land, but the private landowner is told, 'You must address this issue and, if you don't, we will employ a contractor and we will get the job done and we will pass the cost on to you.' Often when the private landowner says, 'But, parks, what about your side of the fence?' The answer is: 'But we haven't got the resources.' The private landowner says, 'Well, I haven't got the resources either. I can't afford it. You can't afford it, but you're going to get it done and send me the bill, but you are not going to address the issue yourself.' I would like to put that on record as a problem that does exist.

I am not saying for a second that DENR staff should be doing any more than they can possibly do, because they typically do work extremely hard and address as much as they possibly can, but there is a very good example where the expectation is the same on both sides of the fence, but the application is not the same on both sides of the fence. I encourage the government to consider that example when considering recommendation No. 2 of this report about a rolling fund.

Lastly, I would like to thank the Natural Resources Committee staff, who have worked incredibly hard on this significant report, and the people who put in submissions—as the chair said, there is an extraordinary amount of information out there in the world. People work incredibly hard, whether they are private landowners or people living in their residential homes in the city who get out and about. Whether they are in the metropolitan or a rural area, they put their time and effort towards this problem, and we are very thankful for all their contributions. We would not achieve as much without their support.

The Hon. R.B. SUCH (Fisher) (11:36): I will be brief. I am very impressed with this report, and I think it highlights the value of having parliamentary committees. The report is fairly short, it is to the point, and I think the committee that developed it should be commended. It is one thing, of course, to have a report; the important aspect is whether the recommendations are acted upon. Obviously, in a few minutes I cannot highlight all aspects, but I note on page 23 it states:

> At present there is no consistent policy across South Australia regarding the registration and microchipping of pet cats, though some Local Councils have enacted by-laws—

including the one where I live, the City of Mitcham.

I understand that the Minister for Environment and Conservation is working keenly on this issue, and I trust that he will take steps shortly to ensure that across the state we have a consistent application of a cat management policy. The committee recommended, under 9a on page 8, that the Minister for Environment and Conservation should 'prepare and introduce legislation providing for mandatory registration and microchipping of domestic cats with a limit on the number of cats per household'. I think that is a very sensible recommendation. Since it has been implemented in Mitcham, the initial hoo-ha from a small group has died down because it is actually in the interests of people who value their cat to have a regime that involves its proper care and management.

I want to make a couple of points. One is that in terms of invasive species, particularly weeds, it is important that the research centres be maintained at both state and federal level. If you do not do the research, you will not find out how to deal with the issue. Over time, there has been a tendency for governments, federally in particular, to cut back on research focused on weeds and other invasive species. It highlights also the value, importance and increased significance of genetic engineering because the only way to deal with a lot of these invasive species is through genetic manipulation, genetic engineering.

There is no way in the world we are ever going to be able to control these invasive species with sprays or poisons; they might make a dent, but that is about all. I think people, and governments in particular, really need to fund sophisticated genetic engineering techniques so that we can control some of these invasive species, which cause a lot of damage not only to the farming community but to the wider community and the environment.

The last point I would make is that it highlights the importance of having strict and well enforced quarantine provisions. I think, for too long in this country, we have treated lightly people who seek to break those quarantine laws. We see the consequence in the cost to, as I say, not only farming communities, but the wider community—the cost of what is inflicted as a result of stupidity and criminal behaviour by people who breach those quarantine laws.

So, I think it highlights the fact that we need to have a very effective and efficient quarantine system and come down hard on people who seek to breach the quarantine laws. As the CSIRO indicated, and it is reported in this report, many of the invasive species have come via private households and the cost now is inflicted right across the community.

Mr PEGLER (Mount Gambier) (11:40): First of all, I would just like to say what a pleasure it has been to work on this report with the committee, under the tremendous chairmanship of the Hon. Steph Key. It is a committee that has worked exceptionally well together and we have certainly taken on board all of the submissions on this inquiry.

I might say that, with weeds in this state, it is a continuous problem for all property managers and owners that we often spend a fortune ourselves on controlling weeds. I will give you an example of one of my brothers who purchased a fairly large property that was covered in false caper, horehound and Salvation Jane. He has spent hundreds of thousands of dollars cleaning up those weeds, but the problem he now has is that the adjoining property, roads and parks have not been doing anything about those weeds.

Those weeds are not a problem to them, so they do not put any resources into them. The weeds are only occurring on the edge of those parks, so they do not see a problem, but all his good work will be to no end if those weeds are not controlled within those parks and are allowed to spread back onto the grazing country surrounding those parks. So, I would encourage the powers that be to make sure that the resources are in place, so that we can control the weeds on public lands and our parks, so that it will be better for everybody concerned.

As far as the invasive animals go, we hear a lot about mice, pigs, camels, donkeys, cane toads and rabbits. I think it is extremely important that we do make sure that cane toads never get into this state. Most of those other animals can be controlled to a certain extent, but the biggest problems we have are cats and foxes.

I even see on my own property, where I do a lot of trapping and baiting for both these species, that every time all the ground-nesting birds just start to build up a bit and start to become a bit more plentiful, the cats and foxes move in and, overnight, they will destroy the lot. It is quite depressing when we see this. As was mentioned before, when a cat can go and eat 32 different lizards in one day, plus a mouse and a bird, you can imagine the damage they are doing to our environment. It is the same with the foxes.

What I think we have to do is come up with biological control methods to control both these species. As far as the cats go, if we could develop some system that killed all cats, bar those that have been inoculated against that vector, we would be in a great situation where, perhaps, the only cats that were around were pet cats that remained within their own properties. Those would be desexed and you would actually have properties that breed cats for those people, so that we would have no feral cats whatsoever.

I am sure that, once we got to that stage, many of our small species, be they birds or reptiles, will again become plentiful. They soon bounce back when these cats and foxes are controlled, as we saw up in the North where vast areas had been fenced off. All the cats, foxes and rabbits had been removed and all those small species started to regenerate. So, I think it is important that, as a government, we put the resources into place to make sure that we can control these animals.

The resources must be put in place because, if we do not, we will start to lose species. We will all rue the day when those species have disappeared because we did not do anything about these invasive species. I commend this report to the house.

Mr BROCK (Frome) (11:45): I have great pleasure in also speaking on this report. I want to compliment the other members of the Natural Resources Committee and our chair, the Hon. Steph Key. This committee has been an excellent committee to work with, not only on the invasive species report but across all avenues of its jurisdiction and requests.

As with previous speakers, when it first came up the issue of invasive species did not seem to be a big issue, but as we got into the report there were a lot of issues that were highlighted. The member for Stuart has brought up one issue regarding funding. The rains that have been coming to the state in the last couple of years have been very welcome, but funding is set in advance and there are occasions when the great rains that have come in have been greatly beneficial to the rural area and the grain industry but at the same time have been detrimental, with the growth of weeds, etc., across the whole of the state.

When the time comes, quite often it is the situation that departments do not have the funding. So, as the member for Stuart has indicated, it is part of the report, and I strongly recommend, that there be an allocation or an allowance for emergency funding to be sought so the issue of invasive weeds, or whatever it may be, can be treated immediately instead of having to wait for some approval, which, at that stage, may be too long.

The other issue is weed management on road verges. There has been a lot of confusion as to who is responsible for that. There are local governments and there are also departments for lands and government agencies responsible for other areas. Sometimes, by the time a decision is made and they have come to a compromise, the damage has already been done with the invasive weeds coming across into private land, into their paddocks.

Another big issue that the member for Stuart brought up is mouse plagues. In some regional areas of South Australia the mouse plague has not been a real issue, but it has been in the Mid North, the top end of South Australia and the West Coast. This is an issue where the private owner of the land is responsible for maintaining the mouse plague on their property, and that is fair enough. I have had farmers say that they have killed nearly 1,000 mice in a night, and that is a lot of expense for them to go to—the mice have come from outside their area—so we need to look at some sort of funding for farmers to be able to combat this. The damage to them is one thing, but the damage to the state and the economic growth of our grain industry is another issue that we also need to address.

The issue of cane toads. We have not had the issue of cane toads, and not many people talk about it, but with the floods from Queensland coming down, with all the water and all the traffic, there is a great opportunity for cane toads to invade South Australia. Once cane toads get in they are virtually impossible to eradicate. As has been said previously, cane toads could come down on trucks (under wheels and inside containers) or come down the Murray-Darling Basin through all the rivers. We need to have an educational program to ensure that people are aware of that and understand it, because if that gets out of control then we are really going to be behind the eight ball.

The other issue is the aerial baiting of dingoes and wild dogs, etc., on the south side of the dog fence. I think that is an issue. I heard on the radio the other day that because the dog fence was down—there are a lot of gaps in it and there are still many kilometres of the fence itself under water—the dingoes and the wild dogs have come down from the north; they are coming in south of

the dog fence. That should not happen, but it has happened, and those farmers need to be able to do some aerial baiting. That is one of the recommendations of this committee, and I hope that the government takes it on board.

The other thing is that we need to ensure that funding for invasive weeds is maintained and controlled at the time, and we said that earlier. We need to at least maintain that, but we also need to increase the funding so that invasive weeds can be managed according to the weather. As we indicated earlier, the rain has been terrific, but when the rain comes it also brings in more invasive species, and there is an issue with the weeds. As the member for Mount Gambier said, with some of our species of animals once they have gone we will never see them back again. We need to make certain that that does not happen.

Another issue from a national parks point of view is that, if there are any invasive weeds on those lands, the comment is often made that that they do not have the funds. That is a valid point. Also, if it is on private land then the private landowner has to maintain it and eradicate those invasive weeds; if they do not, then the work will be carried out and they will be billed for that. We must ensure that there are adequate funds to fight the invasive weeds when they are on government land.

The member for Fisher has already indicated that we need to maintain money for research. As we move along, it is fine to maintain the current level; as a cost saver we may save some money in the short term—half a million or a million dollars—but if we do not maintain the research what could be the long-term damage to our state and our communities?

Again, I want to reinforce what a pleasure it has been to be on this committee. It has been a great learning curve for me, and I congratulate our chair, the Hon. Steph Key, and the other members of the committee. It is a well-worked committee, and I look forward to a lot more progress. I commend the report to the parliament.

Mr PEDERICK (Hammond) (11:52): I, too, rise to support this inquiry on invasive species by the Natural Resources Committee. In relation to making mice a declared pest, I fully support the comments of the member for Stuart, and I fully support his common sense and intense lobbying for dingo baits to be dropped from aircraft: I could not believe it when he informed me that it was not legal. It seems as though it is legislation or regulation drawn up by people who do not understand the vastness of the outback or what can be achieved when you put reality in place. I commend the government for taking that recommendation on board already, and I commend the work of the member for Stuart in lobbying hard for his constituency.

A major issue I am concerned about in the Murray Mallee is branched broomrape. We have the spectre of funding completely ceasing at the end of June next year, and that is causing great uncertainty in the community—

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: I welcome the minister for mineral resources' contribution to this debate.

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: I think you will have to try a bit harder than that, Tom. You will need a far bigger bucket of lollies, and I do not think it will ever be big enough. You were not friends with him that long, I must say.

The Hon. A. Koutsantonis: Not enough.

Mr PEDERICK: Not enough! However, this is a very serious issue. As of the end of next June it looks as though federal funding will slip away, and I hope state funding does not slip away. The state has been putting in about $1.9 million per year and the federal government about $2.6 million. Over the last 10 years, about $45 million has been committed to surveying and the control program in regard to branched broomrape.

What these surveys have done is allow many people in the affected area (an area of about 70 square kilometres, mainly in my electorate but some in the member for Schubert's electorate) to deliver grain from paddocks that have been affected by broomrape but that have been surveyed to be clean to go into Viterra's storage facilities. If the survey shows that there is any risk, they can deliver that grain to a feed mill like Ridley in Murray Bridge and get rid of it that way.

I had a report back from a meeting on Monday night about what will happen, and we have already seen some action in regards to potato farming in the area. I understand there is a company

that was very active in the potato market and it looked like they were taking some market away from some Queensland producers, so Queensland have slapped a ban (on an area up to 50 kilometres outside of the broomrape area) on any production from that area going into their state. So this is already happening: people are putting restrictions on what is grown in the broomrape area.

I understand Tasmania is looking at restricting access to produce as well; and AQIS, as far as grain deliveries, will not sign off on grain from the area unless it has been certified clean. So, if the survey work ceases, several hundred farmers in the Mallee—good, hardworking citizens—will be in strife. I don't mean just in strife; their very livelihoods are at risk. It is a Viterra requirement that these paddocks are signed off for these surveys and that is the only way that their grain can be delivered.

These people have to know this year so that they can plan their futures, not just with their grain produce but with their stock—their cattle, their sheep—so that they can have some peace of mind and they can get on with their lives and get on with their businesses. It is not only the practical aspects that we need to look at here; we have to look at the mental health of these people who have been under strain with this issue for many, many years.

They need the government's support, and they certainly need our support on this side of the house. However, we have a government which is currently in government because of this issue, so they need to stand up and recognise that they certainly do not need the numbers that they did in 2002 when this was a big issue. For the reality of agriculture, not just in this state and not just in my patch, but in South Australia and Australia, we do need to keep up the funding to fight this pest, because there are already people putting restrictions on trade who want to pull up the produce from this area.

I understand the minister is coming out in mid-August to talk to producers, and that is a good thing. I commend the minister for coming out to talk to concerned growers. However, we must make sure that the appropriate amount of money is allocated to keep ahead of this pest. Many people in Adelaide would not even be aware of the issue but, if neglected, we risk not just dryland production but a lot of irrigated production from my electorate, the member for Schubert's electorate and the member for Stuart's electorate. In fact, it could affect production right throughout the state, and that is no idle comment.

We must keep up our commitment. In fact, if the federal government pulls out, the state government will need to increase its commitment to keep up the appropriate survey work so that farmers can simply operate in their day-to-day work. They have had to work with paddocks in quarantine for 10 to 12 years and they have had to work with all the protocols: cleaning vehicles, access to properties and other protocols. They are finding it tough; they are finding it tough because they are stepping into a no-man's-land here. In closing my remarks, I urge the government to keep on with this issue—because if we don't, well, help us all.

Mr VENNING (Schubert) (12:00): I want to speak to this very important motion, because it is an area which certainly comes across as being of interest to me. I understand that it is 12 o'clock, so I seek leave to continue my remarks.

Leave granted; debate adjourned.

WATER INDUSTRY BILL

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:01): Obtained leave and introduced a bill for an act to facilitate planning in connection with water demand and supply; to regulate the water industry, including by providing for the establishment of a licensing regime and providing for the regulation of prices, customer service standards, technical standards for water and sewerage infrastructure and installations and plumbing, and by providing performance monitoring of the water industry; to provide for other measures relevant to the use and management of water; to make amendments to various related acts; to repeal the Sewerage Act 1929, the Water Conservation Act 1936 and the Waterworks Act 1932; and for other purposes. Read a first time.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:02): I move:

That this bill be now read a second time.

Water is a vital environmental and economic resource. With the onset of climate change and the prospect of major economic and population growth, it is clear that South Australia must continue to plan for its water security, as well as encourage more diverse water supplies from an increasingly sophisticated and diverse water services sector.

For these reasons, the Water Industry Bill 2011 will provide a new legislative foundation for a 21st century water industry. This is an industry in which increasing numbers of players will have the opportunity to drive more efficient and innovative service delivery for the long-term benefit of South Australian consumers. I seek leave to have the remainder of the second reading explanation and explanatory clauses inserted in *Hansard* without my reading them.

Leave granted.

This Bill repeals the outmoded Waterworks Act 1932, Water Conservation Act 1936 and Sewerage Act 1929. It represents another step forward in the Government's water reform agenda and complements a range of existing water, environment and public health legislation, including:

- the Natural Resource Management Act 2004;
- the Environmental Protection Act 1993; and
- the Safe Drinking Water Act 2011.

A draft version of this Bill was tabled in Parliament on 23 November 2010. This allowed for further consultation with experts such as Professor Mike Young and Chief Scientist Don Bursill, as well as stakeholders such as the Local Government Association, the Water Industry Alliance, the South Australian Council of Social Services, the Council of the Ageing Seniors Voice and the Plumbing Industry Association.

The Government has taken the feedback on board and has produced a Bill that balances local industry's need for a more level playing field with the community's need for water service delivery that is safe, reliable, affordable and environmentally sustainable. It is clear from the 36 submissions and the broader consultation process that stakeholders support the need for stronger planning frameworks and modernised legislation for the water industry.

This is why the Bill seeks to enshrine in legislation a framework for open, transparent and collaborative water demand and supply planning, one that provides for:

- an assessment of South Australia's water resources;
- an assessment of current and future demand for water, including for the environment; and
- policies, plans and strategies to ensure the state's water supplies are secure, reliable and sustainable.

These planning provisions build upon existing processes to provide a comprehensive and integrated approach to ensuring the state's long term water security. In particular, they complement the Government's adaptive approach to water management under Water for Good, in which the Minister for Water Security (now Minister for Water) can trigger an independent planning process where demand is at risk of exceeding supply.

The Bill lays an appropriate legislative foundation for an efficient, competitive and innovative water industry. A key element of this is the introduction of independent economic regulation for the industry, with the appointment of the Essential Services Commission of South Australia (or ESCOSA).

Independent economic regulation provides a transparent means of setting service standards and prices. Ultimately this is about protecting the long-term interests of customers and encouraging efficient investment in infrastructure.

Consistent with these aims, from 1 July 2012 the legislation will require the provision of retail water services or sewerage services to be licensed by ESCOSA. Licensees will be required to comply with industry codes to be developed by ESCOSA, related to matters such as standard contractual terms and conditions, minimum standards of service and limitations on disconnection.

ESCOSA will also be empowered to make final price determinations on retail prices for water and sewerage services, with the first determination for SA Water to be applied from 1 July 2013. The Government has heeded the advice of industry and local government on the need to encourage participation by alternative providers and for this reason ESCOSA will have a range of options for regulating prices and service standards.

The Bill has been developed with an aim to minimise the regulatory burden and costs. This means the cost of a licence will not be onerous and will be proportionate to the size and scale of the operator. The Bill also includes a number of pathways for exemptions from licensing to be granted either by ESCOSA, the Minister or through regulations. The Bill also clearly provides that irrigation service providers will be exempt from the legislation.

The goal of achieving a more level playing field for all industry participants is also reflected in provisions related to land and infrastructure, as well as technical regulation. Industry participants, including local government operators, will now be afforded much stronger operational powers in relation to land access and the protection of infrastructure—powers traditionally enjoyed only by SA Water.

Similarly, SA Water will cease to be responsible for the technical regulation of plumbing. The Bill provides for the appointment of an independent technical regulator responsible for the enforcement of technical and safety

standards for plumbing. The scope of this body will initially be limited to plumbing in connection with SA Water's infrastructure, however, an expansion of this role is being explored in consultation with local government. Any proposal to expand the role will be subject of continued consultation with the Plumbing Industry Association and will take account of national reforms in occupational licensing.

The Government has heard and responded to industry's wish for earlier action on third party access. Action 77 in Water for Good originally proposed the development of a State-based third-party access regime by 2015. However, the imperative for earlier action is reflected in the Government's commitment in the Bill to bring forward a final report to Parliament within 12 sitting days of 1 August 2012. The report will address procedures for seeking access and dispute resolution, access pricing principles and compliance with national competition principles. Importantly, it will also address key stakeholder concerns about the need to protect public health and the environment and to maintain safety standards. This is a significant piece of work which will require continued consultation with industry and other stakeholders.

While the reforms in this Bill are good for industry, they are also good for the broader South Australian community. It is South Australian consumers who ultimately will benefit from the proposals in the Bill to regulate the terms and conditions of service and to encourage stronger competition and drive further investment and efficiencies in water and sewerage infrastructure.

The Bill also introduces a number of other important protections and safeguards for the South Australian community, including its most vulnerable citizens. The Bill requires water industry entities to participate in an ombudsman scheme determined or approved by ESCOSA. It is proposed that the existing energy ombudsman scheme be extended for this purpose.

A matter raised during consultation related to the possible disconnection of sewerage services for non-payment. Such a practice would have unacceptable public health implications. Accordingly, the Minister can use powers under the Bill to direct ESCOSA to ensure that domestic sewer services can be disconnected only in emergency situations, but not for non-payment. More generally, a water industry entity would have the power to restrict flow or disconnect water services for non-payment, but only in highly restricted circumstances. This would be in accordance with ESCOSA's code or any other licence condition imposed on the entity.

A further social welfare element of the Bill relates to concession schemes. Licence conditions will require water industry entities to comply with any concession scheme approved and funded by the Minister. An exemption scheme, to be approved and funded by the Minister, will be introduced to cover those charitable or community organisations who currently receive statutory exemptions from paying rates. Existing statutory exemptions for SA Water customers would continue as a transitional measure until a scheme is developed and implemented.

As it is important to protect low-income and regional consumers, the Minister will retain the power to require the relevant industry codes to include hardship provisions to assist customers who may be suffering specified types of hardship. In this respect, it will be critical for customers to have a range of accessible payment options, irrespective of location.

Similarly, in undertaking its price regulation function, ESCOSA would be required to comply with the requirements of any pricing order issued by the Treasurer. This is essential to manage the transition to independent economic regulation and to avoid any unexpected price shocks to consumers. It also ensures that important State Government policies, such as state-wide pricing, can be continued. Such arrangements will complement the concessions scheme and hardship provisions under the Bill, and they will be critical for vulnerable consumers and small regional communities.

Consistent with action 73 in Water for Good, the Government also remains committed to a review of pricing structures for water and sewerage services in the medium term. This will be undertaken by ESCOSA, who will be asked to examine matters such as property-based charging.

This review, along with the proposed report on third party access arrangements, will inform the next phase of the Government's water reform agenda and both will be important complements to the proposals in this Bill. Again, as with the proposals in this Bill, these initiatives will be the subject of major consultation with all interested stakeholders.

As Members can see, this Bill represents significant reform for South Australia's water industry and for all South Australians. It has been the subject of extensive consultation with industry and with community and environmental organisations.

The Bill strikes a balance between local industry's need for a more level playing field and the community's need for water service delivery that is safe, reliable, affordable and environmentally sustainable. As the driest state in the driest continent, it is imperative that the South Australian water industry continues to lead in innovative and efficient service delivery. This Bill provides the legislative foundation for this.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects

The objects of the Bill are—

- to promote planning associated with the availability of water within the State to respond to demand within the community; and
- to promote efficiency, competition and innovation in the water industry; and
- to provide mechanisms for the transparent setting of prices within the water industry and to facilitate pricing structures that reflect the true value of services provided by participants in that industry; and
- to provide for and enforce proper standards of reliability and quality in connection with the water industry, including in relation to technical standards for water and sewerage infrastructure and installations and plumbing; and
- to protect the interests of consumers of water and sewerage services; and
- to promote measures to ensure that water is managed wisely.

4—Interpretation

This clause contains definitions of words and phrases used in the Bill, including water industry entity, water infrastructure, water service, sewerage infrastructure and sewerage service.

5—Interaction with other Acts

This clause provides that the Bill is in addition to, and does not limit or derogate from the provisions of any other Act. The clause also provides that the Bill does not apply to or in relation to certain Acts relating to irrigation or any person providing irrigation services designated by the Minister, except to the extent prescribed by the regulations. Further, subclause (4) provides that the Bill does not apply to any person or entity, or any circumstance, excluded from the operation of the Bill by the regulations.

Part 2—Water planning

6—Water planning State Water Demand and Supply Statement, which, under subclause (4), must be comprehensively reviewed at least once in every 5 years. The clause also provides for procedures relating to the State Water Demand and Supply Statement.

Part 3—Administration

Division 1—Functions and powers of Commission

7—Functions and powers of Commission

This clause provides that the Commission has the licensing, price regulation and other functions and powers conferred by the Bill and any other functions and powers conferred by regulation under the Bill (in addition to the Commission's functions and powers under the Essential Services Commission Act 2002. Further, subclause (2) provides that if water industry entities are required by licence condition to participate in an ombudsman scheme, the Commission must, in performing licensing functions under the Bill, liaise with the ombudsman appointed under the scheme.

Division 2—Technical Regulator

8—Technical Regulator

There is to be a Technical Regulator appointed by the Minister.

9—Functions of Technical Regulator

This clause sets out the functions of the Technical Regulator.

10—Delegation

The Technical Regulator may delegate powers to a person or body or a person for the time being occupying a particular office or position.

11—Technical Regulator's power to require information

The Technical Regulator may require a person to give the Regulator information in the person's possession that the Regulator reasonably requires for the performance of the Regulator's functions. A person guilty of failing to provide information within the time stated in a notice may be liable to a fine of up to $20,000.

12—Obligation to preserve confidentiality

The Technical Regulator is under an obligation to preserve the confidentiality of any information gained in the course of administering the Bill that could affect the competitive position of a water industry entity or other person or is commercially sensitive for some other reason.

13—Annual report

The Technical Regulator must deliver to the Minister a report on the Technical Regulator's operations in respect of each financial year and the Minister must cause a copy of the report to be laid before both Houses of Parliament.

Division 3—Advisory committees

14—Consumer advisory committees

The Commission must establish a consumer advisory committee to provide advice to the Commission in relation to the performance of its licensing functions under Part 4 of the Bill and to provide advice to the Commission, either on its own initiative or at the request of the Commission, on any other matter relating to the water industry.

15—Technical advisory committee

The Technical Regulator must establish a technical advisory committee to provide advice to the Technical Regulator, either on its own initiative or at the request of the Technical Regulator, on any matter relating to the functions of the Technical Regulator.

16—Other advisory committees

The Minister, the Commission or the Technical Regulator may establish other advisory committees to provide advice on specified aspects of the administration of the Bill.

Part 4—Water industry

Division 1—Declaration as regulated industry

17—Declaration as regulated industry

This clause declares the water industry to constitute a regulated industry for the purposes of the Essential Services Commission Act 2002.

Division 2—Licensing of water industry entities

18—Requirement for licence

This clause provides that a person who provides a retail service without holding a licence authorising the relevant service or activity is guilty of an offence (Penalty: $1,000,000). The clause also provides that SA Water is entitled by the force of the clause to hold a non-transferable licence under the Part appropriate to the services, operations or activities provided, carried on or undertaken by it from time to time.

19—Application for licence

An application for the issue of a licence must be made to the Commission.

20—Consideration of application

The Commission has, subject to this clause, discretion to issue licences on be satisfied of certain factors (including, for example, the suitability of the applicant to hold a licence and that the water infrastructure or sewerage infrastructure to be used in connection with the relevant service is appropriate for the purposes for which it will be used).

21—Licences may be held jointly

A licence may be held jointly by 2 or more persons.

22—Authority conferred by licence

A licence authorises the person named in the licence to provide services or to carry on operations or activities in accordance with the terms and conditions of the licence. Any services, operations or activities authorised by a licence need not be all of the same character or undertaken at the same location but may consist of a combination of different services, operations or activities provided or carried on at 1 or more locations.

23—Term of licence

A licence may be issued for an indefinite period or for a term specified in the licence.

24—Licence fees and returns

A person is not entitled to the issue of a licence unless the person first pays to the Commission the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.

The holder of a licence issued for a term of 2 years or more must—

- in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and
- in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.

The annual licence fee for a licence is the fee fixed, from time to time, by the Treasurer in respect of that licence as an amount that the Treasurer considers to be a reasonable contribution towards prescribed costs.

Subclause (7) defines prescribed costs to mean the costs of administration of the Bill and the Essential Services Commission Act 2002 relating to the water industry, any costs associated with the development by the State Government of policies relating to the water industry and any other costs prescribed by regulation.

25—Licence conditions

This clause provides that a licence held by a water industry entity must be made subject to conditions determined by the Commission. For example, a licence will be subject to a condition requiring compliance with applicable codes or rules made under the Essential Services Commission Act 2002 as in force from time to time.

26—Third party access

This clause provides that the Minister must publish a report about third party access to water infrastructure and sewerage infrastructure services.

27—Offence to contravene licence conditions

There is a penalty of up to $1,000,000 if a water industry entity contravenes a condition of its licence.

28—Variation of licence

The Commission may vary the terms or conditions of a water industry entity's licence by written notice to the entity.

29—Transfer of licence

A licence may be transferred with the Commission's agreement.

30—Consultation with consumer bodies

The Commission may, before issuing a licence, agreeing to the transfer of a licence or determining or varying conditions of a licence, consult with and have regard to the advice of the Technical Regulator, the Ombudsman holding office under the industry ombudsman scheme and the consumer advisory committee under Part 3.

31—Notice of licence decisions

The Commission must give an applicant for a licence, or for agreement to the transfer of a licence, written notice of the Commission's decision on the application or affecting the terms or conditions of the licence.

32—Surrender of licence

A water industry entity may, by written notice given to the Commission, surrender its licence.

33—Suspension or cancellation of licences

The Commission may suspend or cancel a licence on certain grounds with effect from a specified date.

34—Register of licences

The Commission must keep a register of the licences currently held by water industry entities under the Bill.

Division 3—Price regulation

35—Price regulation

Subject to this clause, the Commission may make a determination under the Essential Services Commission Act 2002 regulating prices, conditions relating to prices, and price-fixing factors for retail services.

The Treasurer may issue an order (a pricing order) that—

- sets out any policies or other matters that the Commission must have regard to when making a determination contemplated by this clause;
- specifies various parameters, principles or factors that the Commission must adopt or apply in making a determination contemplated by this clause;
- relates to any other matter that the Treasurer considers to be appropriate in the circumstances.

In addition to the requirements of section 25(4) of the Essential Services Commission Act 2002, the Commission must, in acting under subclause (1), comply with the requirements of any pricing order issued by the Treasurer.

Division 4—Standard terms and conditions for retail services

36—Standard terms and conditions for retail services

A water industry entity may, from time to time, fix standard terms and conditions governing the provision of services by the entity to customers of a designated class.

Division 5—Commission's powers to take over operations

37—Power to take over operations

If a water industry entity contravenes the Bill, or a water industry entity's licence ceases, or is to cease, to be in force and it is necessary, in the Commission's opinion, to take over the entity's operations (or some of them) to ensure an adequate supply of water to customers or the proper provision of any sewerage service (as the case may require) the Governor may make a proclamation authorising the Commission to take over the water industry entity's operations or a specified part of the water industry entity's operations.

38—Appointment of operator

When such a proclamation is made, the Commission must appoint a suitable person (who may, but need not, be a water industry entity) to take over the relevant operations on agreed terms and conditions.

Division 6—Related matters

39—Ministerial directions

The Minister may give directions to the Commission in relation to any prescribed matter (which is defined in subclause (4)).

Part 5—Powers and duties relating to land and infrastructure

Division 1—Water industry officers

40—Appointment of water industry officers

A water industry entity may, subject to conditions or limitations determined by the Minister, appoint a person to be a water industry officer for the entity. A water industry officer may only exercise powers under the Bill subject to the conditions of appointment, any limitations imposed by the Minister, and any directions given by the relevant water industry entity.

41—Conditions of appointment

A water industry officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position.

42—Identity cards

A water industry entity must give each water industry officer for the entity an identity card in a form approved by the Minister. A water industry officer must, before exercising a power in relation to another person, produce the officer's identity card for inspection by the other person.

Division 2—Management of land and infrastructure

43—Power to enter land to conduct investigations

A water industry entity may, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure. Procedures and matters related to investigations are set out.

44—Power to carry out work on land

An authorised entity may, at any reasonable time, enter and remain on land (including a road)—

- to construct, install, improve or add to any water/sewerage infrastructure; or
- to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or
- to lay pipes and install, operate or inspect pumps and other equipment; or
- to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or
- to obtain or enlarge a supply of water; or
- to protect, improve or restore the quality of water; or
- to protect any infrastructure or equipment connected with any water service or sewerage service; or
- to perform any other function brought within the ambit of this clause by the regulations.

The powers that may be exercised in the performance of a function set out above include—

- to dig, break and trench any soil or to excavate any land; and
- to remove or use any earth, stone, minerals, trees or other materials or things located on the land; and
- to sink wells or shafts; and
- to construct, make, maintain, alter, add to or discontinue any water/sewerage infrastructure; and
- to divert or hold any water; and
- to dig up, form or alter any road; and
- to construct workshops, sheds or other buildings of a temporary nature; and
- to undertake other activities or work as may be necessary or incidental to the performance of any such function.

Notice requirements, procedures and other administrative details relating to carrying out functions under this clause are set out.

45—Acquisition of land

A water industry entity may acquire land in accordance with the Land Acquisition Act 1969. However, a water industry entity may only acquire land by compulsory process under the Land Acquisition Act 1969 if the acquisition is authorised in writing by the Minister

46—Infrastructure does not merge with land

In the absence of agreement in writing to the contrary, the ownership of any infrastructure or equipment is not affected by the fact that it has been laid or installed as water/sewerage infrastructure on or under land (and so the infrastructure or equipment does not become a fixture in relation to the land).

47—Requirement to connect to infrastructure

A water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage may apply to the Minister for approval of a scheme—

- that provides for the supply of sewerage services through the use of prescribed infrastructure; and
- that proposes that any owner of land adjacent to land where a designated part of the prescribed infrastructure is situated (other than owners (if any) excluded from the scheme) be required to connect to the prescribed infrastructure so as to become a customer of the water industry entity with respect to the sale and supply of the sewerage services under the scheme; and
- that has, in relation to the prescribed infrastructure, been approved by a prescribed body as being fit and adequate for the provision of services that are proposed to be offered under the scheme; and
- that complies with any other requirements prescribed by the regulations.

A scheme may—

- provide that any connection made by a person under the scheme comply with any requirements specified by the water industry entity after consultation with the Technical Regulator and the Health Department; and
- provide other requirements relating to the establishment, operation or management of the scheme that must be complied with by any owner of land adjacent to land where any prescribed infrastructure is situated; and
- provide for other matters specified by the water industry entity and approved by the Minister.

Administrative details and procedures relating to such schemes are set out.

Part 6—Protection and use of infrastructure, equipment and water and powers in relation to installations

Division 1—Protection of infrastructure, equipment and services

48—Encroachments

A person must not, without lawful authority—

- construct or place a building, wall, fence or other structure on or over any water/sewerage infrastructure, or create some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or
- create any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or
- obstruct, fill in, close up or divert any water/sewerage infrastructure; or
- excavate or alter any land or structure supporting any water/sewerage infrastructure.

Procedures relating to encroachments are set out.

49—Protection of infrastructure and equipment

A person must not, without lawful authority—

- attach any equipment or other thing, or make any connection, to water/sewerage infrastructure; or
- interfere with the collection, storage, production, treatment, conveyance, reticulation or supply of water through the use of water infrastructure or the collection, storage, treatment, conveyance or reticulation of sewage through the use of sewerage infrastructure; or
- disconnect or interfere with any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure; or
- damage any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure.

Procedures relating to the protection of infrastructure and equipment are set out.

50—Notice of work that may affect water/sewerage infrastructure

A person who proposes to do work near water/sewerage infrastructure must give the relevant water industry entity at least 14 days notice of the proposed work if—

- there is a risk of equipment or a structure coming into dangerous proximity to water/sewerage infrastructure; or
- in the case of water infrastructure—there is a risk of the work affecting the quality of any water within, or reasonably likely to enter, the infrastructure; or
- the work may interfere with water/sewerage infrastructure in some other way.

If, in the circumstances of an emergency, it is not practicable to give the notice required above, and the notice is given as soon as practicable, a defence is available.

The regulations and a water industry entity may set out requirements for a person who does work near water/sewerage infrastructure to comply with. If a water industry entity suffers loss as a result of a contravention, the entity may recover compensation for the loss from a person guilty of the contravention on application to a court.

51—Duty to give notice before paving a road etc

Before beginning—

- to first lay the pavement or hard surface in any road; or
- to relay the pavement or hard surface in any road; or
- to widen or extend the pavement or hard surface in any road; or
- to alter the level of any road; or
- to construct or alter any footpaths, gutters, kerbing or water tables in any road; or
- to construct or alter any drainage work in any road,

in which there is any water/sewerage infrastructure, the person authorising or intending to do so must give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).

The administrative details and procedures relating to work done under this clause are set out.

52—Unlawful abstraction, removal or diversion of water or sewage

A person must not, without proper authority—

- abstract or divert water from any water infrastructure; or
- abstract or divert any sewage from any sewerage infrastructure. (Penalty: $10,000 or imprisonment for 2 years).

A person must not install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by the person unless—

- the person is a water industry entity; or
- the person does so with the approval of a water industry entity that supplies water to the site; or
- the person is authorised under the regulations or is acting in any prescribed circumstances.

If a water industry entity suffers loss as a result of a contravention, the entity may recover compensation for the loss from a person guilty of the contravention on application to a court.

53—Water meters

A person who is supplied with water by a water industry entity must, if required by the water industry entity—

- allow a person authorised by the entity to enter land and fix a meter supplied by the relevant water industry entity;
- ensure that a meter of a kind specified by the entity is fixed and used for purposes of measuring water supplied to the person. (Penalty: $10 000 or imprisonment for 2 years).

A person may be required to fix or use a water meter supplied.

A person must not, without proper authority, interfere with, or bypass, a meter.

If a water industry entity suffers loss as a result of a contravention, the entity may recover compensation for the loss from a person guilty of the contravention on application to a court.

54—Discharge of unauthorised material into water infrastructure

A person must not, without proper authority, discharge any solid, liquid or gaseous material, or any other item or thing, into any water infrastructure. (Penalty: $25,000). If a water industry entity suffers loss as a result of a contravention, the entity may recover compensation for the loss from a person guilty of the contravention on application to a court.

55—Discharge of unauthorised material into sewerage infrastructure

A person must not, without proper authority, discharge into any sewerage infrastructure any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure (Penalty: $25,000).

A water industry entity may, in relation to any sewerage infrastructure operated by the entity, authorise the discharge of waste material, by a person (either on application or under a contract).

A person must not, without the authorisation of the relevant water industry entity, cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure. (Penalty: $2,500).

If a water industry entity suffers loss as a result of a contravention, the entity may recover compensation for the loss from a person guilty of the contravention on application to a court.

56—Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure

In order—

- to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or
- to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the relevant water industry entity, likely to damage or be detrimental to any sewerage infrastructure,

the relevant water industry entity may, by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice. A failure to comply with a notice under the clause attracts a penalty of up to $10,000.

The clause also sets out action that a person may be required to undertake under a notice, and administrative matters relevant to such action.

57—Power to disconnect drains or to restrict services

If a water industry entity has grounds to believe that material is being or has been (and that it is likely that a similar contravention will occur in the future) discharged from land into sewerage infrastructure in contravention of Part 6 Division 1, the entity may, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land. Before reopening or reconnecting a drain closed off or disconnected under this clause, the water industry entity may require the owner or occupier of the relevant land to pay the prescribed fee.

Division 2—Protection and use of water supply

58—Power to restrict or discontinue water supply

A water industry entity may lessen, prohibit or discontinue the supply of water (in accordance with subclause (3)) on certain grounds set out in subclause (1) (being grounds relating to matters such as the capacity to meet demand for water, standards relating to the quality or quantity of water supplied). The powers under this clause may only be exercised if justified in the circumstances. The clause also sets out administrative details and procedures relating to the exercise of such powers.

59—Power to require the use of devices to reduce flow

If a water industry entity believes on reasonable grounds that action under this clause is justified in the circumstances to supply water during periods of high demand, the entity may serve notice on the owner or occupier of land that is connected to water infrastructure operated by the entity. The clause sets out the things that a notice may direct an owner or occupier to do (and that a reasonable period for compliance must be set in the notice). If the requirements of a notice are not complied with, the water industry entity may install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice. A failure to comply with a notice attracts a penalty of $10,000 for a body corporate and $5,000 for a natural person.

60—Power to test and protect water

An authorised entity may, at any reasonable time, enter and remain on land—

- to test any water that constitutes, or is reasonably likely to constitute, water to be supplied in connection with the provision of water services under this Bill; or

- to avert, eliminate or minimise any risk, or perceived risk, to any water that constitutes, or is reasonably likely to constitute, water to be supplied in connection with the provision of water services under this Bill; or
- in the event that it appears that water that constitutes, or is reasonably likely to constitute, water to be supplied in connection with the provision of water services under the Bill, has been adversely affected, or is reasonably likely to be adversely affected, by any circumstance—to take action to address that situation.

For the purposes of this clause—

- testing under subclause (1)(a) may include taking samples of any water; and
- action taken under subclause (1)(b) or (c) may constitute such action as the authorised entity thinks fit, including by removing anything from any water or any other place; and
- action may be taken whether or not the water is located in any infrastructure.

The clause also sets out notice requirements and procedures relating to the exercise of powers under the clause, and powers that may be exercised in an emergency.

Division 3—Powers in relation to infrastructure and installations

61—Entry to land and related powers

A water industry officer for a water industry entity may, at any reasonable time, enter and remain in a place to which a water service or a sewerage service is supplied by the use of water/sewerage infrastructure operated by the entity—

- to inspect any infrastructure, equipment or other thing installed or used in connection with the supply, use or storage of water or the collection or removal of sewage (including on the customer's side of any connection point); or
- to read, or check the accuracy of, a meter for measuring the supply of water; or
- to install, repair or replace any infrastructure, meter, equipment or works (including where the infrastructure, meter, equipment or works have been installed by another person or are located on the customer's side of any connection point); or
- to investigate suspected theft of water; or
- to investigate whether there has been a contravention of Part 6 Division 1 or 2; or
- to see whether a hazard exists in connection with any infrastructure, equipment, works or other thing; or
- to take action to prevent or minimise any hazard in connection with the supply, use or storage of water or the collection or removal of sewage; or
- to take samples of any water or other material in any infrastructure, equipment or works, or on any land; or
- to exercise any other power prescribed by the regulations. Relevant matters to the entry of land under the clause are set out.

62—Disconnection etc if entry refused

If a water industry officer seeks to enter a place under Part 6 and entry is refused or obstructed, the water industry officer may, by written notice to the occupier of the place, ask for consent to entry by the water industry officer.

If entry is again refused or obstructed, the water industry entity may—

- if it is possible to do so—disconnect the supply of water to the place, or the collection of sewage from the place, or restrict the supply of services to that place, without entering the place; or
- if the above is not possible without entering the place—obtain a warrant under Part 10 to enter the place for the purpose of making a disconnection or restriction envisaged, and then enter the place under the warrant and take the relevant action.

A water industry officer may not enter a place under a warrant unless accompanied by a police officer.

The water industry entity must restore a connection if—

- the occupier consents to the proposed entry and pays the appropriate reconnection fee; and
- it is safe to restore the connection; and
- there is no other lawful ground for refusing to restore the connection.

63—Disconnection in an emergency

A water industry entity may, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the entity's opinion, necessary to do so to avert danger to any person or property.

64—Special legislation not affected

Nothing in this Bill affects the exercise of any power, or the obligation of a water industry entity to comply with any direction, order or requirement, under the Emergency Management Act 2004, Environment Protection Act 1993, Essential Services Act 1981, Fire and Emergency Services Act 2005 or the Public and Environmental Health Act 1987.

Part 7—Technical and safety issues

65—Standards

The Technical Regulator may, by notice in the Gazette, publish standards—

- relating to the design, manufacture, installation, inspection, alteration, repair, maintenance (including cleaning), removal, disconnection or decommissioning of any infrastructure that is used, or is capable of being used, in the water industry, or any equipment connected to, or any equipment, products or materials used in connection with, any infrastructure that is used, or is capable of being used, in the water industry (including on the customer's side of any connection point); or
- relating to plumbing, including plumbing work or any equipment, products or materials used in connection with plumbing; or
- providing for any other matter that the Bill may contemplate as being dealt with or administered by a standard prepared or published by the Technical Regulator.
- if the above is not possible without entering the place—obtain a warrant under Part 10 to enter the place for the purpose of making a disconnection or restriction envisaged, and then enter the place under the warrant and take the relevant action.

A standard may—

- specify the nature and quality of the materials from which infrastructure or equipment must be constructed; and
- specify the design and size of any pipes or other equipment that may be connected to any infrastructure or used in connection with plumbing; and
- specify requirements in relation to the construction, installation or positioning of any infrastructure or equipment; and
- specify the number of pipes and other equipment that may be connected to any infrastructure or device; and
- specify the position of pipes and other equipment connected to any infrastructure or device; and
- specify requirements with respect to any products or materials used in connection with any infrastructure or plumbing; and
- specify the procedures to be followed when installing, inspecting, altering, repairing, maintaining, removing, disconnecting or decommissioning any infrastructure or equipment; and
- specify requirements relating to the operation, testing or approving of any infrastructure, equipment, products or materials; and
- specify examination and testing requirements; and
- specify performance or other standards that must be met by any infrastructure, equipment, products or materials (and, in doing so, specify methodologies or other processes or criteria for assessing compliance with those standards, including as to the efficiency, impact or effectiveness of any infrastructure, equipment, products or materials); and
- provide for any other matter prescribed by the regulations. The clause sets out procedural matters relating to standards.

66—Performance of regulated work

Any work to which subclause (1) applies (as specified by the regulations) must be carried out by a person with qualifications or experience recognised by regulations made for the purposes of this clause.

A person to whom subclause (2) applies (as specified by the regulations) who carries out specified work—

- in relation to any infrastructure that is used in the water industry; or
- in relation to any equipment connected to, or used in connection with, any infrastructure that is used in the water industry (including on the customer's side of any connection point); or
- in connection with plumbing (including on the customer's side of any connection point),

must ensure that—

- the work is carried out as required by a standard published under Part 7; and
- examinations and tests are carried out as required by standards published under Part 7.

A failure to comply with a notice under the clause attracts a penalty of up to $5,000.

67—Responsibilities of water industry entity

A water industry entity must, in relation to—

- any infrastructure used by the entity in the water industry; or
- any equipment connected to, or any equipment, products or materials used in connection with, any infrastructure used by the entity in the water industry,

take reasonable steps to ensure that—

- the infrastructure, equipment, products or materials comply with, and are used in accordance with, technical and safety requirements specified by standards published under Part 7; and
- the infrastructure, equipment, products or materials are safe and in good working order. (Penalty $250,000).

68—Responsibilities of customers

A customer who is supplied with a retail service must—

- ensure that any equipment located on his or her premises that is relevant to the operation of that service (being equipment located on the customer's side of the connection point) complies with any relevant technical or safety requirements and is kept in good repair; and
- take reasonable steps to prevent any water running to waste on the premises, or any waste material that should be discharged into a sewerage system to escape. (Penalty $2,500).

69—Prohibition of sale or use of unsuitable items

If, in the Technical Regulator's opinion, a particular component or component of a particular class is, or is likely to become, unsuitable for use in connection with the supply of water or the removal or treatment of sewerage, the Technical Regulator may—

- prohibit the sale or use (or both sale and use) of the component or components of the relevant class; and
- require traders who have sold the component in the State to take specified action (such as to recall the component from use and either render the component suitable for use or refund the purchase price on the component).

Procedures relating to a prohibitions and requirements are set out. A failure to comply with a prohibition or requirement attracts a penalty of up to $10,000.

70—Public warning statements about unsuitable components, practices etc

The Technical Regulator may, if satisfied that it is in the public interest to do so, make a public statement identifying and giving warnings or information about any of the following:

- components for any relevant equipment that, in the opinion of the Technical Regulator, are or are likely to become unsuitable for use and persons who supply the components;
- uses of relevant equipment or components for relevant equipment, or installation practices, that, in the opinion of the Technical Regulator, are unsuitable;
- uses of products or materials that, in the opinion of the Technical Regulator, are unsuitable;
- any other practices or circumstances associated with relevant equipment or components for relevant equipment.

Neither the Technical Regulator nor the Crown incurs any liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under this clause.

Part 8—Enforcement

Division 1—Appointment of authorised officers

71—Appointment of authorised officers

The Minister may appoint persons to be authorised officers, who may be assigned to assist 1 or more of the Minister, the Commission, or the Technical Regulator. An officer will be subject to control and direction by the Minister, the Commission, or the Technical Regulator under a scheme established by the Minister after consultation with the Commission and the Technical Regulator.

72—Conditions of appointment

An authorised officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position on the conditions stated in the instrument of appointment.

73—Identity cards

An authorised officer must be issued with an identity card in a form approved by the Minister. An authorised officer must, at the request of a person in relation to whom the officer intends to exercise any powers, produce for the inspection of the person his or her identity card (unless the identity card is yet to be issued).

Division 2—General powers of authorised officers

74—Power of entry

An authorised officer may, as reasonably required for the purposes of the administration or enforcement of the Bill, enter and remain in any place.

75—Inspection powers

This clause sets out various powers of an authorised officer who enters a place under

Part 6 of the Bill.

Division 3—Specific powers in relation to infrastructure and equipment

76—Disconnection of supply

This clause provides that if an authorised officer finds that water is being supplied or consumed contrary to the Bill, the authorised officer may disconnect the water supply. If a water supply has been so disconnected, a person must not reconnect the water supply, or have it reconnected, without the approval of an authorised officer

77—Power to make infrastructure etc safe

If an authorised officer finds any water/sewerage infrastructure or any equipment, product or materials unsafe, the authorised officer may—

- disconnect the supply of water to the place, or the collection of sewerage from the place, or give a direction requiring any such disconnection;
- restrict the provision of any service;
- give a direction requiring the carrying out of work necessary to make the infrastructure, equipment, product or materials safe before any reconnection is made.

Failure to comply with such a direction or to reconnect the water supply or sewerage infrastructure (as the case may be) unless the work required by the direction has been carried out, or an authorised officer approves the reconnection attracts a maximum penalty of $10,000.

Division 4—Related matters

78—Power to require information or documents

An authorised officer may require a person to provide information in the person's possession or produce documents relevant to the administration or enforcement of this Bill. Failure, without reasonable excuse, to comply with such a requirement may lead to a fine of up to $10,000.

79—Enforcement notices

An authorised officer may issue a notice (an enforcement notice) for the purpose of securing compliance with a requirement imposed by or under the Bill. The clause also provides for emergency enforcement notices, and sets out what may be included in a notice and relevant procedures relating to notices.

80—Self-incrimination

A person is not required to give information or produce a document under Part 8 if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

However, if a person is required to give information or produce a document under this Part in circumstances prescribed by the regulations and the information or document would tend to incriminate the person of an offence, the person must nevertheless give the information or produce the document, but—

- if the person is a natural person, the information or document so given or produced will not be admissible in evidence against the person in proceedings for an offence (other than an offence relating to the making of a false or misleading statement or declaration); and
- if the person is a body corporate—
    - the information or document so given or produced will not be admissible in evidence against a director of the body corporate in proceedings for an offence (other than an offence relating to the making of a false or misleading statement or declaration); and

- a director will not be guilty of an offence (other than an offence relating to the making of a false or misleading statement or declaration) as a result of the body corporate having been found guilty of an offence in proceedings in which the information or document so given or produced was admitted in evidence against the body corporate.

81—Warning notices and assurances

The Commission is authorised to issue a warning notice if it appears that a person has contravened a provision of Part 4 and the Technical Regulator is authorised to issue a warning notice if it appears that a person has contravened a provision of Part 7.

82—Injunctions

The District Court may, on the application of the Minister, the Commission, the Technical Regulator or any other person, grant an injunction (including an injunction requiring remedial action) if satisfied that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of this Bill.

Part 9—Reviews and appeals

83—Review of decisions by Commission or Technical Regulator

An application may be made to—

- the Commission by an applicant for the issue or variation of the terms or conditions of a licence under Part 4, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or
- the Commission by a water industry entity for review of a decision of the Commission under Part 4 to suspend or cancel the entity's licence or to vary the terms or conditions of the entity's licence; or
- the Technical Regulator by a person to whom a direction has been given by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
- the Technical Regulator by a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.

The administrative details of implementing such an application are set out.

84—Appeals

The following rights of appeal lie to the District Court:

- an applicant for review under clause 83 who is dissatisfied with a decision as confirmed, amended or substituted by the Commission or the Technical Regulator; or
- a person to whom an enforcement notice has been issued under Part 8 Division 4.

The procedures of an appeal are set out.

85—Minister's power to intervene

The Minister may intervene, personally or by counsel or other representative, in a review or appeal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.

Part 10—Miscellaneous

86—Minister's power to require information

The Minister may require the Commission, the Technical Regulator, a water industry entity or other person to give the Minister, within a time specified by the Minister (which must be reasonable), information in the person's possession that the Minister reasonably requires for the performance of the Minister's functions under the Bill.

87—Delegation by Minister

The Minister may delegate powers to a person or body or a person for the time being occupying a particular office or position.

88—Consultation between agencies

The following agencies must, insofar as they share common interests, consult with each other in connection with the operation and administration of the Bill:

- the Commission;
- the Technical Regulator;
- the Minister's Department;
- the Health Department;
- the Environment Protection Authority.

89—Seizure and dismantling of infrastructure

Water/sewerage infrastructure cannot be seized and dismantled in execution of a judgment (but this clause does not prevent the sale of infrastructure as a part of a going concern in execution of a judgement).

90—Water conservation measures

For the purposes of this clause, water conservation measures may do 1 or more of the following:

- prohibit the use of water for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
- prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
- in the event that it appears that water that constitutes, or is reasonably likely to constitute, water to be supplied in connection with the provision of water services under the Bill, has been adversely affected, or is reasonably likely to be adversely affected, by any circumstance—to take action to address that situation.

The Governor may, by regulation, introduce 1 or more water conservation measures, which may be declared to be for the purposes of taking action to provide for the better conservation, use or management of water (longer-term measures), or for the purposes of taking action on account of a situation, or likely situation, that, in the opinion of the Governor, has resulted, or is likely to result, in a decrease of the amount of water available within a particular area of the State (short-term measures).

The clause sets out procedures for regulations relating to water conservation measures.

91—Save the River Murray levy

This clause continues the Save the River Murray levy.

92—Save the River Murray Fund

This clause continues the Save the River Murray Fund.

93—Immunity

No act or omission undertaken or made by a designated entity, or by another person acting under the authority of a designated entity, exercising or performing a power or function under the Bill (including by discontinuing or disconnecting any service, taking action that may damage any land or property, or adversely affecting the use or enjoyment of any land or property) gives rise to any liability against the designated entity, person or the Crown.

Nothing done by a person in furnishing information to a designated entity in accordance with a requirement under this Bill—

- is to be regarded as placing the person in breach of contract or confidence or as otherwise making the person guilty of a civil wrong; or
- is to be regarded as placing the person in breach of, or as constituting a default under, any Act or other law or obligation or any provision in any agreement, arrangement or understanding; or
- is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of or to terminate any agreement or obligation; or
- is to be regarded as giving rise to any remedy for a party to a contract or an instrument; or
- gives rise to any right or entitlement to damages or compensation.

94—Impersonation of officials etc

A person must not impersonate an authorised officer, a water industry officer or anyone else with powers under the Bill. (Penalty: $5,000).

95—Obstruction of officials etc

A person must not, without reasonable excuse, obstruct an authorised officer, a water industry officer, or anyone else engaged in the administration of the Bill or the exercise of powers under the Bill (Penalty: $10,000). Neither must a person must not use abusive or intimidatory language to, or engage in offensive or intimidatory behaviour towards, an authorised officer, a water industry officer, or anyone else engaged in the administration of the Bill or the exercise of powers under the Bill. (Penalty: $5,000).

96—Fire plugs

A water industry entity must, at the direction of the Minister, provide and maintain fire plugs, maintain various standards, and comply with any other requirements relating to the provision of water for fire-fighting purposes, in accordance with any scheme determined by the Minister for the purposes of the clause.

97—Obstruction of works by occupiers

An occupier of land must not—

- refuse to allow an owner of the land to enter the land and take action to comply with any provision of the Bill, or a requirement imposed under the Bill;

- without reasonable excuse, obstruct an owner of the land who is taking action to comply with any provision of the Bill, or a requirement imposed under the Bill. (Penalty: $5,000).

98—False or misleading information

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished under the Bill. The penalty if the person made the statement knowing that it was false or misleading is $10,000 or imprisonment for 2 years. In any other case, the penalty is $5,000.

99—Offences

Proceedings for an offence against the Bill must be commenced within 5 years of the date of the alleged offence. The clause also contains procedures relating to offences and expiation notices.

100—General defence

It is a defence to a charge of an offence against the Bill if the defendant proves that—

- the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence;
- the act or omission constituting the offence was reasonably necessary in the circumstances in order to avert, eliminate or minimise danger to person or property

101—Offences by bodies corporate

If a body corporate is guilty of an offence against the Bill, each director of the body corporate is, subject to the general defences under this Part, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

102—Continuing offences

Provision is made for ongoing penalties for offences that continue.

103—Order for payment of profit from contravention

The court convicting a person of an offence against the Bill may order the convicted person to pay to the Crown an amount not exceeding the court's estimation of the amount of any monetary, financial or economic benefits acquired by the person, or accrued or accruing to the person, as a result of the commission of the offence.

104—Statutory declarations

A person may be required to verify information given under the Bill by statutory declaration.

105—Power of exemption

The Commission may, with the approval of the Minister, grant an exemption from Part 4, or specified provisions of that Part, on terms and conditions the Commission considers appropriate.

The Technical Regulator may grant an exemption from Part 7, or specified provisions of that Part, on terms and conditions the Technical Regulator considers appropriate.

The Minister may grant an exemption from any provision of the Bill, other than under Part 4, on terms and conditions the Minister considers appropriate.

The clause also sets out relevant matters relating to exemptions.

106—Application and issue of warrant

Application may be made to a magistrate for a warrant to enter a place specified in the application and the magistrate may issue one if satisfied that there are reasonable grounds for doing so.

107—Urgent situations

Application may be made to a magistrate for a warrant by telephone, fax or other prescribed means if the urgency of the situation requires it.

108—Evidence

This clause provides for evidentiary matters in any proceedings.

109—Service

The usual provision for service of notices or other documents is made in this clause.

110—Ventilators

A water industry entity may cause a ventilating shaft, pipe or tube for any sewerage infrastructure or drain to be attached to the exterior wall of a building, so long as the mouth of a shaft, pipe or tube is at least 1.8 metres higher than any window or door situated within a distance of 9 metres from its location.

111—Regulations

The Governor may make regulations for the purposes of the Bill.

Schedule 1—Appoint and selection of experts for District Court

This Schedule sets out provisions relating to the appointment and selection of experts for District Court.

Schedule 2—Related amendments, repeals and transitional provisions

This Schedule sets out related amendments to other Acts. The Sewerage Act 1929, the Water Conservation Act 1936 and the Waterworks Act 1932 are to be repealed. The Schedule also sets out various provisions addressing a number of transitional issues associated with the enactment of this new legislation.

Debate adjourned on motion of Mr Pederick.

ROAD TRAFFIC (RED LIGHT OFFENCES) AMENDMENT BILL

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:03): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:04): I move:

That this bill be now read a second time.

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

Leave granted.

The *Road Traffic (Red Light Offences) Amendment Bill 2011* is a simple Bill that contains a small amendment to section 79B of the *Road Traffic Act 1961* related to level crossing offences.

Crashes at level crossings can have catastrophic impact on car drivers and passengers who often lose their lives or are seriously injured and can cause trauma to train drivers, passengers and the local community.

Currently, the *Road Traffic Act 1961* provides that where a vehicle is detected by a photographic detection device committing both a red light offence and a speeding offence arising from the same incident at a place where there are traffic lights or traffic arrows, such as an intersection, the penalty for both offences applies. Similarly, the *Motor Vehicles Act 1959* provides that the demerit points for both offences apply.

Driving through a level crossing while the warning lights are flashing has serious road safety implications. Also, drivers often speed up when they see the level crossing warning lights flash and drive through the crossing above the applicable speed limit. However, the double penalty for the two offences arising from the same incident when committed at an intersection with traffic lights does not apply to a level crossing with twin red lights.

The Bill rectifies this anomaly by amending the definition of 'red light offence' in the *Road Traffic Act* to include 'twin red lights'—these are the horizontal or diagonal alternately flashing red warning lights seen at level crossings.

This will have the effect of applying the existing double penalty for speeding through a red traffic light or arrow at an intersection to speeding through a level crossing where the twin red lights are flashing. The changed definition will flow on to the *Motor Vehicles Act 1959* and ensure that demerit points for both offences apply.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

4—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause makes a number of changes to section 79B of the Act. Section 79B provides that where a vehicle appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence, the owner of the vehicle is guilty of an offence against section 79B (unless certain exceptions are proved). The penalty for the offence is higher if the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident.

This clause amends the definition of what constitutes a *prescribed offence* for the purposes of section 79B to make it clear that the offences prescribed in the regulations for this purpose can be parts of offences or offences committed in described circumstances.

The clause also amends the definition of a *red light offence* for the purposes of section 79B. Currently a red light offence means a prescribed offence relating to traffic lights or traffic arrows defined by the regulations as a red

light offence. The amendment allows the red light offences defined by the regulations to include prescribed offences relating to twin red lights (those used at level crossings) as well as prescribed offences relating to traffic lights or traffic arrows.

These amendments to the definitions of *prescribed offence* and *red light offence* will allow offences at level crossings where twin red lights are operating to be prescribed as red light offences for the purposes of the application of higher penalties where a speeding offence arises out of the same incident.

The clause also clarifies the meaning of *traffic arrows*, *traffic lights* and *twin red lights* by referring to the meaning of those terms in the *Australian Road Rules*.

Debate adjourned on motion of Mr Williams.

NATURAL RESOURCES MANAGEMENT (COMMERCIAL FORESTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November 2010.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:05): I indicate that I will be the lead speaker for the opposition on this matter. I also indicate that the opposition will allow the passage of this bill through this house, but it will be our intention to refer this in the other place to the NRM committee, as was originally intended by the government. I will come back to that later on in my contribution. I am going to speak at length on this matter. It is a matter that is very near and dear to me—

The Hon. P. Caica: At length or in detail?

Mr WILLIAMS: Both, and the minister might learn something today. He might learn a fair bit from me today. He learnt a bit from me yesterday in question time, but he might learn a lot more today. In introducing the bill, amongst other comments, the minister made this comment in his opening, 'Large-scale commercial plantation forestry has the potential to intercept substantial volumes of water.' Might I suggest that any activity on the landscape has the potential to intercept substantial volumes of water. That is a given.

He also went on to say, 'Reducing run-off and recharge by 70 to 100 per cent when forestry replaces pastoral land use is a fact.' I am not disputing that. What I do dispute are claims made that the forest industry and plantation forests in the South-East use huge proportions of the available water because, to accept that premise, you have to accept that the available water is only a portion of the total water in the water balance of the region. I am going to spend some time today discussing the South-East and the debates that we have been having for at least 15 years, and probably a lot longer. In fact, I am going to start off much earlier than that, and we have learnt a lot along the way.

What I can say—and I say this advisedly; I say it categorically—is that the water policy that we have in the South-East, and have had in the South-East for the last 15 years, is flawed. It is seriously flawed and it has been driven by the vested interests of a greedy minority. That is the reason that this debate has been going on for so long: that a greedy minority, with a large vested interest, have captured this debate and run with it for a long time. They are endeavouring to take it even one step further, to the detriment of the region, of the state and particularly of the forestry industry. I will speak much more on those specific issues as we go on.

Because there are possibly some people in the house who are not aware, I will start off by informing the house that the South-East is a unique part of this state for several reasons. One is that it is much wetter and much cooler than the rest of the state. My home town of Millicent has a climate very similar to that of Stirling in the Adelaide Hills. The average monthly temperature and the average monthly rainfall of Millicent are very similar to those averages in Stirling. That is the sort of climate that it has, but the South-East, by and large, is a flat expanse. It is not hilly or mountainous like the landscape at Stirling; it is largely flat.

The South-East is today called the Limestone Coast region because a thick layer of limestone lies under the landscape, what is called a karst formation, which is quite pervious and pocketed with caves, and it contains and retains huge volumes of water. That makes it quite different from many other parts of the state, as well.

To understand the geography of the South-East, you also have to understand that the South-East that we see today is the result of what we call an emergent land form. Over millions of years (about 4 million years, in fact) the coastline has retreated to the south and to the west as the land form has risen up. As the coastline has retreated to the south and the west, it has left behind

stranded beach systems, dunal systems and we have across the South-East, running in a north-west or south-east direction, a series of stranded beach dunal systems.

Before white settlement and before we started to change the landscape, the factors that I have described of a large flat area with a high rainfall and these dunal systems isolating a lot of that flat landscape from the sea, resulted in the South-East largely being a wetland.

In fact, at the time of white settlement there were vast wetlands stretching across the South-East—and I will describe some of them—but suffice to say that George Goyder, in 1864, estimated what he believed was the amount of land between Salt Creek at the bottom end of the Coorong and the Victorian border. He made the statement that in his estimation, because he had been around talking to the local pastoralists in an effort to put a valuation on the land in order to tax those pastoralists or to set rents on those properties, after gaining a close understanding of the landscape at that time, at least half of that land became inundated between one and six feet deep (in the old money or 30 centimetres and 180 centimetres in today's language) each winter. Just imagine the whole of the South-East, half of that land being inundated to that depth every winter from Salt Creek to Mount Gambier and from Salt Creek to the Victorian border. It is a huge area and a huge amount of water.

At the time of European settlement here on the Adelaide Plains, the Henty brothers, who had come from Launceston, had established a settlement at Portland, just across the border from Mount Gambier (about 80 kilometres or something away by road, I think it is) and were quite successful graziers and pastoralists. They had also explored a lot of the surrounding land and had discovered very rich soils in the Mount Gambier area with good pasturage for their animals and, at about the same time as Adelaide was established, they established a small settlement at Mount Gambier.

Mount Gambier, unlike most of the other parts of the South-East, is a little bit higher, it is self-draining and it is not full of swamps and wetlands (although there are a reasonable number of wetlands nearby and in the area) but it was largely ready for agricultural production—particularly grazing, but other agricultural production—because it was not inundated. Not long after settlement of the South-East, Mount Gambier was settled from Adelaide and became a thriving part of the colony.

The good folk of the district of Mount Gambier complained bitterly to the state government that a lot of money was being taken out of the area through land sales, rents and taxes but very little public work was being done in the area and life was quite difficult. They particularly complained that it was taking something like 4½ days to get mail back and forth from Adelaide to Mount Gambier, whereas it was taking about half that time to get mail from Melbourne to Mount Gambier.

In fact, in about 1860 (because Portland was having similar complaints about its government in Melbourne) there was movement started in Portland and joined by the people of Mount Gambier to petition Queen Victoria to form a separate colony in that area, including the western part of Victoria and the southern part of South Australia, because of the lack of effort on behalf of their relative governments.

In 1863, the South Australian government sent a party led by William Milne, commissioner of public works (later to become Sir William Milne), and it included George Goyder, state surveyor-general, and William Hanson, engineer and architect. They did a trip during January 1863 through the South-East to inspect the settlements and the public works and to make some recommendations to the government.

Probably, as a result of that, the first drainage of the South-East began. In 1863-64, I think, a small cut was made in the Maria swamp in Kingston to drain water out of that area. It was some years later in 1867 that Goyder sent a boatload consisting of 100 men to what was then probably called Greytown—the southern end of Rivoli Bay—where they disembarked specifically to start digging drains to drain the South-East in the Millicent district. That movement started the township of Millicent, which was a camp for the drainage workers.

Between that time and right up to about 1970, the mid and Lower South-East were crisscrossed with drains. Drain digging activity continued, somewhat haphazardly at times, right up to 1970, and we have seen a huge change in the landscape of the South-East. To understand what we are doing in the South-East today and to understand the principles behind this piece of legislation, you must have an understanding of what the South-East was like, otherwise you will

continue to make the same mistakes that I believe we having been making for at least the last 14 or 15 years in this area.

In the late 1800s and early 1900s the South-East was turned from what could probably be described as a vast swamp into a drained area, an artificial landscape, and then the people who moved into that area cleared most of the native vegetation. It was important to the state of South Australia because the cost of digging the drains was more than returned in the sale of the land that was subsequently dried out and made appropriate for agricultural use. Some of that work underpinned the economy of the state at various times, and anybody who has studied the economy of the state will know that it went through some pretty tough times, particularly in the time of the Victorian gold rush, which is within the time frame that I am talking. We changed the landscape, we drained the water, and we cleared the vast majority of the native vegetation.

Today, this piece of legislation is about a complaint that revegetating a small portion of that region is causing a problem with the amount of water available to another group of people who wish to milk cows, grow grapevines, grow potatoes and grow pasture to fatten livestock. I related that early part of the history of the region because there is a huge disconnect between the reality of what the South-East was like and what we expect it should be like. The introduction of drainage into the South-East, in my opinion, has had a much greater impact on that landscape than people today understand or realise. I say that because I have spent a lifetime trying to get an understanding of the drainage system of the South-East. I referred to the 100 men that Goyder sent down there in 1867; two of my forebears were amongst those 100 men. My family has lived in the Millicent district ever since and has been intimately involved in drainage and farming over the intervening period of 140, 150 years.

Before I came into this place, I was an elected landholder member on the South-Eastern Water Conservation and Drainage Board, the board which manages the drainage system in the mid and Lower South-East, so I think I have a reasonable knowledge of the drainage system and its effect and impacts on the region. I throw that in because I want members to understand that I have a good knowledge of the South-East. I believe I have a good knowledge of the drainage system and its impacts, and I am also incredibly passionate about the region. It frustrates and annoys me that people come along and make assumptions about the South-East when they do not fully understand it. In some cases I do not believe they care a hell of a lot either, and that frustrates me somewhat.

It was not until the late 1960s—in 1967 we had an incredible drought in the South-East—that most people to whom I have spoken became actively involved in irrigation, certainly in the district around Millicent. They took up that activity as a result of the drought in 1967. It was certainly when my family started irrigating, and most of our neighbours, who subsequently went on irrigating, took it up as a result of that drought. It was in what we call the border zone.

The border zone is quite well defined now because it is subject to a border ground water sharing agreement with Victoria, and there is an act of this parliament, as there is with the Victorian parliament, governing that. It extends some 20 kilometres either side of the border. Most of the intensive irrigation activity in the South-East is in that zone, and most of it is south of Naracoorte, although there are pockets of very heavy irrigation north of Naracoorte, certainly in the Padthaway and Keith areas. This bill is not really about those areas north of Naracoorte because there is very little, if any, commercial forestation there. Most of it ranges from probably the Coonawarra, Comaum area south of Mount Gambier, and some to the west.

There is irrigation activity along that border zone because we have largely within that area the Coonawarra wine grape district. In that area and just out of that area we have a substantial dairy industry—particularly south of Mount Gambier—which has long been reliant on irrigation, and we have a reasonable potato-growing industry which has been established for a significant number of years. A lot of that activity was in that area and some was just out of it. The hundred of Grey, around Kalangadoo, has traditionally been a strong potato-growing area, as has Glencoe, a little west of that area.

Regarding that 20-kilometre border zone, I believe that the government seeks to have some different rules whether we are inside or outside of that zone for the reason that we have this agreement with Victoria, which places some constraints on us. But a lot of the serious irrigation occurs within that area. As we move to the west there is less and less irrigation, for two reasons. First, the most significant is that, by and large, the land is not as rich. The richest land in the South-East probably lies closer to Mount Gambier and, as you move both westwards and northwards from Mount Gambier, in general the quality of the land deteriorates. There would be historic

reasons for the establishment of some of these industries in those areas as well because they were settled earlier. Notwithstanding that, there is a reasonably long history of irrigation in the area, but certainly not like we have experienced in the Riverland.

We had in some parts of the state recognised a long time ago that we had to regulate irrigation activity to protect the resource. Certainly at a much earlier date we had regulated irrigation activity in the Upper South-East in various places, certainly in Padthaway, around Keith and in the hundred of Stirling, but the decision was taken to prescribe the water resource in the mid and Lower South-East in the mid-1990s. If my memory serves me well, they were prescribed under the Water Resources Act 1996 and with prescription came the job of providing water allocations for those people who were actively involved in irrigation and for those who wished to become involved in irrigation in that area.

This was a very important time, because prior to the prescription of the area, and we see this occurring as I speak in other parts of the state, particularly in the east and western Mount Lofty Ranges, where strong debates are happening now about the prescription process and the water allocation process, and it is very trying for landowners who believe they have certain rights and believe they own certain properties and, with the stroke of a pen, they come to the realisation that that has been taken away from them.

Interestingly (and if members wish to consult the *Hansard* they will find this in February 1997) the then water minister, David Wotton, made a speech wherein he told the house that he had been to the South-East and consulted with the community there and he knew what they wanted as far as a water allocation plan was concerned, and he put in broad terms the sort of things that he thought that they wanted, and by and large by March of that year, he had adopted a set of principles on which the water allocations would be made. That in itself caused some controversy, and I am very well versed in this particular piece of history because it is what led me to come into this place.

There was a mark II version of the principles on which water would be allocated in the South-East made very quickly after that, and by early June there was a serious call for changes, and a meeting was proposed to be held in Mount Gambier on 27 June 1997, to which a significant number of people were invited to attend. I was fortunate enough to be one of the attendees at that meeting, simply because of my membership of the South-East Water Conservation and Drainage Board, and because I was the member of that board who lived closest to Mount Gambier. The chairman of the board rang and asked me whether I would attend this meeting. I certainly did not get an invitation to the meeting as an interested stakeholder.

The meeting, I came to the realisation at its conclusion, consisted only of invitees because it was a set up. It was designed purely to give an excuse for the government of the day—the Liberal government—to turn David Wotton's water allocation plan on its head, and move from what he had proposed, which I think and continue to think was a very good proposal, which would have seen water allocation made in the initial stage, and water allocation would be made such that each landowner might well have expected to get a water allocation proportional to their landholding, and that is an important thing to remember.

The result of the meeting on 27 June 1997 was that we ended up with a water allocation plan which became known as 'first in, best dressed', where the amount of available water was thrown open and people could apply for a water allocation, and the first to apply, until all the water was allocated, were the ones who got it, and that caused an outcry.

It caused such an outcry that, after that meeting, I wrote a letter, along with one of my farming colleagues, who also happened to be at that meeting because of another board he was on representing the farming community. We wrote a letter to the local newspapers, and three months later as a direct result of that I was elected as the member for MacKillop to this parliament.

The Hon. P. Caica interjecting:

Mr WILLIAMS: I did not hear what the minister said but I can say that I have been talking about water issues ever since then and my vote has gone up at every election I have stood for, so I reckon I am on a winner. I reckon that I am reflecting the broad thoughts—

The Hon. P. Caica: If the Libs had got it right the first time you wouldn't be here.

Mr WILLIAMS: Well, you're dead right there. I do think that I am reflecting the beliefs and feelings of the people in the local community. We have had this change of the water allocation policy, and now we have a water allocation plan which allocated all of the available water. First,

there was an opportunity for those who were active irrigators to make a claim to get an allocation based on their irrigation activities over the last three years, and that is an interesting point in itself.

I live in the hundred of Riddoch. Next door is the hundred of Grey. One of my brothers lives in the hundred of Grey and the other lives on the boundary. I know the area and know a lot of the farmers in that hundred very well. I can cite the hundred of Grey because, when all the supposed irrigators in that hundred had made the claim to their activities for the last three years and the allocations were made, the hundred of Grey was allocated to a point of 131 per cent of the available water.

That did not deter the department—it kept writing the water licences and issuing them. We have had the hundred of Grey allocated to a point of 131 per cent of what was believed at the time to be the sustainable yield in that hundred. Once irrigators and farmers had water licences they were obliged to put in an annual return on their irrigation activity. The first year after that obligation was put upon them, I think that about 50 per cent of the water that had been allocated was used, the next year about 50 per cent, and it took some years before even the usage got to 60 per cent of that allocated. That confirmed my belief that at least the average farmer, if not the majority of them, had gilded the lily.

I had this discussion with the then manager of the agency who was implementing these plans in Mount Gambier and who, I think, intimated to me that he accepted my premise that there had been some gilding of the lily. It seemed pretty obvious. I mean, if that amount of irrigation activity had been undertaken in the hundred of Grey, well over a quarter of the total of that hundred would have been irrigated.

I still do, but at the time I would fly in and out of Mount Gambier reasonably regularly, and I can attest to the fact that, as you flew over the hundred of Grey on your way into Mount Gambier, nothing like 25 per cent, 20 per cent or even 15 per cent of that hundred was being irrigated. I put to the manager of the department at the time that he should do something about it; and, although he acknowledged there was an issue and there was probably a problem, he was at a loss as to how we might remedy it.

I did suggest to him that it would not be too difficult to get a set of Landsat photographs to confirm whether people had been gilding the lily or whether they had not. I am not suggesting they all were, and there might have been some genuine mistakes. I know one particular property owner received a water licence (and these are area-based licences) which covered more than the area of his whole farm. I can only assume that was a genuine mistake on the part of a number of people.

However, I know that an officer from the department sat at my kitchen table with my wife and me with some coloured aerial photographs and asked me to delineate the area that I was irrigating at the time and, when I did—I believe, honestly—he said, 'What about this area further down the paddock? You obviously irrigate that.' I asked him when the photograph was taken and he said it was in February. I said, 'The problem is that you are in strawberry clover country and the country still looks green in February. If you came back and took another photograph at the end of March, it would probably look brown.' It would have been very simple for me to have probably doubled the area that I claimed to be irrigating and I would have been issued with an irrigation licence for that.

The fact that the department responsible at the time must have been aware of this practice (and I know the manager of the department in Mount Gambier was aware of it because I called on him more than once) but was uncaring is one of the reasons we are here debating this today, because there are claims that we have pressure on the water resource and we have to put some more restrictions on certain people. What galls me is that this piece of legislation, in my opinion, will put the restrictions on the wrong people: it will put the restrictions on the innocent party and it is probably too late to do anything about the guilty party. I do not expect anything will happen because, in my opinion, the department was one of the guilty parties. Might I say, and I will make some other comments as I go on, that I do not think the department has covered itself in glory in a number of areas in the intervening period in regard to this matter in the South-East.

We wilfully overallocated water in parts of the South-East from day one, knowing, I am arguing, that people were gilding the lily, but nobody bothered to do anything about it, notwithstanding that at least I—and I was not alone—was pointing this out to the department at the time. Ever since, the debate we have been having (and there has been an ongoing debate on water allocation in the South-East) has been largely run by a group of people who have a very large personal vested interest in at least maintaining the status quo or, indeed, shifting the

goalposts even further in their favour. Again, the piece of legislation we are debating today, I will argue, is about that: it is about shifting the goalposts even further to their favour. Madam Speaker, can I tell you, that galls me to the bone.

After the prescription in the late 1990s, we went through these processes. Quite early on, there was recognition that there was going to be a problem with forests because, at about the same time or just after prescription and just after these initial allocations, through managed investment schemes we saw a huge growth in the plantation forestry estate in the South-East, particularly in the hardwood (blue gum) industry and particularly in an area west of Penola in the hundreds of Coles and Short, in particular, but also the surrounding hundreds to a lesser extent.

I will come back to talk about that later on, but that in itself, I believe, has given the lobby group that wish to protect their interests something to argue on. We saw this very sudden and extensive land use change, albeit in a relatively small portion of the Lower South-East, but it did give them something to hang their hat on.

We have seen a plethora of research and reports, and argument and debate going back and forth for a long, long time. In fact, there was a working party working on this in the early 1990s. After I came into this place—in fact, I think, in my first term—I sat on two select committees into water allocations in the South-East.

The then shadow minister for environment, now Minister for Health, John Hill, moved to establish the first, and probably the second of those committees, and later became the minister. Amongst my files, I have pulled out a couple of papers today—and I have only brought a small portion of the reports that I have and regularly look to on this matter—and I have a letter here that was sent to the minister on 5 November 2003. It is about this very issue that we are debating today. I will not read out the names that are listed in the letter, but it says:

> ...[two people's names] have reported that you plan to deliver an ultimatum to stakeholders at the next stakeholder meeting on November 14. Will be required to deliver a recommendation by unanimous approval or majority decision.

That was by 14 November. They believed that the stakeholder group, which was specifically addressing the matter of forestry and its implications on the water balance, would come to a landing on 14 November 2003. That was a fair while ago, and we still have not come to a conclusion on the matter. I do not believe that the bill we have before us is going to get us to a conclusion either, and I hope to expand on that in a little while.

One of the other parts of the story is the water allocation plan that we have sits under the Natural Resources Management Act. We have NRM groups across the state and they, in places where the water has been prescribed, are obliged to produce a water allocation plan. I do not think the act is prescriptive on this, but there is an expectation that they review that and republish a new plan about every five years. I think the latest iteration of the act that we passed through just recently has pushed that out and made that to be a 10-year cycle.

The South-East Water Allocation Plan that is still in vogue today was due to be replaced at the end of June 2006. I know that date quite well because as an irrigator I was obliged to put a meter on my irrigation bores, because part of the new water allocation plan was going to include a conversion from an area-based water licence to a volumetric-based water licence.

Every irrigator in the South-East—and most of us have more than one bore—was obliged to put a meter on every bore. I do not know how many millions of dollars it cost, but it would be in the many millions. We were obliged to do that by the end of June 2006, so that the new water allocation plan could be brought down and signed off by the minister, and we would move on under volumetric water licensing.

I do not know whether anybody reads the meter, but it has been there ticking away ever since. I look at it as it gives me a bit of an understanding of what's happening with my irrigation activity. In fact, I did not even turn one of them on this year because there was so much rainfall during the summer. But there has been an absolute complete failure of the NRM board to fulfil its obligations to renew—

The Hon. P. Caica interjecting:

Mr WILLIAMS: You listen; I'm not finished, Paul. I'm not finished, mate. And if you want to take some of the responsibility, minister, that's fine, because I think you probably are deserving of some. If they get it right, minister, I will agree with them. There has been an absolute failure on behalf of the NRM board which should have had the new water allocation plan out by the end of

June 2006. The board and the government agency—and I use the term 'government agency' because the name keeps changing, and the name is quite different now from what it was then—told every landholder and every irrigator that they had to have these meters in. So, as a community we spent these millions of dollars and put the meters in, but the government and the NRM board failed their side of the bargain, so we still do not have a water allocation plan and the minister is saying to me that I am being a bit unfair.

The significant reason that we do not have a water allocation plan and that we did not have a water allocation plan handed down and signed off at the end of June 2006 is that the NRM board acted, I believe, outside the law as established by this parliament. Board members might not accept full culpability for this. They might say, 'We were getting directions from the minister of the day and/or the department,' and that is probably the case, notwithstanding that none of them chose to resign in protest and they continued to accept their position. They have not been able to table their water allocation plan because it does not comply with the law of this state.

What is happening today as we debate this piece of legislation is that the NRM board has sought to develop a plan—and I accept that there might be other culpable parties—and has developed a plan outside the current legislation and has come to the minister and said, 'We cannot table our plan, we cannot give you this plan; you cannot sign off on this plan because it doesn't comply with the law. You have to change the law.'

That is the situation we find ourselves in. I seriously fail to understand how a board (all of its members appointed by the minister of the Crown) has acted for so long outside the law and there are no consequences. I was told that if I did not put a water meter on my bore by the end of June 2006, I could lose my water licence. It was a condition of my water licence. However, the NRM board, possibly with the encouragement of some other parties, has failed completely to uphold its duties in this matter for in excess of five years now and there have been no consequences.

I do not think I am being unfair. I would have thought that, if I was a member of that particular board and I was put in a position like that, I would have walked away. I would have resigned in protest and said, 'There is something wrong here.' That is what I think they should have done but, for their own reasons, they have chosen not to do that. However, in my opinion and in the opinion of a large number of the people of the region, they have failed.

I have had a lot of experiences with the local NRM board and a number of the members of that board and the minister and the departmental officers over the years. One of the failings of our NRM board system—and I think it was deliberately set up this way—is that it is very hard to actually find out who to pin the blame on and that is why I am having some difficulty at the moment working out who to pin the blame on. I have some pretty good ideas who is responsible but I can say that, if those people sitting on the NRM board were doing their duty as I think they are obliged to do at law, we would not be here today debating this piece of legislation. Either we would be debating something else or we would have concluded this at least five years ago. There is a problem.

I am not suggesting that this is a simple issue. I am not suggesting that at all. It is not a simple issue: it is an incredibly complex issue. What I am suggesting is that one of the reasons it is so complex is that we got the water allocation plan wrong in the first instance, we got the water allocations wrong in the first instance, and we allowed the wrong people to run the debate, but we are where we are. I have said this before in this place: we will continue to flounder with this particular issue whilst we remain in denial about what needs to be done. In my opinion, there does need to be some backtracking.

In the minister's words, I have been a bit harsh on the NRM board. Let me talk about the agency. I have said this before in this place, too: it is my belief that there are people in the agency, some of them may be no longer in the agency, who set out in the first instance to protect the state's interests with regard to the River Murray, and I do not blame them for that. But I got the distinct impression that they have been pushing for all of this time a policy position aimed at the South-East simply so that they can then use that as a bona fide position to push a policy position with regard to the River Murray.

In the first instance, when this debate started, there was no recognised stress on the resource in the South-East, but there were some people within the agency who were absolutely adamant that we should put significant restrictions on commercial forestry in the region. I refer back

to the letter that I quoted from a few minutes ago way back in 2003, and that was at the end of a period of discussion in the stakeholder group.

In my opinion, that is because there were people in the department—and I think some of them are no longer there and have retired and moved on—who honestly believed that if we could establish some bona fides in this area, we would have a case to argue against Victoria and New South Wales. I want to talk about that because that is a very important factor in this debate. Obviously, there is a lot of plantation forestry happening in southern New South Wales and northern Victoria within the catchment of the Murray-Darling Basin.

There are some people who genuinely believe that if we pass these sorts of laws that we can actually have an argument, probably at COAG, and get the governments of those two states to change their practices and put restrictions in place. To my mind, that is naive. The likelihood of that happening will be about as high as the likelihood of the New South Wales government ringing up tomorrow morning and saying, 'We have it all wrong with water licensing on the River Murray and we are going to take half the water licences away and put all the water back in the river as an environmental flow.' That ain't going to happen, and the New South Wales and Victorian governments are not going to put restrictions on commercial forestry activities in their states in the short term and, I would argue, probably the medium term. Why?

Both of those states have forestry industries, both of them have timber industries and, at this stage, those industries are still significantly operating in native forests. The governments of both of those states understand that activity has a limited lifetime, so the governments of both of those states—and this has been bipartisan, and the Labor Party has formed the government in both of those states until recently, and now they are under the Liberal Party—understand that, until they build a plantation forest estate large enough to move all of their forestry activities out of native forests, they will continue to build that forestry estate. They will not compromise that building. That is the reality of the world we live in.

Irrespective of the smart ideas that some people in the agency might have about us leading the way, all we will be doing is leading our forestry industry in the South-East into oblivion, in my opinion. We rely absolutely wholly and solely in this state for forestry activities on plantation forests—we have historically, we will forever. The forestry industry in the South-East was the starting point of plantation forestry in this state and probably one of the first places in the world to see extensive plantation forestry. It was at the cutting edge of plantation forestry for many years and underpins still about 25 to 30 per cent of the economy of the region down there in the South-East.

That is again one of the reasons why am passionate about it. It is one of the reasons why I will do whatever I can in this place to inform my colleagues and to argue that we should be very careful about protecting that particular industry, because it underpins so many jobs, so many livelihoods and the very fabric of the society in the South-East. That is something which I am going to come back to later on and talk about as well, because I think it is something we have to be absolutely cognisant of. It is one thing to sell off 100 years of forward rotations. That is an act madness, in my opinion, not just because it risks those jobs and those livelihoods, but because it also risks the very industry.

It comes to my mind that the timber industry and the forestry industry in this country is incredibly important. Some of the arguments we are having over water allocations in the South-East—and that is what this is about; this is about who gets the water, whether it is somebody who is growing a forest or somebody who wants to produce more grapes for more wine. We are flat out in this country to sell our wine. We are flat out to sell our milk. We have enough problems trying to sell potatoes. We import billions of dollars annually of forest product, of product into this country which is sourced from forests around the world. It is billions—over $2 billion per year.

It is a no-brainer to say that we should cut down some of our forest estate, undermine all those jobs in that part of the economy so that we can grow a few more grapevines or milk a few more cows. That is a no-brainer. I just throw that in. I will get back to this argument about our being the lead state, our taking the lead and being able to convince our colleagues in Victoria and New South Wales. Already during this debate, and there have been various decisions made in the intervening years, we have seen trees which would have otherwise been planted, innocuously in my opinion, in South Australia being planted in Victoria.

One of the things I did not describe in my earlier description of the landscape of the region is the hydrology of the region. Water, as we all know, flows downhill, and generally that is from the

east to the west, and down around Mount Gambier it flows almost south. If you draw the lines of the flow of the underground water in the South-East—there are a few creeks and streams, and there are no rivers, but there is a huge river of this water under the ground slowly moving towards the sea—you can see that as it gets closer to the ocean those lines are basically at right angles to the coast. So, south of Mount Gambier they are almost south, and as you go further up in the South-East they are—

The DEPUTY SPEAKER: Member for MacKillop, excuse me, sorry to interrupt you, but would you like to seek leave to continue your remarks?

Mr WILLIAMS: Absolutely, Madam Deputy Speaker.

Leave granted; debate adjourned.

[Sitting suspended from 12:58 to 14:00]

VISITORS

The SPEAKER: We have a group of students from Medical Panels SA here today who are guests of the member for Adelaide. We also have a group of students here from Christian Brothers College who are guests of the member for Adelaide. We also have a group of students here from the Willunga Waldorf School who are guests of the member for Mawson. We have quite a few guests here today. It is lovely to see you all. I hope you enjoy your time here and welcome.

WATER METERS

Mr BROCK (Frome): Presented a petition signed by 43 residents of South Australia requesting the house to urge the government to ensure all Housing Trust households are provided with their own individual water meters in order that they might monitor and control their own water use and pay SA Water for the accurate and appropriate usage.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:03): I bring up the 28th report of the committee.

Report received.

PUBLIC WORKS COMMITTEE

Mrs VLAHOS (Taylor) (14:04): I bring up the 410th report of the committee, entitled Gawler Birth to Year 12 School Redevelopment.

Report received and ordered to be published.

Mrs VLAHOS: I bring up the 411th report of the committee, entitled Adelaide Convention Centre Redevelopment.

Report received and ordered to be published.

Mrs VLAHOS: I bring up the 412th report of the committee, entitled New Murray Bridge Police Station.

Report received and ordered to be published.

Mrs VLAHOS: I bring up the 413th report of the committee, entitled Rail Revitalisation Electrification—Early Works

Report received and ordered to be published.

Mrs VLAHOS: I bring up the 414th report of the committee, entitled Elizabeth Railway Station Upgrade.

Report received and ordered to be published.

Mrs VLAHOS: I bring up the 415th report of the committee, entitled Elizabeth South and Gawler Railway Stations Upgrade.

Report received and ordered to be published.

Mrs VLAHOS: I bring up the 416th report of the committee, entitled Oaklands Park Stormwater Harvesting and Re-use Scheme.

Report received and ordered to be published.

QUESTION TIME

BIRKENHEAD GROUNDWATER CONTAMINATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:06): My question is to the Minister for Environment and Conservation. Is the minister aware of the cyanide contamination in groundwater at a residential area at Birkenhead? What testing has been done to determine the extent of its contamination plume?

The SPEAKER: The Minister for Environment and Conservation.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:06): Thank you, Madam Speaker—

An honourable member interjecting:

The Hon. P. CAICA: It's all right—

An honourable member interjecting:

The Hon. P. CAICA: No; it is not at all.

The SPEAKER: Order!

The Hon. P. CAICA: I know about the poison, and it is about the poisonous relationship that exists between the various members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I am not fully aware of the circumstances that the Leader of the Opposition has stated. I will get back to the house on that particular matter.

BAROSSA VALLEY AND MCLAREN VALE

Mr BIGNELL (Mawson) (14:07): My question is to the Minister for Urban Development, Planning and the City of Adelaide. Can the minister inform the house about the progress of the consultation relating to the protection of the Barossa Valley and McLaren Vale?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (14:07): I thank the honourable member for his question and acknowledge that for a long time he has been a very fierce advocate for protection for, in particular, the McLaren Vale area and has also worked with people from the Barossa Valley in relation to these matters.

The house would remember that the Premier made a pledge earlier this year that the McLaren Vale and Barossa Valley areas would be protected by legislation. I do not think I need to remind everyone that these are unique and very important areas of South Australia that are very close to the city of Adelaide, and they need to be protected and safeguarded for future generations.

A discussion paper entitled 'Protecting the Barossa Valley and McLaren Vale' was released in June of this year, and it proposed to protect almost 180,000 hectares of land in the Barossa and McLaren Vale areas from housing.

An honourable member interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. J.R. RAU: You don't seriously want housing in Belair National Park do you? While we are doing it we might as well make that safe as well! However, consultation on the discussion paper closed on Friday 22 July, and I am advised by the Department of Planning and Local Government that as at Monday 25 July it had received just over 200 submissions. I think all members would appreciate that that indicates a very active involvement by members of the community in this issue. I intend—and I hope members opposite will take the opportunity to take advantage of this—that these submissions will be publicly available and on line in due course.

I am told that submissions have been received from the following members of parliament: the Hon. Robert Brokenshire (and I have quickly had a look at his submission); the member for Mawson (and I have had a look at his submission, which is quite a lengthy one); the Hon. Bob Such, member for Fisher; and none other than the member for Schubert. I have received your letter and, not surprisingly, the honourable member is keen to see the German heritage of the area preserved. I thank the honourable member for that contribution.

I am also keen to consider contributions from local councils including the Barossa Council, Light Regional Council, City of Onkaparinga, Adelaide Hills Council and the District Council of Mount Barker—and the member for Davenport might be interested to know that we are also expecting one from the City of Mitcham.

I am informed that a significant number of the submissions have focused on recommending other areas for similar legislation, including the Adelaide Hills. I have to say that I have never been opposed to looking at how protective legislation of this type might benefit other areas of the state, but the proximity of McLaren Vale and the Barossa to suburban Adelaide means that the urgency of this task in respect of those two areas is probably greater than elsewhere.

I also want to make sure that the framework that is developed in the context of working up the papers and the legislation on the Barossa and McLaren Vale is able to be translated into other places, if that is the wish of people living in those communities. I take the public's interest in the Adelaide Hills and will ask the department to investigate the need for legislation there, and obviously—

The Hon. I.F. Evans: Ask them to get out Susan Lenehan's file from about 1989.

The SPEAKER: Order!

The Hon. J.R. RAU: No doubt the Leader of the Opposition and the member for Davenport, in that event, will have many things that they wish to talk to us about. The other significant region of the state which I intend to focus discussion on in the future is Kangaroo Island. Clearly, Kangaroo Island is a very special place, and to the extent that that might be threatened by inappropriate development which detracts from that place as both a tourism destination and a very important agricultural opportunity for the state needs to be looked at.

As the Premier announced this weekend, any development on the island must protect the unique natural heritage and the pristine environment on Kangaroo Island. I think all of us on this side of the house were delighted to have spent a few days there over the weekend. We will be looking to introduce new planning legislation before the year is out to protect the island from inappropriate development. Obviously, we will be talking to the island community, the member for Finniss and the member for Bragg about those matters.

Members interjecting:

The Hon. P.F. Conlon: You are just antidevelopment everywhere. What happened to Liberal Party?

The SPEAKER: Order!

The Hon. J.R. RAU: I look forward to working with the new Kangaroo Island Authority and—

The Hon. I.F. Evans interjecting:

The Hon. J.R. RAU: Well, we are doing something about it now. I look forward to working with the new Kangaroo Island Authority, another state government initiative announced by the Premier last weekend, on this important work. I am also keen to review the public's comments on protecting the Barossa and McLaren Vale, and I intend to circulate the legislation to effect the government's commitment to protect these areas in coming months.

BIRKENHEAD GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:13): My question is to the Minister for Environment and Conservation. Minister, with regard to the matter at Birkenhead with the contaminated groundwater that you know little about, why did you sign off on 20 December—

The Hon. P.F. CONLON: Point of order, Madam Speaker.

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: It is not open to them to ask questions in that way. He couldn't ask orderly questions yesterday; I would ask him to ask questions that are in order today.

Members interjecting:

The SPEAKER: Order! The member for MacKillop has been here long enough to know the conventions in this place. Could you please try not to be controversial in asking your question, and ask your question?

Mr WILLIAMS: Minister, why did you sign off on 20 December last—

The Hon. P.F. CONLON: Point of order, Madam Speaker. He has to ask the question through you; he can't ask it directly to the minister.

The SPEAKER: Thank you, Minister for Transport.

Mr WILLIAMS: Madam Speaker, my question is to the minister and it is: why did the minister sign off on 20 December—

Members interjecting:

The SPEAKER: Order! I can't hear the question.

Mr WILLIAMS: —on a minute from the EPA, that he agreed, 'It is not planned to provide a release to the media; however a statement will be ready to issue in the event that media interest arises.' Madam Speaker, the minister's signature is attached to the document.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: He needs to seek leave to explain it. He is not at large; he needs to follow the standing orders.

The SPEAKER: That is absolutely right. You have asked your question; I think you should sit down now.

An honourable member interjecting:

The SPEAKER: Are you going to seek leave to ask one?

Members interjecting:

The SPEAKER: Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:15): Thank you very much, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Madam Speaker, of course, I will always wait for your call. That is why I was sitting down before, because I am not rude like the opposition. I want to just put a couple of things into context, if I can. It should come as no surprise to anyone, given the statements that I have made previously, that throughout metropolitan Adelaide and the historical way by which Adelaide was developed and the industries that were located within metropolitan Adelaide, whether they be foundries or tanneries, or whether they be people's backyards where they had pits and poured all the stuff in the world down there—I even think the member for Schubert would remember when we all had incinerators and how we disposed of that.

As a consequence of that and as a consequence of the way in which we lived in the past, that has had an impact on groundwater, and that material has leached through to the groundwater. By default, we need to assume that near anyone's house, and for anyone that is using groundwater, there is the potential that that groundwater may be contaminated. Hence, the appropriate advice of the health department is don't drink groundwater; don't use it. If you are going to use it, get it tested. Get it tested every two years thereafter to make sure that its use is fit for the purpose for which you intend to use it.

We have to accept that, given the way in which we have lived, the custom and practice, as I said yesterday—and custom and practice, of course, has changed. Those practices that abounded in those days, that were undertaken by everyone, are no longer acceptable, but it has had consequences on our environment. We need to get the message out there; instead of the Liberal opposition being irresponsible and reckless, they should join with the government to make sure that people—

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley!

Members interjecting:

The SPEAKER: The Minister for Transport and the member for Unley, order!

Mr Pisoni interjecting:

The Hon. P. CAICA: Well, I don't think you are the right person to tell people about reading stuff and then handing it out before you have properly done an analysis.

Members interjecting:

The Hon. P. CAICA: I am behaving myself, Madam Speaker.

The SPEAKER: Order! You are behaving yourself, but members on my left are not.

The Hon. P. CAICA: Clearly they are not; no. That's right. The other point that I would like to make is that it was only through this government in 2009, when legislation was changed, that makes this information far more available to the EPA as—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I think I have spoken to the house about this in the past. We can—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: So it was this government that changed legislation in such a way that there was mandatory notification, when knowledge and information was available or known, that then could be addressed by the EPA with respect to contamination. It wasn't this mob over the other side. In fact, I can recount the story, and I have done it in the house before, about them not even telling their cabinet colleagues or members of parliament—the former member for Elder not even understanding what was going on there because they would not release that information that they already knew about. So, it is a bit rich for them to suggest anything other than to admit that they are being—

Mrs Redmond: It's a cover-up.

The Hon. P. CAICA: —reckless and irresponsible. It's not a cover-up. As I said yesterday, why would you have sat on an FOI application for 13 days if you believed that there was clear and present danger to residents in South Australia? You were doing it for no other reason than—and if you really believed that there was clear and present danger, again, you are being irresponsible in sitting on that information, for the member for MacKillop sitting on his ample bottom holding that information for an extended period of time.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: On the matter of Birkenhead, I will also say that, as a result of the legislation that was changed by this government—and it was this government that changed it—there were a significant number of notifications that have come into the EPA.

Mr Marshall: Yesterday you said there was no contamination.

The Hon. P. CAICA: I never said—

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

The Hon. P. CAICA: The member for Norwood should be using the computer in front of him, if he has got one, to find a soul mate, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: On the matter of Birkenhead, let's put it this way, there are over 80 sites that have come in as a result of section 83 that the EPA are doing a proper analysis of. With respect to what level of response, they will prioritise that response depending on the circumstances of existing investigations that are made and tailor their communications strategy and their response. Accordingly on the matter of Birkenhead and cyanide in the Birkenhead area, I refer back to my earlier statement about the consequences on the environment that we have lived in and the historical environment that we have got, but groundwater contamination has been identified at the former SA Gas public site at Mead Street, Birkenhead. I will say this too: I won't bring in every file that I have got on contamination.

Mr Marshall interjecting:

The Hon. P. CAICA: No, you ought to have listened to what I said yesterday because you are wrong.

Mr Marshall: We did, all of it.

The Hon. P. CAICA: Madam Speaker, I apologise for being unruly and responding to interjecting. Yesterday we were talking about Klemzig; we weren't talking about Birkenhead and the question has been asked about Birkenhead. The contamination identified at Mead Street, Birkenhead was of concern because it contained cyanide and arsenic. Housing SA owns the site at that location. Previously Housing SA tenants were required to vacate the site because of potential risks to human health caused by residual chemicals in the soil and groundwater. Housing SA then demolished the units on the site and is in the process of remediating the soil contamination.

An honourable member interjecting:

The Hon. P. CAICA: That is exactly what you should do. I am told that a site contamination auditor has been appointed by Housing SA to provide independent and high level sign-off that the remediated site is suitable for residential use. Groundwater sampling has identified, as we expect in some locations around the state given past custom and practice, a cyanide concentration exceeding the potable use, that is, the drinking criteria in a residential off-site groundwater well. That was at 88 Mead Street, Birkenhead.

The EPA then, as a result of that, doorknocked 63 houses on 12 January 2011 in the Birkenhead area to determine registered and unregistered users of groundwater. They escalate their response depending on what they find, and it is a bit different in the Klemzig situation. Quite simply, it was determined by the EPA to doorknock those 63 houses on 12 January to determine registered and unregistered users of groundwater and to inform those people, of course, of the potential groundwater issues within their particular area.

The EPA then sampled groundwater bores and wells at seven residential properties where permission was, of course, provided to collect and submit samples for analysis, and this work was undertaken, at no cost to the residents, as you would expect. Analytical results have been received by the EPA with just one sample, and that was at 84 Mead Street, reporting a total cyanide groundwater concentration exceeding the drinking water guidelines of 0.08 milligrams per litre.

The EPA has informed the affected household and property owner of these groundwater analytical results, and the resident advised the EPA, I am told, that the water was previously used to water the garden, lawns, shrubs and so on, and was not being ingested. As I understand it, the EPA provided additional correspondence to property owners—again, escalating, if you like, their communication depending on the situation that has been found, to property owners along Mead Street and Emily Street—that very, very fine part of Adelaide. Analytical results have been—

The Hon. P.F. Conlon: Where I grew up.

The Hon. P. CAICA: Where you grew up, Patrick.

The Hon. P.F. Conlon: It wasn't me who put the stuff there.

The Hon. P. CAICA: No, as you said, it has been there a long time. I am told that the analytical results have been received reporting cyanide groundwater concentration exceeding the

drinking water level guideline of 0.08 milligrams per litre. The EPA via a phone conversation, and a letter, has informed the affected property owner of these results. So, just to recap, and Madam Speaker I apologise for taking up so much time of question time, but it is very important to get the full story out there.

Members interjecting:

The Hon. P. CAICA: Why would you sit on something for 13 days if it was so important to get information out there?

Mr Pederick: Why would you?

The Hon. P. CAICA: Exactly, why would you? I appreciate that interjection from one of their backbenchers. All I can say is that I will stack this government's record about transparency and information against theirs any day.

MURRAY RIVER

The Hon. S.W. KEY (Ashford) (14:25): My question is directed to the Minister for the River Murray. What do recent scientific findings tell us about the environmental water requirements that are necessary to protect the future health of the Coorong, Lower Lakes and Murray Mouth?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:25): I thank the honourable member for Ashford for her very, very important question. I also acknowledge her commitment to environmental issues as well as acknowledging her role as the chair of the NRM committee and the role that we hope it will play in the analysis of the Murray-Darling Basin plan when it is released.

As most members would be aware, the Coorong and lakes Alexandrina and Albert wetland region is one of Australia's—indeed, the world's—most important wetland areas, and as such was designated a wetland of international importance under the Ramsar Convention on Wetlands in 1985. Despite that listing, we have seen this environmental jewel pushed closer toward ecological collapse as a result of overallocation of the Murray-Darling Basin's waters, an impact that was exacerbated by several years of record low inflows due to that drought.

It was only through a combination of emergency engineering works undertaken by this government, such as the construction of the Narrung bund and the Clayton and Currency Creek regulators—

Mr Williams interjecting:

The Hon. P. CAICA: —ask me a question about its removal, because the member for MacKillop does not know the difference between his bund and his regulator—and the eventual breaking of the drought that a total disaster was averted. When we say a 'breaking of the drought', I think it is very important that everyone understands that, whilst the drought might be broken, the consequences of that unprecedented drought—which they are calling the 'millennium drought'—are still with us today, and I think that most members are aware of that.

It was not long ago that we were facing a very real prospect of opening the barrages and flooding the lakes with sea water to avoid a whole-of-body acidification of the lakes, and this would have totally and possibly permanently changed the ecological character of the lakes, which science informs us had been predominantly a freshwater body for at least the last 7,000 years.

The improved conditions have allowed us to start the process of removing the bund and regulators. Indeed, the Narrung bund, which separated Lake Albert from Lake Alexandrina, has now been completely removed—something, of course, that the opposition spokesperson on the River Murray has repeatedly failed to understand was happening, and that was evidenced—

Mr PISONI: Point of order, Madam Speaker.

The SPEAKER: Point of order.

Mr PISONI: Members must be addressed by their constituencies or their title in the house.

The SPEAKER: Yes, that must be continued. I am sorry, I did not hear that.

The Hon. P. CAICA: That's all right, Madam Speaker, and I apologise, because I—

The SPEAKER: You call members by their electorates.

The Hon. P. CAICA: Even if they are the opposition spokesperson for the River Murray? That is not an appropriate title?

An honourable member interjecting:

The Hon. P. CAICA: That is what I would have thought.

The SPEAKER: That is okay.

The Hon. P. CAICA: I will take your ruling. That was okay? That is what I said.

The Hon. I.F. Evans interjecting:

The Hon. P. CAICA: Well, you just heard the ruling, Iain.

The SPEAKER: Order! I thought that you referred to someone by name.

The Hon. P. CAICA: Madam Speaker, the Narrung bund, which separated Lake Albert from Lake Alexandrina, has now been completely removed. Again, I reinforce—and I will say it to the satisfaction of the member for Unley—that the member for MacKillop failed to understand that was happening as evidenced by him still calling for us to start the removal of the bund on ABC radio just last Thursday. As I said, he does not know the difference between his bund and his regulator.

Anyway, extraordinarily this comes on top of his calling on me to resign for a lack of action on the bund around a month ago, when, in fact, its removal had been underway then for over two months. As I have said previously, if the member for MacKillop and the member for Hammond had kept digging at that time in their tough T-shirts it would have mostly been out, anyway. However, this does not mean, Madam Speaker—

Members interjecting:

The Hon. P. CAICA: Madam Speaker, they are being rather rude. However,—

An honourable member interjecting:

The Hon. P. CAICA: I'll only advise you to read speeches, mate, but we will talk about that later.

An honourable member interjecting:

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

Members interjecting:

The Hon. P. CAICA: You going to have a go?

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

The Hon. P. CAICA: Why don't you have a go at my ethnicity? I'm Romanian, you know. I beg your pardon? Can't hear?

The SPEAKER: Order! Back to the question, minister.

Members interjecting:

The Hon. P. CAICA: Yes, that's it; have a go at me.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! Member for Croydon, you are warned.

The Hon. P. CAICA: And, Madam Speaker, quite rightly so. However, Madam Speaker, this does not mean the future of the Coorong and Lower Lakes has been secured. We still face the twin threats of too much water being taken out of the river from upstream, combined with a push by some irrigator interests to remove the barrages and sacrifice the ecological character of this Ramsar-listed site in the name of preserving water for use by upstream states. I am sure the member for Chaffey is fully aware of that.

That is why I welcome today's release of a series of internationally peer-reviewed science reports determining the environmental water requirements of the Coorong, the Lower Lakes and

the Murray Mouth, and the flow regimes needed from the Murray-Darling Basin to maintain the site as a healthy and resilient wetland of international importance. The reports confirm that the River Murray should flow out to the sea every year without the need for dredging at the Murray Mouth, that sufficient water should flow through the barrages and out of the Murray Mouth to export salt and maintain salinity in Lake Alexandrina below 1,000 ECs 95 per cent of the time—

Mr Williams interjecting:

The Hon. P. CAICA: —you are not going to bait me; I am not going to bite—that water levels in the lake should vary seasonally and between years, and that higher flows should be delivered regularly to keep the south lagoon of the Coorong healthy.

For the benefit of the opposition, I offer them a briefing, individually or collectively, on the science that we have commissioned, because it would better inform them and prevent them making stupid interjections. The environmental water—

Members interjecting:

The SPEAKER: Order! Minister, back to your answer.

The Hon. P. CAICA: Madam Speaker, my answers wouldn't take so long if they didn't interject all the time. The environmental water requirements reports show that, to achieve these outcomes, a range of flows rather than a fixed volume of water should be delivered from year to year, reflecting the nature of the river as one that experiences periods of low flows and floods.

Importantly, the reports have undergone an international peer review, as I mentioned, coordinated by the Goyder Institute for Water Research, which found that the science underpinning the flow regime recommended for the Coorong and Lower Lakes is accurate and defensible. As such, these reports will provide a valuable and scientifically robust guide to what is required from the soon to be released draft basin plan in order to protect this region and give us an important point of reference against which to assess and respond to the draft plan. Again, I invite any of the opposition members, if they wish to become better informed, to ask me for a briefing on these scientific reports.

BIRKENHEAD GROUNDWATER CONTAMINATION

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:32): My question is again to the Minister for Environment and Conservation. Does the minister consider that it was either reckless or irresponsible for him to sign off on a decision on 20 December to not issue a media release concerning groundwater contamination at Birkenhead when the EPA, by 12 January, some 23 days later, had obviously decided to publicise the risk and issue a media release? The EPA put out a press release on 12 January in which they notify that the testing still had to be done but they believe that they needed to inform the public of the health risk.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:33): Madam Speaker, I think what the member for MacKillop has done in the way he has asked the question is justify what I have said earlier about the level of responses required, the level of communication that is required—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —and making sure that the EPA is in a position to understand what the true situation is and then best inform people of that situation.

BURNSIDE COUNCIL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:33): My question is to the Attorney-General. Has the Attorney-General received advice as to whether the Burnside council inquiry can be closed down, given that prominent Adelaide lawyer Kevin Borick QC has advised that—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, member for Croydon! Second warning.

Mrs REDMOND: I will start the question again, if I may, Madam Speaker. Has the Attorney-General received advice as to whether the Burnside council inquiry can be closed down,

given that prominent Adelaide lawyer Kevin Borick QC has advised that, 'Once lawfully appointed, the investigator must conclude the investigation'?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (14:34): I thank the Leader of the Opposition for her question. As the Leader of the Opposition and others would be well aware, if you can get two or three lawyers in a room you are capable of having nearly twice as many opinions on twice as many subjects.

Members interjecting:

The SPEAKER: Order! The member for Norwood and the Minister for Transport, take it outside if you want to continue this.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, Minister for Transport!

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley! You are warned also. Minister.

The Hon. J.R. RAU: So, do you want me to repeat that again, or are we good with that?

The Hon. P.F. Conlon: She's reading *Hansard*, something she might have done before she got here.

The Hon. J.R. RAU: Reading *Hansard*, okay, that is fine. The first point is that lawyers can differ as to their opinions about things. I have not seen Mr Borick's opinion, and I have not—as a result of Mr Borick's opinion having been produced today, or not produced as the case may be, because as I said I have not seen it; I know it has been referred to by a member in the other place but I have not seen it—sought advice in relation to an opinion that I have not seen and heard about for the first time, in a global sense, in the news media today.

BURNSIDE COUNCIL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:36): My question is again for the Attorney-General. Will the Attorney-General confirm that any crown advice he received on the Burnside council inquiry was only by way of casual conversation and not formally sought or provided as advice in writing? Yesterday I asked the Attorney-General a question about when he had sought and received such advice and his answer referred only to conversations he had had.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (14:37): I do not normally have casual conversations with the Solicitor-General about Burnside, but can I say that there were—as I tried to explain yesterday—various points in the litigation relating to that matter. There were a number of conversations with various legal officers which are privileged conversations because they advise me, and in particular the Solicitor-General advises me. I do not presently recall whether any element of those were reduced to writing or not. They may have been and if they were I do not know whether this particular topic, which was not actually central to the whole matter, was one such matter.

BURNSIDE COUNCIL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:37): Will the Attorney-General then confirm that he did not receive any specific advice about closing down the Burnside council inquiry, given that when I asked him about the matter yesterday he said that the advice he had received had all been referring to last year?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (14:38): I am not quite sure I understand the question. The decision in relation to the shutting down, as you would call it, or closing down, of the Burnside council was a decision that was made, I believe, and announced by the Minister for State/Local Government Relations. I think he has already explained what steps he took in relation to that matter.

Members interjecting:

The SPEAKER: Order!

DENTAL SERVICES

Mr PICCOLO (Light) (14:39): My question is to the Minister for Health. Can the minister advise the house of what improvements have been made to public dental services in the northern suburbs of Adelaide?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:39): I am delighted to provide the member and the house with information about improvements to dental health services in the northern suburbs. On 25 October of last year, a 20-chair South Australian Dental Service clinic in the new Elizabeth GP Plus Health Care Centre began operation. This has led to a dramatic reduction in waiting times for public dental patients across the northern suburbs of Adelaide. In the time since it has been open, I am advised that more than 4,000 people have availed themselves of the service and, collectively, they have had 7,000 dental visits at the GP Plus dental health clinic in that time.

As a result, I am further advised, waiting times for public dental patients in the Elizabeth area have been reduced from 11 months in July last year to 5½ months in June this year. So, across 12 months, they have reduced by half. To put this reduction in context, the average state waiting time for public dental health services when we came to government was 48 months. So in the Elizabeth area, from 48 months on average across the state to 5½ months in June this year.

The opening of the Elizabeth GP Plus clinic has not only allowed more people to receive their treatment closer to home but it has also taken pressure off some of the older and smaller public dental clinics in that area. As a result, public dental waiting lists at other clinics in the northern metropolitan area have also reduced in the past year. For example, the waiting time for the Salisbury and Gawler clinics—which I am sure will be of great interest to the member for Light—have reduced from 21 months in July 2010 to 14 months in June this year.

The Elizabeth GP Plus clinic has also played an important part in attracting dental staff to work in the area. I think that is one of the most important parts of this new development. It is a brand-new facility with excellent equipment and great facilities for staff. The service has told me that it has been very easy to get dentists and dental students to work in that area. Already this year, two new dental graduates have joined the SA Dental Service to work in an area which, in the past, has been very difficult to recruit to.

The improvements to dental services in the northern suburbs are not just limited to the Elizabeth GP Plus centre. I am also pleased to report that the SA Dental Service is about to commence general anaesthetic services locally, at the Gawler Hospital, for young children with severe dental disease. Once again, I am sure the member for Light will be pleased by this announcement. Previously, this care has only been available at the Women's and Children's Hospital. Over the next few months, around 300 young children from the northern suburbs will benefit from this initiative.

The opening of more GP Plus and GP Super clinics in other areas is expected to extend the improvement in public dental services beyond the northern suburbs. Recently, Marion GP Plus was opened; that has got 24 dental chairs. The Noarlunga GP Plus Super Clinic will have 24. The Modbury GP Plus Super Clinic will have 14 chairs. Both of those services will open early next year.

The improvements in dental services are not just limited to the metropolitan area. With the commonwealth's assistance, we have been able to expand, under the $26.7 million redevelopment at Mount Gambier Hospital, increasing the number of chairs from six to 10. We have a $39 million redevelopment at Port Lincoln, which will include a seven-chair public dental service. A further $3.3 million is about to be invested in five new chairs at Wallaroo and that clinic will improve access to care of people.

So right across South Australia, we have made big investments in dental care. We know this is an important issue for the community, for public patients to get good access to quick service, and we have been able to reduce the waiting times quite dramatically. With the further redevelopments and changes at the federal level, we hope to bring the waiting time down to below 12 months.

ARKAROOLA WILDERNESS SANCTUARY

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:43): My question is to the Minister for Mineral Resources Development. Can the minister apprise the house of what evidence he or his government has upon which they could make a claim that an open-cut mine was being proposed for Mount Gee or within Arkaroola?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:43): I can't speak for mineral companies that have got exploration rights; that is a matter for them. The fact is this government will not allow mining in Arkaroola, and I welcome the opposition's support.

Members interjecting:

The SPEAKER: Order! It was a very ambiguous question. Member for Taylor.

ROMA MITCHELL SECONDARY COLLEGE

Mrs VLAHOS (Taylor) (14:44): My question is to the Minister for Education. Can the minister advise the house about the commencement of the government's new school, Roma Mitchell Secondary College?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:44): Earlier today, I had the great pleasure of attending the Roma Mitchell Secondary College, which opened its doors today. The college is the last of the six schools, as part of the Education Works Stage 1 project, which has seen six brand-new schools open across our northern and western suburbs. The Dame Roma Mitchell college represents the culmination of this project, which has seen the biggest investment in our schools in a generation. It also addresses those schools that need it most, the schools in our northern and western suburbs.

The Roma Mitchell Secondary College will consist of three schools within a school: a coeducational campus, a girls school, and also a special school. The students are experiencing some of the most modern and exciting facilities we have seen in any school anywhere in this nation: a resource centre, gymnasium, performance area for drama, dance and music, and two commercial-standard kitchens.

The school also has a particular focus on science and technology. In science, the school has specialist physics, chemistry and biology laboratories as well as five general science laboratories. It also has wireless technology with high-speed connectivity to all parts of the school. In technology it has industry-standard wood and metal fabrication workshops, including in the girls' part of the school, so the girls will be able to do their woodwork alongside their counterparts in the co-ed school. Teachers will work with students to use programmable robotic devices to make products with metals, plastics and wood textiles, and there will be certified industry pathway programs.

The other fantastic feature of this school is the extraordinary array of sporting facilities. The college will have a major sports focus on tennis, netball, hockey and soccer. In fact, I spoke to a young woman who travelled all the way from the Adelaide Hills, she travels an extraordinary distance each day, just to be enrolled at this school because of its specialist soccer program. There will also be a specialist program in cycling. These have been brought about through partnerships with peak associations in the sports.

The Roma Mitchell Secondary College exists because the school communities of the former Gepps Cross Girls High, Enfield High, Ross Smith Secondary and Gepps Cross Senior schools voted overwhelmingly to close their individual schools and come together to form this school. It is a decision that the parents did not come to lightly, and for some of them it was a difficult decision, but I think any of them who had doubts had them swept away once they saw the magnificent new facilities. As with each of our other brand new schools, and from speaking with parents and students today, I can see a real sense of excitement. Many of them are incredibly proud of the fact that someone has chosen to invest this amount of resources in their suburb and in them. That does something for their ambitions, and it also does something for the morale of the teachers.

As you drive up to this school the first thing that strikes you are these incredibly wide windows, and you see the school library; the books are all there as you come in the entrance. It is a

beautifully designed school. It is also designed in a way that is very friendly for children in wheelchairs. There are 10 students in wheelchairs at the school, and they have said that they have never been in a facility, whether it be a school or anywhere else, that is so user-friendly for them. They are able to move about the whole school without any difficulty.

I think the other thing about this school that is so powerful is that, while it brings together all the advantages of a school with a capacity for 1,300 students, the sharing of resources and the broadening of the curriculum that is available when you have a larger school, it creates the intimacy of three schools within a school through clever design. The school retains that focus on each individual child, the intimacy that many parents are looking for, where parents know that they can speak to teachers who really understand their children. They get that in this school, but they also get the benefits of the efficiencies of being on a broader campus.

I think all this hard work needs to be acknowledged, and I think it is important that all of us take the opportunity to say something positive about the school—even the member for Unley. I would like him to finally acknowledge that these schools are a success. It would also be useful if the member for Unley would stop spreading inaccuracies about the school. He says, 'I've added up all the numbers of students who were attending the schools that closed and from what we can gather from the new enrolments of the Gepps Cross super school it actually appears that there are fewer students at the Gepps Cross super school than there were at the combined schools that closed.' I wish he wouldn't do that. I wish he wouldn't try—

Mr Pisoni: So how many are there? What are the numbers?

The Hon. J.W. WEATHERILL: No, I wish you wouldn't try and add up.

Mr Pisoni: How many are there?

The Hon. J.W. WEATHERILL: No, it always ends badly.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Madam Speaker, it always ends badly. It always ends up with me having to embarrass him in this place.

Mr Pisoni: Well, give us the numbers.

The Hon. J.W. WEATHERILL: I don't like—

Mr Pisoni: What are the numbers?

The Hon. J.W. WEATHERILL: Well, the numbers are these: the numbers were 904 in the old school and 916 as at Monday 25 July in the new school. That, using traditional methods, suggests an increase in enrolments, not a reduction. So, if the honourable member could just stick to the facts and if he could, for once, acknowledge and join in the excitement that the parents and the students are experiencing in this wonderful new school—a wonderful investment in the northern suburbs of this state.

ARKAROOLA WILDERNESS SANCTUARY

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:51): My question is again to the Minister for Mineral Resources Development. In relation to the proposed mining ban at Arkaroola, is it the intention of the government to ban mining in the entire pastoral lease or only part of it?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:51): The government has released extensive maps. In the celebrations opposite, when the government announced it was banning mining in Arkaroola, I understand that the Deputy Leader of the Opposition was leading those celebrations and popping champagne corks because he supports fully his leader's bipartisan support of our banning of mining in Arkaroola, so I am glad and I welcome his support. What I will do is send over the maps to him.

Members interjecting:

The SPEAKER: Order! Member for Mitchell.

Members interjecting:

The SPEAKER: Order! We've moved on to the next question.

YOUTH PARLIAMENT

Mr SIBBONS (Mitchell) (14:52): My question is for the Minister for Youth. Can the minister please inform the house on the results of the youth parliament 2011?

An honourable member interjecting:

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) (14:52): No, I am not too old to be the Minister for Youth! I thank the member for Mitchell for this very important question.

Last week, about 80 young South Australians literally took over the chambers of Parliament House for the 16th youth parliament. This really important program offers a unique opportunity for young people to express their views, develop their skills, and learn about South Australia's parliamentary system. They debated a number of subjects including things like reforming public high schools, migrant education and reducing addiction and substance abuse.

The five 'bills' that passed the youth parliament included: the Rural Student Housing Scheme Act, which is an act to subsidise the cost of housing for rural students whilst undertaking tertiary studies; the Migrant Education Act, an act to increase migrant education and cultural awareness throughout South Australia; the Music Education Act, an act to introduce mandatory music education in South Australian Primary Schools; the Workforce Participation Act, an act to increase the flexibility of operating hours for retail outlets; and the Sex Work Discrimination Act, an act to decriminalise sex work by removing criminal penalties relating to it and incorporating sex work into existing legislation.

I believe the 'bills' passed this year exemplify three things. Firstly, it shows a very clear desire on the part of young people to support those members in our community who are most vulnerable. Secondly, it shows that young people, very clearly, have strong views about lots of policy issues that go beyond what one might consider to be typical youth policy issues. Finally, this year's youth parliament has very clearly demonstrated to us that they are a group of people who are prepared to stand up and be counted, and to be heard, and for that I congratulate them.

I will be circulating to all members in this place the 14 bills, and of course to relevant government agencies, seeking their feedback. I will be very happy to provide more information. I ask all of you to join me in congratulating the 16th youth parliament.

Honourable members: Hear, hear!

HIGH SCHOOLS, ADELAIDE

Mr PISONI (Unley) (14:55): My question is for the Minister for Education. Will the minister commit the millions of dollars of revenue from the sale of land from the former Gepps Cross Girls, Gepps Cross Special, Ross Smith and Enfield high schools towards a second city high school?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:55): No.

The SPEAKER: Minister, you have answered the question, have you?

Mr Pisoni: He said no, ma'am.

HIGH SCHOOLS, ADELAIDE

Ms SANDERSON (Adelaide) (14:56): My question is to the Minister for Education. Will the minister now take the advice given by the Land Management Corporation and adopt Liberal Party policy to build a second city high school campus at the former Clipsal site at Bowden? FOI documents confirm that the Land Management Corporation advised the education department more than two years ago that, 'DECS will most certainly need to consider the Bowden Village development proposal in forward planning of education and early childhood services.'

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:56): I thank the honourable member for her question, and perhaps the earlier and more proximate decision would be to accept her recommendations, because she participated in the Adelaide High School

Governing Council decision to make a recommendation about expanding Adelaide High School. That is obviously going to be a much more proximate decision to meet the needs of inner city schooling. So, we are expanding, as we committed to at the election, Adelaide High School by 250 places. That will permit us to expand the zones in the inner northern area, which I understand is at the heart of the concerns for residents within the Adelaide electorate.

I also know that there are proposals that have been generated as part of the master planning exercise for the Clipsal site. Sensibly, the people who are involved in that planning are thinking about the future needs of that site and the future needs of inner city schooling, so they have considered the possibility of there being some future possibility for schooling at that site. I understand they have carried out some exercise that indicates that there is ample primary school accommodation, but there may be a possibility of some demand for some high school accommodation. That is something that will be given consideration in due course.

The Hon. P.F. Conlon interjecting:

The Hon. J.W. WEATHERILL: As the Minister for Infrastructure reminds me, that precinct will be built over the next 15 years, obviously creating demands of its own for services, including education services. But, no, the thing that we will do is the thing we promised to do at the election, which was to expand Adelaide High School. We asked the Adelaide High School Governing Council to assist us in the design of plans. They came back with two preferred options. We chose one of those, the second of their preferences. That was a preference that did involve some small encroachment on the Parklands, which was not consistent with the original proposition that we had put, so that obviously meant that we had to give some careful consideration to that.

We think, notwithstanding that, it is a proposal that we should take forward and we will now have discussions with the relevant planning authorities, the Parkland authorities and the Adelaide City Council, and we will proceed with the expansion of the Adelaide High School site, which will provide those much needed extra 250 places.

MINING DEVELOPMENT, YORKE PENINSULA

Mrs GERAGHTY (Torrens) (14:59): My question is to the Minister for Mineral Resources Development. Can the minister inform the house of the mining developments on Yorke Peninsula?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (15:00): As a matter of fact, I can. I thank the member for Torrens for her question. I am pleased to inform the house that Rex Minerals Hillside project, about 12 kilometres south of Ardrossan, has taken a major step forward. Since 2009, Rex Minerals has been developing its Hillside iron ore, copper and gold deposits. Rex has informed the Australian Stock Exchange that it has expanded its Joint Ore Reserves Committee compliant mineral resource estimate by 25 per cent. The new inferred and indicated resource estimate is equivalent to 1.5 million tonnes of copper and 1.4 million ounces of gold. The updated mineral resource estimate also includes the first estimate for a significant amount of iron ore, with an inferred resource of 12.4 per cent iron.

It is now being reported that Hillside is a billion dollar mine. Furthermore, Rex has released the first details of a conceptual mining study for a minimum 12-year mine life at Hillside. The project is currently going through feasibility planning stages but mine development is expected to start in 2014 with first production in 2015. If this project goes ahead, it will be a massive coup for the people of Yorke Peninsula. Yorke Peninsula was formed on the back of mining—

Mr Griffiths interjecting:

The Hon. A. KOUTSANTONIS: I don't think he will. You won't because you are a good local member of parliament and you work hard. That is why you won't lose your seat. Unlike the guy sitting next to you who will lose his seat one day.

Yorke Peninsula was formed on the back of mining and at one stage the copper coming out of this region was effectively the backbone of the South Australian economy. Projects like this could help return Yorke Peninsula to the mining spotlight. I am very excited not only about the increased investment and positive economic impact this project will bring but also the interest it will create in the mining community.

The fact that the tonnage of the Hillside resource is now approaching that of the current Prominent Hill resource—which is amazing—shows how much potential prospectivity there is on

Yorke Peninsula. Hillside is the latest in a series of iron ore, copper and gold deposits discovered only in the last decade, demonstrating the further presence of undiscovered resources in the eastern Gawler Craton. The Gawler Craton is an area which is considered worldwide as one of the most prospective on the planet. I am confident that, as a result of this updated estimate by Rex Minerals, there will be even more exploration on Yorke Peninsula.

I want to congratulate Rex Minerals on their announcement and wish them all the very best of luck as this project continues, and congratulate the local member of parliament on his full support for mining endeavours on Yorke Peninsula.

BURNSIDE COUNCIL

Mrs REDMOND (Heysen—Leader of the Opposition) (15:02): My question is again to the Attorney-General. Can the Attorney-General confirm that the minister for local government acted alone and without taking advice from him or anyone else in deciding to close down the Burnside council inquiry?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (15:02): I thank the honourable member for her question. As fond as I am of the minister for local government, I do not accompany him throughout the day and so—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: —as enchanting as it would have been for me to have accompanied him all the time and been able to answer your question, I can't.

UNIVERSITY FOUNDATION STUDIES

Ms THOMPSON (Reynell) (1503:): My question is to the Minister for Employment, Training and Further Education. Can the minister inform the house about how Flinders University and TAFE SA are collaborating to reduce the barriers to further education that are faced by some members of our community?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (15:03): I thank the member for Reynell for her question, and I would like to acknowledge her interest in matters of further education, in particular, the excellent work she does as part of the ACE reference group and the Training and Skills Commission.

There are many people who would like to have the opportunity to go to university, and for all sorts of reasons they may feel as though they have missed that chance. They might have left school before completing year 12; they might have started a family; they might have made a career choice they'd like to change; or they might have come here from another country and are keen to expand their skills and opportunities. There is a chance for some of these people to make for themselves a better life by taking a new direction.

Flinders University and TAFE SA have negotiated a partnership arrangement to deliver University Foundation Studies at the Noarlunga and Adelaide City campuses of TAFE. Students will be enrolled with Flinders University and the government will provide the full fee for each student. The program will be delivered by TAFE lecturers in the main, with 25 per cent being delivered by Flinders University Student Learning Centre staff. Flinders staff will mentor TAFE staff throughout the pilot for quality assurance and the moderation of standards but work together to deliver to the students high quality, specialised study to ensure that students have the best chance to succeed at university. This pilot program aims to improve the rate of participation for people who have traditionally faced barriers to further study, including generational unemployment and a low socioeconomic background.

There are no prerequisites or entry requirements for this course. There are no fees for this course as the program is government funded. It is expected that this innovative program will result in more people studying to improve their prospects for the future and that of their families. It is hoped that the program will strengthen pathways to continued study, in turn leading ultimately to employment with three streams planned for the students.

First, successful students will have guaranteed entry to a range of Flinders University courses, which include business, environmental management, engineering science and information

technology to name but a few. Secondly, students may elect to undertake a diploma or advanced diploma within TAFE SA and thereby opt for direct entry to Flinders University through successful completion of their studies at Certificate 4 or above.

Finally, students will be referred to TAFE SA courses suited to their capabilities and vocational intentions. So far, the program has 91 enrolments for the Adelaide City campus and over 50 at Noarlunga. The partnership between Flinders and TAFE will see greater accessibility to university education for students who may have considered further study impossible offering support to those in our community in most need.

I commend the program and the collaborative effort between Flinders University and TAFE SA, and I sincerely wish them well for future success.

GRIEVANCE DEBATE

BURNSIDE COUNCIL

Mr GOLDSWORTHY (Kavel) (15:06): I want to raise some serious issues concerning the Burnside council investigation. From the outset it is clearly evident that the government, through a series of ministers, has mismanaged this whole process. I do not want to go over ground that has already been covered but I do want to make the point, again, that this investigation was to take 12 weeks to complete and now we are two years down the track and continuing to deal with it at a cost of $1.5 million. This can only be described as an absolute debacle.

The decision made by minister Wortley to terminate the investigation was his first catastrophic mistake, and since then he has lurched from one crisis to another in his management of this issue, so much so that the media are now criticising his performance. It is my observation that when a minister is first appointed the media usually cut them some slack, but the performance of this minister has been so appalling they have passed that by and are openly hammering him, and so they should.

I think that the minister believed that he would make the announcement on 6 July to terminate the investigation, run the 24 to 48 hour media cycle and the issue would disappear. We all know that has not happened. What appears to have taken place is that the minister has provided conflicting information—or, to be less polite, he has been absolutely wrong—in the statement he has made.

It is my take that the minister has been guessing at answers when asked about allegations of corruption being referred to the Anti-Corruption Branch of the police, given that information that has come to light since the minister made a statement on 6 July in the other place that all allegations of corruption have been referred to the Anti-Corruption Branch, even prior to the investigation, and that there has been no evidence presented to the Anti-Corruption Branch that warranted further investigation because the police commissioner himself has asked the minister to refer any allegations to the ACB for further investigations.

So, how can the minister say that all the allegations made in the report have already been referred to the police when the police commissioner, the most senior police officer in the state, has sought the minister to refer those allegations to the Anti-Corruption Branch for investigation The minister has been caught out, and has been trying to cover his tracks ever since—quite unsuccessfully, I might add.

Even yesterday, the minister was backtracking on previous statements. He was making statements in the other place in a feeble attempt to qualify his remarks and his answers given concerning the issues of allegations being referred to the police. Furthermore, another revelation has come to light just this morning where legal opinion has been provided by the highly respected Queen's Counsel, Mr Kevin Borick, that, in his opinion, the minister has acted unlawfully in terminating the investigation.

It is clear that the minister has not acted entirely on his own in relation to this and that the Attorney-General has his fingerprints all over this as well. The Attorney-General must explain why he kept minister Wortley in the dark about advice from the Solicitor-General regarding the MacPherson investigation. He must explain if the termination of the investigation was lawful, and he must explain why the government's only answer to this problem is to refer the matter to an as-yet non-existent public integrity office which is unlikely to be operational within the next 18 months. He must declare whether he trusts the Minister for State/Local Government Relations to handle this investigation when the minister cannot trust himself.

This is the most serious matter that the local government sector has been faced with for many years and I think it is abundantly clear that this minister is either incompetent or lazy in not apprising himself of all the facts before making statements, or he is both, that is, lazy and incompetent. He is a glaring example of why this government is failing the South Australian community and needs replacing.

Honourable members: Hear, hear!

The SPEAKER: Order!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, member for Croydon! I think you need behave. I suggest you go and have a cup of coffee. The member for Mitchell.

CURNOW, MR J.

Mr SIBBONS (Mitchell) (15:12): This coming weekend a young man by the name of James Curnow should have enjoyed celebrating his 25th birthday. Instead, James' family and friends will remember him with love and a great sense of loss in the wake of his death last month in a tragic accident at home. Despite their sorrow and loss, I am sure his loved ones, friends and work colleagues will recall the happiness James brought to their lives as they battle the heartbreak.

I first met James last June when I and my staff interviewed him for a traineeship in the Mitchell electorate office. With an eye-catching natural afro, a broad cheeky grin and a laid-back, yet caring demeanour, he stood out among some very fine applicants. Among other attributes, his strong job application, his steady work ethic (supported by his long-term employment history in retail at Dick Smith) and the mature way he handled our questions on interview day won him the position.

I was really impressed with James' desire to start a new career and believed he would do extremely well in the role, as he had decided to leave a well-paid-permanent position in retail for a lower paid 12-month traineeship. He recognised the traineeship as a crucial avenue to his ultimate goal—a long-term position in the Public Service, a career he wanted so much.

Over the nearly 12 months he worked in the Mitchell office, he remained ever upbeat and cheery, always smiling and always remaining patient with even the most demanding constituents. Even when things did not come easily to him, he gave them a go. If he ever felt downhearted about anything, he did not let on about it. He displayed a keen interest in the political process and particular interests that affected people of his age. Things like road and cyber safety, support for local sporting clubs and employment opportunities for young people were all issues that James followed with interest.

I have heard many people who met him just once say that he had left a real impression, and I can certainly understand that sentiment. We learnt very quickly that James was a reliable and loyal colleague, and in his personal life a loyal friend and sounding-board for so many. He loved a party and a beer with his mates, whether it was watching his beloved Port Power, the MotoGP and Casey Stoner or Formula One and Mark Webber.

It was only at James's funeral that I learnt he had been a very premature baby. He was so small and seemingly fragile growing up that he drew the nickname Willow. While it upset him when he was young, his dad explained that it meant he was a special boy. It was a nickname that stuck throughout his life, and one that James, ultimately, wore with pride.

Willow became a keen and talented sportsman, including Aussie rules football, golf and cricket amongst his loves. He was very close to his family—his parents, Barb and Lew, his sister, Emma, his grandmother, brother-in-law and niece—and had friends from all parts of his life. They came in their hundreds to farewell him and offer support to each other and his family at his funeral.

James left his mark on everyone he met, and I and my staff are all truly grateful and honoured to have worked with him. His life is a reminder to us that it is indeed a gift to be able to wear a sincere smile in the face of adversity. It is also a reminder of how important it is to cherish those we love and to tell them so.

My heartfelt condolences to Barb, Lew, Emma, extended family and friends. To the many members who have expressed their sympathy to me and my staff, we thank you. I know Barb and Lew are proud of their son, as they should be. We will miss him but we will never forget him.

Honourable members: Hear, hear!

The SPEAKER: Thank you, member for Mitchell. That is a very touching tribute and a reminder to us how fragile life is and how important our young people are.

CARBON TAX

Mr WHETSTONE (Chaffey) (15:17): I think this will be one of many grieves and much debate in this place about the federal government's carbon tax. The carbon tax is obviously very closely supported by the Rann government. I grieve today because it is going to have very much a disproportionate effect on regional areas in South Australia, particularly in Chaffey, which relies on agriculture, horticulture and, essentially, is all about food production.

Agriculture, supposedly exempt from this tax, will be substantially impacted because all forms of farming are export driven and, therefore, will be competing against other countries that will not be participating in introducing taxes like this current carbon tax, particularly in relation to fuel costs. I think fuel costs will have the biggest impact on food production.

It is about the carbon tax versus the food security in this country, not just in South Australia but all of Australia. Fuel costs will have a significant impact because fuel is in every element of food production, whether it is getting the fertiliser, the power to pump the water, the tractors and machinery that plant, harvest and spray; it will have a huge impact.

It will not just have an impact on the farmers, consumers will bear the burden as well. Consumers will only bear some of that burden and it will get to the point, when they are sick of paying exorbitant prices for their food, where they are going to look at alternative food, and that will be cheap unregulated imports from other countries. Those other countries that are not putting in inputs would particularly be with fertiliser, chemicals, machinery—particularly with machinery and the production of machinery that is there to underpin the planting and harvesting of food. Virtually all that is produced on farms is transported in one form or another.

Electricity is a major expense for irrigators. Power costs have almost doubled over the last three years and electricity prices are already 10 per cent higher in the country than what they are in Adelaide. Additional rises will further add to irrigated food production costs and I think that it is incomprehensible that the federal government can come out and say that agriculture will be exempt when the major inputs to agriculture are fuel and electricity.

What I would like to ask everyone here today is: will farmers and irrigators be compensated and how will regional and farming communities be compensated for this burdening tax that we here in Australia are looking like adopting, that many other countries are not, that many other competing exporting countries will not adopt?

If we look at the polls today, and if we look at the polls every day, we can see they are heading south, into uncharted territory. This federal Labor government needs to ask itself: what are we really achieving with this tax? Again, I am not a climate-change denier, but it is a global phenomenon, not just a local one.

Assuming that substantial reductions in global emissions will make a difference, how will a small reduction in Australia's emissions, around 1 per cent of the global emissions, make a difference at all? How will we compete on a world stage, as we have been doing for many years? How will we compete on an export-driven commodity, such as agriculture and horticulture?

This is not an incentive to change behaviour: it is an incentive for business and Australian jobs to go overseas. We are essentially exporting our jobs. We are essentially exporting pollution overseas at a cost to our food security and our food production in this country. By how much are our emissions really being reduced and how much are they really going to be offset by the international carbon credits? As we tax food production out of existence in Australia, we will watch it grow in countries that are not being a part of this carbon offset.

Dishonesty: this Labor Prime Minister has said, 'No carbon tax under a government I lead.' So, I ask: who will be the next prime minister and how long will it take for them to stand up?

CALISTHENICS NATIONAL CHAMPIONSHIPS

Ms BEDFORD (Florey) (15:22): This year saw the elite in the sport of calisthenics gather in Queensland on the Gold Coast for the Australian Calisthenics Federation National Competition—the 23rd annual event. The ACF, under president Lynne Hayward, coordinates the annual national competition, directed by Liz Kratzel, to give teams from each state and territory—unfortunately, still excepting Tasmania—the opportunity to compete at a level which always sees the best brought out in coaches and athletes, because that is exactly what the girls are—supremely fit athletes,

dedicated to their sport. I remain impressed with the level of professionalism shown in the administration of the sport in all facets, from training and fitness programs to coaches and adjudicator programs and, of course, the ever important rules.

The girls would not be where they are today without the support of their families, their local clubs and coaches and national coaches and support personnel from their state bodies. To each and everyone involved at state and national level in making the event possible, I say thank you in my role as a local club patron, a proud CASA patron and life member and also as an ACF patron.

The Calisthenics Association of Queensland—or CAQI, as they are known—again secured the Arts Centre of the Gold Coast as our venue and the house was sold out for each of the four-day competition. To Sarah Chalmers and her committee, led by Anita Roser and volunteer team, because that is what it takes to put one of these competitions on, we say thank you for a year of hard work to make the event so successful. I hope you are now enjoying some of the well earned spare time I know that you will have. We cannot support a women's sport like calisthenics, particularly at the national level, without great sponsors and I would also like to thank all the sponsors of the national competition for their support.

South Australia selected a great team in each section, made up of the best competitors from clubs all over the state. Calisthenics remains a sport were winning is not the only reason that girls become involved; rather, they participate in the pursuit of excellence and to achieve their personal best. South Australia led the way this year, the girls pulling out all stops despite the usual last-minute injuries and incidents that seemed to be kept to a minimum this year. I am immensely proud of the efforts of everyone backstage, with the make-up, hair and costumes totally under control for each team of 20, and the ever reliable stage crew who manage to move props on and offstage, on cue and to time, so that the competition moves along on schedule.

Teams came from the Australian Capital Territory, South Australia, Victoria and Western Australia in the Sub-Juniors. Our team, coached by Melissa Daysh assisted by Natalie Fleming, won three of the five events and came second in the remaining two to win the overall section. In Juniors, teams came from the Australian Capital Territory, the Northern Territory, Victoria, Western Australia and South Australia. Our coach Nikki Ianunzio, assisted by Keron White, won five of the six sections, with a second in the aesthetics, ensuring an overall win.

In the Intermediates, our coach Rebecca Williams, assisted by Lorinda Brooking and her team, faced stiff competition over the six disciplines for a win, four seconds and a third, which saw them placed second overall. And in what can only be described as a fantastic climax our Seniors, coached by Cassie Turner assisted by Carmel Margaritis, won each section to win Seniors overall for the first time since 1991 over the dominant Victorian and Western Australian teams. The enormity of this achievement cannot be overstated, and I am sure it will encourage girls all over the state—and indeed the nation—to recognise that hard work will eventually get results.

In junior grades for the solos, New South Wales competed in the closed section, and it was great to see its team again. In the open section, South Australia's Hayley Thomas, coached by Barbara Prizrenac, won the section with Emily Gray, coached by Nikki Ianunzio, equal second; and Harleigh Stanton, coached by Melissa Lydyard, after an equal first last year, came third. Our fourth competitor Brittany Rundle, coached by Sonya Benzija, did a great job too.

Intermediate gracefuls saw all states and territories represented, with Elyse Pavan, coached by Arleen Mount, second after her marvellous win last year. Tara Douglas, coached by Danae McGregor, was fourth, and Brittiny Emes, coached by Lisa Savaris, and Courtney Gray, coached by Melissa Lydyard, put in solid performances in a very tough section.

Senior gracefuls had an open and closed section, and I particularly want to mention New South Wales' Narelle Drake, coached by Tara Sullivan, as I did not have a chance to speak to them on the day. Our own South Australian Chloe Templeman, coached by Barbara Prizrenac, was outstanding, a deserving winner in her section. She has been competing at this level for so many years, also winning in 2008. Anikka Sellen, also coached by Barb, was equal third, and Emma Cain, coached by Barbara as well, and Lisa Barnes, coached by Melissa Lydyard, added to the depth of the South Australian competitors.

Junior calisthenics solos saw our two competitors placed: Sophie Hamden, coached by Melissa Lydyard, was equal second, and Sarah Worsman, coached by Rebecca Aplin, was third. Intermediate calisthenics duo saw Megan and Emma Belton, coached by Danae McGregor, placed first, with Sarah Mulraney and Danielle Brine, coached by Carly Davey, also competing. Senior

calisthenic solos saw Abby Purtell, coached by Cassie Turner, equal third, and Ashlee Hards, coached by Carmel Margaritis, competing.

It was a marvellous competition, and I look forward to joining all the calisthenics teams from all over Australia in Darwin next year for what I know will be another great event. I encourage all members to get involved with their local calisthenics teams. Every club has dozens of competitors and each competitor has a large family backing them.

RURAL INFRASTRUCTURE

Mr VAN HOLST PELLEKAAN (Stuart) (15:27): I would like to speak today on a theme on which I hope to expand a bit over the next few years, to be perfectly blunt; that is, the undervaluing of country and outback institutions and infrastructure when they are valued only by economic means in judging their primary purpose for being. I will give a few examples in the short amount of time I have today, looking at roads, schools and hospitals.

If you value the road purely by the traffic it carries, you completely undervalue the importance of that piece of infrastructure to the state. It is the same with schools. If you value a school purely by the number of its students and the results they receive—although of course that is exceptionally important—you undervalue that school and its importance. It is also the same with hospitals: if you look purely at patients and at health outcomes, as important as they are, then you undervalue that hospital to the state and the country area it is in.

I would like to say that I understand economics very well and I think I understand, as well as anyone in this place, how important it is to place an economic value on things and to understand exactly what economic value these institutions and this infrastructure offer. However, my point is that is not the only value. You cannot do without that first value, but you cannot avoid the importance of the other values.

Following the example of roads, if you look at an outback road, for example, and look at the distance it covers from point A to point B, the amount of users, the amount of traffic on it, and you say, 'That's the use that this road is getting', then you completely undervalue that road. In the case of the Birdsville Track, for example, to consider it to stop at the northern South Australian boundary would be a great mistake. That road needs to be upgraded and needs to be used to encourage Queensland beef producers to use it to send their Queensland beef to our South Australian markets, because there is a 7:1 multiplier. For every dollar received at a cattle market there is a 7:1 multiplier in terms of other economic benefit to the state, so if we can get Queensland cattle coming to our South Australian market instead of being sent east into Queensland markets then there is enormous benefit to our state which is not measured purely by the number of cattle stations on the Birdsville Track or the number of trucks that currently use the road.

When you look at schools, primarily, you look at the number of students, the quality of their education and the results they are receiving, and you try to improve on that. However, the value of a country school to a country town is far more than that. If a school closes people stop bringing their children into that town every day from the surrounding district, and if they stop doing that then they stop shopping in that town, so shortly after the school closes the small general store closes, then the service station closes, and on and on. The value of that school is actually far greater to the local economy than could possibly be judged solely on educational outcomes.

Looking at hospitals in country areas, the same parallel exists. Clearly, health outcomes are of primary importance when it comes to a hospital and of primary importance when it comes to funding decisions, but they are certainly not the only considerations that should be brought to bear. Country hospitals in regional South Australia typically employ anywhere between 30 and 60 people. These jobs are all exceptionally important and I am not saying that we should embark upon some Keynesian economic model and just put hospitals there to create jobs—far from it—but when the decision about valuing hospitals and whether or not they should be retained is made, considering all of those jobs in the district is an exceptionally important part of that decision.

The value that those hospitals give to the community is far greater than just the number of patients in those beds, the percentage of bed occupancy and the level of care that is required for patients. Those jobs are exceptionally important and there is a multiplier that flows all the way through the economy and, of course, not only in the town where the hospital exists. If a person in a position of decision-making authority is to look at a hospital and say, 'There's one close by so we can go without it,' they are undervaluing that hospital.

BAROSSA VALLEY AND MCLAREN VALE

Mr BIGNELL (Mawson) (15:33): I rise again today to talk about the protection of McLaren Vale and the Barossa Valley. An important milestone was reached last Friday with the closure of submissions for comments on the proposed legislation. The government received more than 200 submissions, which is a massive number. It shows the depth of concern that people in both regions—and people who are not even from those regions—have for McLaren Vale and the Barossa Valley. There are so many people who want to preserve what we have and to stop the agricultural land there from being covered over by housing and shopping malls, etc.

I worked with the McLaren Vale Grape, Wine and Tourism Association on its submission. There was a group of about a dozen of us who met every Monday night for a few weeks, and it was great to see the community come together. The Friends of Willunga Basin also put in a submission, which I endorse, and the Southern Community Coalition did its own submission. So there were individuals and groups who put in submissions, and there were groups who came together to put in submissions that represented all the views of the various groups.

At times like this it is really heartening to see human nature at its best, where people did chip in and did spend the time and the considerable effort that is required to make their voices heard, because this is a once in a lifetime opportunity. We usually see this sort of community spirit after a disaster like a flood or a bushfire; we saw it here, and it was great to see. I believe what we have done is to prevent a disaster, and that disaster would have been for this land to have been lost to suburbia.

I put in my own submission, which ran to a bit over 20 pages in the end, and it is reflective of my experiences in the past six or seven years in McLaren Vale and the things that I have picked up down there, but also talking to the people in the Barossa who I brought on board two years ago. There has been a group of seven of us who have worked very closely with levels of bureaucracy within the state government. We have had some very good meetings with ministers, such as the Minister for Infrastructure, the former minister for planning Paul Holloway, the current Minister for Planning and Deputy Premier, and the Premier himself. There has been a lot of interest shown by this government in reaching this decision, and I do want to thank those ministers who have been so generous with their time and efforts in making sure that we have reached this stage of the process.

To the members of our group from the Barossa Valley and McLaren Vale, David Gill, Jim Hullick, Dudley Brown, Margaret Lehmann, Anne Moroney, Jan Angas and Sam Holmes, I really do want to say thank you for all the time and effort over the past couple of years. Then there was the group in McLaren Vale under Tony Parkinson's stewardship, which included Jerry Keyte, Corrina Wright, Jock Harvey, Marc Allgrove, James Hook, Stephanie Johnston, Drew Noon, Elizabeth Tasker, Toby Bekkers, Sami Gilligan and many others. I am sure I may have left a few off there, but I thank all of them for their efforts over the past few weeks.

Now that the government has all these submissions in, it is going to be a matter of going through them and then coming back to groups like the McLaren Vale Grape, Wine and Tourism Association to work out the next step. The government is hopeful of having legislation introduced—certainly introduced in the next session, but we would like to see that legislation through both houses by the end of the year.

I think there has been some goodwill shown by all sides and Independents in both houses of the parliament to see things move forward and to see these lands protected. This will ensure that not only do we have food security but also that the good open spaces where people can enjoy the lifestyle that so many of us who live in the area enjoy each day, along with those who visit our regions, whether from the city of Adelaide, other parts of the state, Australia or the many international visitors who come to McLaren Vale and the Barossa will continue for years and years to come.

NATURAL RESOURCES MANAGEMENT (COMMERCIAL FORESTS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:38): It is always difficult having a break for a few hours in the middle of delivering a speech in this place, so I have taken the sensible approach of picking up the *Hansard* transcript of where I left off so that I might start off again in a similar place. Basically, I was talking about the hydrology of the South-East, particularly in relation to the western districts of Victoria and talking about the general flow of groundwater to a westerly direction, certainly in the South Australian part of that region of the

Green Triangle and how it is more southerly as you get down south of Mount Gambier where the coastline is in an east-west aspect.

The reason I wanted to talk about the groundwater flows is because I think it is important to understand that, if we see an impact, we can track that impact, because we would expect the impact to move to the west with the general flow of the groundwater. So if we did something in this instance to decrease the amount recharged to the groundwater system at a particular point creating a drawdown or a clone of depression, we would expect that cone of depression to gradually move to the west as the whole of the groundwater system does, and research and monitoring shows that that is the case. When I talk about monitoring, over many years, the whole of the region has been pockmarked with bores, and lot of official bores which were put down originally by the mines department many years ago are monitored on a regular basis, and we have an extensive amount of data with regard to the groundwater system in the South-East.

There are a huge number of private bores in the South-East. The South-East is predominantly used for livestock grazing, and the livestock water is drawn from the groundwater system via simple windmills and tanks, with storage troughs being fed off those tanks. I would hate to hazard a guess at how many bores there are in the South-East. I think most of them these days are registered and known to the department, but I am sure there are many which were put down and which are not registered, but we do have a good body of knowledge.

I talked earlier about when we make decisions and what impact they might have. It is important to understand groundwater hydrology, because I have argued many times that, every time we take an action which discourages or dissuades somebody from planting a commercial forest in the South-East sector of the Green Triangle region in South Australia, by and large, we have found that the investment sitting behind the person who wishes to plant the forest turns up across the border in Victoria, and that is important because that is upstream. If we imagine that we are on a large river, any action that occurs upstream on a river is felt downstream, and that is why I am pointing out that the groundwater system moves from the east to the west so any impact that occurs upstream, you may well expect to find the impact moves downstream. That is exactly what has happened.

I said earlier in my remarks that most of the intensive irrigation has occurred close to the border in that 20-kilometre zone. It has fascinated me that the people involved in those areas have agitated for a significant number of years now for this sort of measure that the minister has brought to the house today in the belief that they might help their own situation. The reality is that most of the afforestation which has occurred recently in the South-East and which has triggered this mindset that we should do something about commercial afforestation has occurred well downstream from that intensive irrigation activity. Most of it has occurred in the hundreds of Coles and Short, well west of Penola, but every time we take a decision which prevents a tree or a farm being converted to afforestation in that area, by and large, we see the investors go to Victoria where it is easier to obtain the land and the approvals, and to plant that forest.

We did not stop the investment into afforestation, all we did was shift it from a place downstream, where most of our concerned irrigators are, to a point which is upstream. I could never understand the mentality of those very same irrigators finding that not only acceptable but doing whatever they could to encourage it. When I say doing what they could, they have been agitating for this sort of measure which is going to work against the afforestation in that portion of South Australia and shift it into Victoria.

Principally, one of the groups who have been agitating for this sort of measuring have been the vignerons at Coonawarra, and they have been complaining because their watertables in Coonawarra have been declining for a significant time. The reality is that the plantations of hardwood forests in the hundreds of Short and Coles are well west of Coonawarra and I would argue would be most unlikely to have any impact on the watertables at Coonawarra at all. However, if you shifted 10 per cent or 15 per cent or 20 per cent of that forest into Victoria, it may well have an impact at a place like Coonawarra.

That is an issue which has always fascinated me. I have had this debate with a number of the people involved—and it is not just the vignerons at Coonawarra, but some of the dairy farmers south of Mount Gambier and some of the potato growers—and they still refuse to accept what I see as just common sense. We have this problem, I believe, that people within government, within the agency, as I said before the lunch break, have this mindset that we should be the leaders in this and that we would establish some bona fides which would enable us to argue a different case altogether on the River Murray; but we also have these vested interests in the South-East who—

and I can only describe it as an absurd reason—want to get on the bandwagon, too, but I will come back to that in a little while, because maybe there is a little method in the madness of at least some of them.

Whilst I am talking about the hydrology of the region, again, this matter is coming to a head because, just as we have experienced across the whole of the Murray-Darling Basin a severe drought in recent years, we have experienced significantly lower rainfall in the South-East over that same period. Apart from one season a few years ago, we have not had what would be called generally a drought. The South-East—particularly the mid and lower South-East—is pretty well droughtproof, but we have had lower than normal rainfall in this region for well over 20 years.

Importantly, we have had lower than normal rainfall over that period in the winter months, because what we are actually talking about here is the recharge of the natural rainfall into the groundwater aquifer. Another thing that we need to understand when we are talking about this is that we only get recharge for a few months of the year and it is in those months of the year when the rainfall substantially exceeds the evapotranspiration, that is, we are getting more rain landing on the landscape than the water that is evaporating out of the landscape through natural evaporation from the soil, from surface water from lakes and swamps, etc., or from the leaves of plants.

In the South-East that occurs principally in the months of June, July and August. I would extend in some years a little bit longer than that at either end, but principally in those months we have a considerable excess of rainfall over evapotranspiration, and a considerable amount of that excess percolates through the soil profile and ends up in the watertable and forms what we call recharge.

The argument that has been put forward is that pine forests impact on that recharge to a greater extent than grassland or pasture; therefore, if we want more water to be recharging into the aquifer to sustain irrigation so that we can pump it out again and use it to irrigate, we are better off with more pasture or grassland than we are with forests. That is the simple debate that we are having, which at a very simple level is correct, it makes sense, but we have not looked at some of the other aspects and where we want that balance between land use—whether it is good to have forests or whether it is not good (I am obviously arguing that it is good), and whether the mix of land use that we have now has gone too far one way or not.

That is where the debate should be, and I am going to give some evidence later on to back that up. In the meantime, we are talking about the amount of water that gets into the groundwater system, and that gives us some understanding of how much we can sustainably extract and utilise as irrigation water.

The low rainfall years that we have experienced in recent years in the South-East have seen a significant drawdown of the watertable, of the standing (static) water level. This has been what the NRM board and the department have used as triggers to say, 'We have a problem and we are overallocated.' Interestingly, a couple of years ago, the NRM board was out there saying, 'We are overallocated,' and they were agitating for us to take drastic action. That is what they planned to do in this water allocation plan they have been working on (the one which, as I said earlier, is outside the current law of this state).

Both the NRM board and the department—I am not sure which department—have produced a number of maps of the South-East showing the relative drawdown of the watertable across the landscape in five-year and 10-year periods, and these maps have been used to highlight the problems. I have one map in my hand now which shows the five-year period from September 2004 to September 2009, which is pretty well getting towards the end of this dry period that I was talking about, and it shows a significant drawdown, and the most drawdown for the whole of the region (which includes all of the Upper South-East right down to Port Macdonnell in the south) in the area around the hundreds of Coles and Short. This is an area where we have seen a substantial growth of hardwood plantations. Something in the order of 30,000 or 35,000 hectares, I would estimate, of what was previously grazing land, basically pasture land, has been converted to plantation forests.

Members need to understand that, in this area of the hundreds of Coles and Short the static water level prior to these plantation forests going in was probably only a metre to a metre and a half below the surface. It was very close to the surface—so close, in fact, that, if you get a little bit closer than that (and some of it would be less than a metre), you get, through natural capillary

action, the water move up through the soil profile and get to the surface and naturally evaporate from the surface.

After having planted deep-rooted perennial plants in this area, I think it is absolutely amazing that people are surprised that the watertable has been drawn down in this area. I expect nothing less. When you replace a shallow-rooted annual plant, like most of our pasture species are in the region, with a deep-rooted perennial plant, I think there is no surprise that you would draw down the watertable, because the plant will continue to utilise water for 12 months of the year rather than for only eight or nine months of the year. So that is not an unnatural phenomenon.

The map that I refer to shows this drawdown which has caused this panic. I have been asking for a number of years why we are panicking if the watertable is drawn down from 1½ metres or, in some cases, maybe two metres below the surface to six or seven metres below the surface. I do not really see a problem with that, because I know that the watertable is possibly 100 metres or more thick. It is not as though we are going to run out of water. What it actually means is that, if you see the watertable as a tank, we take a bit of water out of the top of it and during winter that is somewhere for the excess rainfall to go and fill the tank. That is what we do with our rainwater tanks at the back of the house every year. Because we have had this series of dry years, the observations are that the tank never recovered—it never filled right up again.

However, I am happy to note what is on the most recent map that I have, which is only a one-year map from September 2009 to September 2010. In the 2008-09 and 2009-10 years (the last two years) we have had relatively wet winters—up around our average—and the red patches on the map which show serious decline in groundwater levels have disappeared. There is still a slight decline in groundwater levels but, interestingly enough, not where they were in the hundreds of Coles and Short but to the west.

So, the cone of depression has indeed moved to the west, as I think we would expect because the whole of the water system is moving to the west, whereas on the previous map from the year before the most serious drawdown was occurring on the eastern side of the hundreds of Coles and Short, it is now occurring to the western side, if not into the next hundred.

Hundreds are areas on the map which are 10 miles by 10 miles, consequently 100 square miles. That is why they are called hundreds. So, that is the area. This cone of depression, we can assume, has probably moved up to 10 miles to the west—not to be unexpected—and the rate of decline, it seems, has tapered off.

The other important thing that I think we need to understand is that the growth in the plantation of blue gums, this hardwood species, was driven by managed investment schemes. Now that we have seen that whole apparatus done away with, we have seen no more plantations. The plantation activity in that area, in the hundreds of Coles and Spence and the surrounding area, has virtually come to a standstill.

It is also worth noting that when you talk to foresters, and these people, by and large, know what they are talking about, they have spent their lifetime doing these sorts of things, I think there is a general acceptance that when the plantations that have been planted in the last 10 or 12 years are clear-felled and harvested that a significant portion of that area will not be replanted to that species.

Some people are suggesting to me that it could be as much as 20 per cent: principally, because the soil type is not best suited for planting that sort of crop. The people who own the land have now decided that they would get a better return from that land by returning it to pasture or putting some other crop on it, but certainly returning it to pasture, I suspect, would be one of the better options.

Notwithstanding that we can see from the latest data a dropping off of the decline in the water table and notwithstanding that we can see that hot spot (for want of a better terminology) move to the west, which we would also expect, there is a general expectation that we will see a natural decline in that particular part of the South-East in the amount of area planted to these deep-rooted perennial forests. I would argue that the perceived problem is looking after itself reasonably well. I think that with this piece of legislation we are jumping to a conclusion—notwithstanding that the debate has been going on for a long time—very early, earlier than is necessary.

I also make the point that the government still does not know how it is going to react. I make that statement. I think the government does know but it is unwilling to tell the parliament how it is going to react, because the piece of legislation we have before us gives the government at

least two options. It gives the government the option to impose a water licensing regime on plantation forests and it gives the government the option of putting a permitting system on forests, and I want to talk about that in a little while.

One of the problems I have with this bill is that the government has come to the parliament asking us to give it a range of powers when it is not prepared to tell us how it is going to use those powers or why it wants those powers. Indeed, it is asking us to give it powers to allow for at least two significantly different options. I believe that the government wants to take the option of imposing water licences. I believe that simply because the government already has the powers, although they can be improved, to go down the permitting route, if it so desired. In fact, that is the world we live in at the moment. That is another reason why I think we need to have a much, much closer look at this piece of legislation.

I put on the record my thoughts as to the lack of urgency in this particular matter because I think the declines that we have seen in the drought are no longer with us. Surely a drought will return, but the frequency of droughts in the South-East, from the records that we have so far, over the last 150-odd years, is quite low. I think we have plenty of time.

I want to come back to a couple of other matters which are relevant to this whole debate. I talked earlier about converting water licences from being area-based to volumetric. When we first imposed the water licensing regime in the South-East and allocated water to landowners to irrigate, we used what was called an area-based allocation system. A farmer might want to irrigate 20 or 40 acres—maybe I should be talking in hectares—so we allocated an amount of water to allow the farmer to water that particular area in what we call irrigation equivalents. I think it was based on the amount of water it would take to water that area of lucerne, not that much of it is used to grow lucerne, but it is pretty equivalent to growing a pasture.

By and large, when we made that allocation, the agency, at least at that point, had an understanding of what it believed was the permissible annual volume; that is, the amount of water that was available to be allocated. Every time it allocated a hectare area equivalent of water licence, it took about four megalitres of water out of the available pool. When none was left, the agency stopped allocating water in that management area. In some places it is a little bit more, but about four megalitres of water per hectare is the equivalent, in the old money, of 16 inches of rainfall. I think that is right. It is the equivalent of 400 millimetres of rainfall; 16 inches, by my calculations, which is a fair bit of water.

I certainly support the move to volumetric allocations. If you want to regulate a resource, you have to be able to manage it, and you cannot manage it if you cannot measure it. You need meters and you need to have the licensing system set up in a volumetric way. I fully support that and always have but, when we went through this process, I would have thought it would be quite simple to say to every landholder, 'For every irrigation equivalent that you have, you will get four megalitres of water as a volumetric licence.'

But no, that was far too simple. The brains trust said, 'No. We will need more water in some areas, maybe less in other areas, depending on the crop.' We went through a whole convoluted process. This started probably six or seven years ago and we still have not come to a conclusion, although I think most of the work behind that has been concluded.

Going through that process and changing the numbers, we found that, in a number of these management areas—and they are basically set on hundreds, but that is not the only way that management areas are defined or delineated—all of a sudden we became overallocated. I talked about the hundred of Grey being overallocated on day one because I think there were some landowners there gilding the lily and getting away with it.

I have talked about the border groundwater sharing agreement but, importantly, as part of the legislation, we have to abide by certain rules in that area, in that 20-kilometre zone on either side of the border. One of the rules says that we cannot be overallocated and, if we are overallocated, almost immediately we have to move to bring it back into a sustainable allocation within the limits.

This is where we have created a dilemma for ourselves with some of those border zones, in that it is my understanding that when you convert the area-based water licences to volumetric, using a multiplier that is substantially higher in some cases than what was used when the original allocations were made, then surprise, surprise: you come to a point where you have an allocation that is above what you have already predetermined as the permissible annual volume, or the sustainable yield.

In those hundreds in particular, the day we moved to introduce volumetric-based water licences we created this problem where we have to bring the allocations back such that we are not overallocated in those management areas. That is why we have not had this water allocation plan delivered and signed off on for five years, because we have not been able to come to an understanding of how to overcome that particular problem; and that is why today we are debating this bill, to give the minister the power to change the way that forestry is regarded.

I believe the minister will take the licensing option; the minister will give a water licence to all the forestry operators and the next day he will say to them, 'By the way, we are overallocated. You are growing more forest than you have licences for.' The minister will be very kind to them though; he will say, 'I'm not going to make you cut down some of your forest; I will wait until it matures and you harvest it, and then I might put some restrictions on you about how much you can replant.'

That is what this piece of legislation is about; it is about bringing back into balance the allocation in those border management areas where they would automatically become overallocated. Today they are not, because it is an area-based water licensing system, and the irrigators have so many acres and no-one really knows how many megalitres they use. As soon as we give them a licence based on megalitres, they will become overallocated and the minister will be obliged to do something about it. Those vested interests that I talked about earlier in my contribution are absolutely adamant that some of that pain should be borne by the forestry industry.

Another historical fact is that when we first prescribed the region, and first allocated water in the region, the forestry industry was ignored. The forestry industry had no input into how we allocated that water, had no input into where we would set permissible annual volume, or how much we would allocate for every hectare and therefore how many hectares in any particular management area we would issue licence allocations for. It was at arm's length to that because, to its detriment, the forestry industry—and I tried to warn them of this way back all those years ago—stayed out of the debate and said, 'Look, it's got nothing to do with us. We are growing what is called a dryland crop; we're just relying on the rain that falls from the sky.'

However, these vested interests that I talk about have come to the position where they have said, 'We don't want to take a 20 or 30 per cent cut to our water licence when we convert to volumetrics. We don't want to curtail our irrigation activity.' They have discovered that one way they can minimise the cut to their licence is to put some of the responsibility for the cut on the forestry industry.

Principally, the forests we are talking about are in the 20-kilometre border groundwater sharing zone. They are within that 20-kilometre zone near the border; and those forests have been there for a long, long, long time. I stand to be corrected on this, but I suggest that the vast majority of those forests were planted as replacement for native forests. So at the time they were planted the native scrub, the native forest, was clear-felled and replaced with plantation forest, with pinus radiata.

I would argue that not a lot of those forests have replaced pastures. Certainly, east of Penola in the northern part of the area there may be some areas where afforestation did replace pastures. However, when you get south of Penola—certainly, south of Nangwarry, or Nangwarry and south along the border zone—there would be very little pinus radiata in South Australia that was not planted many, many years ago, well before irrigation activity became popular and decades before there were any issues about overallocation. The vast majority of it was planted to replace native vegetation.

I think the science basically says that native vegetation, by and large, is deep-rooted, perennial plants, which does not have a dissimilar impact on the water balance to plantation forestry. I know there is some evidence to suggest that there is a difference, but it is at the margins.

This is what the argument is about: whether we retrospectively say to these forest owners, 'You have to wear some of the cost of overallocation,' notwithstanding that they had anything to do with the overallocation. By and large, the overallocation has occurred within the last 15 years—some of it might go back a bit further than that, but the vast majority. There are farmers in those areas who have been building centre-pivot irrigators—certainly within the last 10 years in the areas to the east of Mount Gambier (between Mount Gambier and Tarpeena/Nangwarry)—in that last period since water prescription where they did not irrigate previously, and the forests have been there for probably 50 years plus, in some cases maybe 100 years.

This is really a grab, in my opinion, by those vested interests to ensure that the forestry sector wears some of the pain. To be quite honest, I do not think it is fair. I do not think it is fair for a number of reasons, not the least being that the forestry industry never had the opportunity to be involved in the debate and the discussions when the original rules were made; that is, the impact would be retrospective on the forestry industry whereas it would not be retrospective on those irrigators who have come along much more recently.

This is one of the real problems. Being honest with ourselves and converting to volumetric is creating this problem. It is also the fact that farmers who are irrigating pastures or horticultural crops believe that they can shift some of the pain to a different sector.

There has been a plethora of studies into this issue in the South-East. I have a few documents here, and on my bookshelf there would be many feet occupied by reports and studies done into this issue in the South-East and very little of it is conclusive. However, there is one report which I think has been used in recent times to guide the government in coming to this position—the South-East Water Science Review. I have the executive summary in my hand but I also have a copy of the full document with me. I want to refer to some parts of this full document to highlight some of the points that I have been making.

A statement made to me at a briefing I had last week on this bill was that forests account for (I cannot remember the number; I do not think it matters) a substantial percentage of the total water used in the South-East. That was the statement that was made to me.

The reality is the vast majority of the water that is used in the South-East is used to grow grass, because that is what covers most of the landscape. The water we are talking about that recharges the aquifer is quite a small proportion of the total water balance. However, if we talk about all of the forest use impacting on that, all of a sudden it becomes a large figure and it makes the argument much better for those who are proffering that argument.

The document that I just referred to was the South-East Water Science Review, which is the review of a lot of the scientific papers that have been written over a significant number of years now. One of them is a paper from Benyon et al. in 2007. I think the relevant point is this, 'In most environments, evapotranspiration and rainfall are comparable in size in the hydrological cycle'—that is, there is some sort of equilibrium between the amount of rainfall and the amount of evapotranspiration—'whilst stream flow and groundwater recharge are relatively small components of the overall water balance.' It is no different in the South-East.

Most of the rainfall that falls is consumed by the plants growing naturally on the ground or cultivated on the ground and is evaporated off. That which turns into stream flow or goes into the watertable is a very small component of the overall water balance. I think we have to be cognisant of that, because that to my mind puts the lie to a claim that forests are responsible for such a huge amount of the water in the South-East. What we are talking about is the impact that forests have on the recharge, which is only a small part of the total water in the South-East.

I will read from the same document findings from the Smerdon 2009 review, as follows:

> The assumptions that recharge values are static leads the modeller to a secondary uncertainty, as the long sequences of high rainfall in the 1960s and 1970s does not correspond well to the long sequence of dry now being experienced. Whilst mean annual recharge rates are used in long-term economic and resource planning, it is apparent that these rates of recharge reflect the climate of the most recent decade.

In 2009, Smerdon stated:

> Therefore, relying on recharge rates calculated from conditions of the 1960s and 1970s could be misleading for an assessment of the current climatic regime and resource condition.

The point I was making is that we have had in recent times a relatively dry period and we saw that decline in the watertables. Of course, triggers were set off and panic set in. As I have been arguing, that was coupled with a huge expansion in hardwood plantation in that relatively small area west of Penola, which allowed a group of people, in my opinion, to take that on board and use that as an excuse to make significant changes to the whole management regime, leading to where we are now.

I will quote from the chapter on wetlands and ecology in the same document. It talks about the drainage in the South-East and states:

> The drainage has contributed to a major landscape change in the South-East, removing over 93 per cent of the original wetland extent, according to Harding 2006. The construction of regional drainage infrastructure has also

altered the movement of surface water and has modified the interaction between the surface water and the groundwater of the region.

This is one of the important factors that I think has been totally ignored in this piece of legislation. The amount of water that flows out of our drains in the South-East is quite enormous. I looked at some figures earlier today and the amount can only be described as enormous. I do not think anybody is suggesting that we stop that water flowing out of the landscape, but I do know that the amount of water that has been flowing out of our drains in the last 20 years is much less than what was flowing out of it in the 1960s and 1970s, as referred to in the wetter years.

One of the things I think we should be looking at in the South-East is managing the water flows in our drainage system. It would more than compensate for the deficiencies we have in our allocation system at the moment. But it is not being looked at. In this exercise we are taking a very blunt instrument and ignoring the difference that the drainage systems make. I also want to make the point that it is my belief—having lived in the region all of my life, farmed in the region nearly all of my life, living next door to drains and in the shade of pine trees, I have observed a great deal of the interactions, particularly the experiences that I have observed after the Ash Wednesday bushfires when all of those pine trees in the immediate vicinity of where I lived were destroyed, and stopped using water out of the landscape.

It is quite apparent to me, as all the studies show, that deep-rooted perennial plants use more water. In the landscape in the immediate vicinity and across my farm, the watertable rose dramatically a few years after the death of all those pine trees and then I saw it gradually recede during the period when they were replanted and starting to grow. There are no arguments about the fact that these trees alter the water balance but whether that it is significant or not, that is the argument. During that period when they were not taking water out of the landscape, my farm (and I have said this many times) virtually turned into a duck pond. A lot of it became almost un-farmable because it was so wet.

The other point I want to lead to is the impact of drains. I have a drainage board drain, a drain which was dug under the drainage system running within 200 metres of my home right through the middle of my farm, and out and into a bigger drain, and then into a bigger drain, and eventually the water ends up in the sea. When I was a boy in the sixties and seventies, the drains used to flood and the landscape was still quite wet and it was rare to see the major drains empty of water.

In the last 20 years, it is rare to see the drains full of water. Not only have we had dry seasons—which I think is part of the issue here—but those dry seasons, and the years before, after we had finished the drainage system and completed the drainage network, have dried out the soil profile probably up to a metre, and a couple of metres in places. I think we have denuded the landscape of billions and billions of litres of water so when we get rainfall, we have to wet all of that up before we get penetration into the groundwater system. So, not only have the drains removed the surface water and denied it the opportunity of percolating through the soil into the groundwater system, but they have also dried out the surface layers, and that means we need a lot more rainfall before that process of replenishment of the groundwater system even begins.

Again, the water allocation planning process, particularly this piece of legislation, ignores all of that. It totally ignores all of that and would have us as a parliament give the minister the power to heavily impose upon the forestry industry for no good reason. I say that because I believe at least one of the answers to the perceived problems that we have in the South-East is managing the water flows in our drainage system—something that has not been done at this stage, and it should be done, and it should have been done many years ago, and hopefully we will get to that position fairly soon.

I go back to the document that I was quoting from earlier, the South-East Water Science Review, and move onto the Specific Effects of Forestry on the Water Balance of the South-East. That is the chapter I am talking on. I want to quote from chapter 1.5.9 (Zhang and others, 2007), which states:

> Other major papers (including the Zhang et al 2007 paper) confirm that plantation forestry is an increasingly important land use in Australia where industry and state and Australian governments have all committed to establish new plantations across large areas of the land currently used for agriculture. The Plantations 2020 Vision, launched by the Australian government in 1997, has a strategy to enhance regional wealth creation and international competitiveness through a sustainable increase in Australia's plantation resources based on a notional target of trebling the area of commercial tree crops by 2020. There are sound environmental and economic arguments in support of plantation development, but in this report the potential hydrological consequences are outlined and should be recognised and understood when planning such ventures.

I quoted that because, again, the process that we have been through over all these years of debate in the South-East has ignored all that. We have failed to recognise the importance of the forestry sector not just to the local economy, not just to jobs, not just to the livelihoods of the people who live in the South-East, but for all those other benefits. I talked about the fact earlier that we have over $2 billion a year deficit in forest product in this nation as opposed to the fact that we struggle to sell a lot of our horticultural and agricultural product which is grown by irrigation; and I repeat the words that I said earlier: it is a no-brainer.

That is even before we start talking about carbon sequestration, which, I believe, in the not too distant future will become quite an important factor, and we are failing to understand that. Further in the same document I quote recommendations from another report, Polglaze and Benyon 2009. Recommendation four states:

> ...investigate and apply methods to assess the net benefits and impacts of plantations on economic, environmental and social values.

It goes on to say:

> ...social, economic and other environmental impacts of plantations in catchments should be accounted for when developing. These impacts should be quantifiable and presentable in terms of benefit cost analysis, although the externalities that have no market value should also be considered, including biodiversity enhancement. Other land uses and their net impacts should also be considered for comparison. Such a balance sheet would help place plantations into a whole-of-catchment context and ascribe an overall value for land use per unit volume of water used.

I have yet to see a document produced by the government of South Australia which does any of that. I have yet to see an agency of this government, or any government in South Australia, do a proper study of the environmental, social and economic value of our forestry sector, and, again, this is one of the failures. We are being driven to give the minister powers here to impose greatly upon the forestry sector without having done the work.

There have been volumes and volumes of work done to try to define the impacts that the plantation forests in the South-East have on water recharge to the watertable. One might be excused for believing that there was an agenda, because every piece of work that has been commissioned by government is about that issue. There has been no work commissioned by government that I am aware of, and I will stand to be corrected. If it is out there, it has not been publicised very well because I try to keep an eye on these things.

I do not believe that work has been done by this government to actually appraise us of the importance of the forestry sector, particularly in comparisons between converting land use from broadacre pastoral use—the grazing of animals—to afforestation. We had the 2020 vision of the Australian government back in 1997 which said that we should be trebling the amount of forest estate in this country. I think that was a great piece of foresight. That is before we even started talking about carbon sequestration. That was in recognition of the deficit that this nation suffers because we do not have large forests.

I think that also started to recognise the point I made earlier that, in certain states—and most of the other states, apart from this one—the forestry industry is going to be forced out of native forests and into plantation forests. In that aspect we were already ahead of the game here in South Australia but it seems that nobody cares that we are willing to throw that away because of a small number of vested interests—and I am talking about a small number.

The industries which are seeking to be protected and seeking to shift some of the costs of any reduction in water allocation to the forestry sector are relatively small. Even in the context of the South-East they are relatively small. Individually, they pale into insignificance when you put them beside the forestry industry, yet we seem for a long time to have ignored the forestry sector and sought to benefit these other sectors.

I have another interesting quote, and I only came across this in the last day or so and have not done any research to get a greater understanding of it. One of the conclusions in the same document says:

> There needs to be a more thorough examination of the evaporation and evapotranspiration processes across the South-East. In particular, a review of existing pan evaporation data and feedback to the Bureau of Meteorology on the associated anomalies needs to be undertaken. The high quality data station for evaporation shows a decline in evaporation over the period of record—

and suggests that this is a curiosity. As I said, I have not done any research into that but I was a bit disturbed when I read that. It suggests to me that there has been a decline in evaporation across the South-East region.

That suggests to me that we have less evaporation in those drier months of the year; it suggests to me that we have significantly fewer perennial plants growing in the landscape than we had previously. I cannot, for the life of me, understand how else or why evaporation would reduce in the region. That is something that I certainly need to apprise myself of better and I apologise to the house for not having done that, but I think it is something that is worth bringing to the attention of the house. There is strong evidence that in the wheat belt of Western Australia declining rainfalls have been associated with land clearing, and I would hate to think that we would fall into the same trap here in South Australia by wanting to change the landscape and unwittingly change the weather patterns in the region.

The last remark I want to make from this document, again, I think is in the conclusions. This is the comment I want to read:

> It is essential that the South Australian government ensures that a policy framework for water resources of forests does not become a de facto set of rules.

I like that comment, because I think that is the dangerous place that we are heading. I think we have been led somewhat to defining a set of rules. I said earlier that I am afraid there are people who have been driving this agenda because they want to be able to establish a bona fide position to argue a case elsewhere and it is nothing to do with the South-East.

I have had that opinion for a long time now and I have yet to see evidence to dissuade me from that opinion. I do think, unfortunately, that a fair bit of that is behind this piece of legislation. I do think that there is an agenda within government. I do not blame the minister for this because he is probably totally unaware of a lot of the background to this because it has been going on for a long time and he has not had this particular portfolio for all that long, so I do not blame him.

The Hon. P. Caica interjecting:

Mr WILLIAMS: Yes; but I am quite convinced that there is another agenda and I do have problems with the input that a small group of people in the region have had.

I said at the outset that the opposition will be seeking to move this to a review of the NRM committee when it gets to the other place, so I am not going to take too much of the house's time in the committee stage, in fact I am quite happy to move directly to the third reading debate. I do not know whether all of my colleagues are of the same opinion, but I am quite happy to because I am not seeking any further information about the intricacies of the bill at this junction.

I do want to put on the record a couple of things which I think should happen. Personally, I think this piece of legislation should be thrown out. I do not think that a minister should come to the parliament and say, 'Here's the set of powers I want you to give me. I don't know what I want to do with them, but I want you to give me a range of options and then I will make up my mind.' I do not think that is the way we should be producing legislation.

Ministers should come to the parliament and say, 'This is what I want to do. I need these powers to do that. If you give me these powers this is what I intend to do.' I think that is the way we should be producing legislation. I have my suspicions that the minister and his agency have already made up their minds. It concerns me, if that is the case, that they have not been upfront enough to tell us, and I spoke about that earlier.

I talked about the NRM board and the water allocation plan and the fact that it has gone on and has been overdue for years, year after year after year. I think this parliament should send a very strong message, not just to this NRM board but to the NRM boards across the state, that we are not going to be dictated to by them, that they are charged under the existing legislation to carry out a function and that is what they should be doing.

It is an affront to this parliament that this NRM board—and I will not go over all of the discussion about who might be to blame for this—is five years late in delivering a water allocation plan because the water allocation plan that it is trying to get through is outside the current law. I think it would be a great pity, just on that ground, if this parliament acceded to that NRM board's wishes, if for no other reason than I do not think that is the way it should be working.

We should say to the NRM board, 'Produce your water allocation plan as per the law as it stands now and as it has stood for the last 10 years and as you have been charged to operate

under and also introduce the volumetric conversion and do it now. Do it now under the current law as you were charged with doing and stop trying to ask the parliament to give the minister powers to enable him to retrospectively put this additional burden onto the forestry industry.' I think those two things should happen before we even consider passing this bill; that is, introduce volumetric conversion through the introduction of a legal water allocation plan.

I think that one of the things the water allocation plan for the South-East should have done years ago was express water allocations as a percentage of the permissible annual volume or of the sustainable yield for the management area, rather than as a volume of water. That way, as conditions change, if we have a series of dry years, they are only allowed a certain percentage of it. We have seen this being activated in the Murray-Darling Basin in recent years where irrigators, notwithstanding they have a certain allocation, are only allowed a certain percentage.

It is very simply managed if every water allocation is expressed as a percentage of a cake of a certain size, in the knowledge that the size of the cake might vary on a regular basis—every two, three, five, eight, 10 years. It would overcome a significant number of the perceived problems. It would also change the mindset of irrigators in the South-East, in so much as, at the moment, I think they all have an expectation that they will get a water licence expressed as a volumetric licence and they have a God-given right to that volume of water, come what may.

This is one of the problems that we encountered during the recent drought in this state on the River Murray—not that they had an expectation which they should not have had and which they should not have enjoyed, but through that expectation that we had very secure water in South Australia in the River Murray, the vast majority of our irrigation water in the River Murray was being used for permanent plantings. When we were forced to reduced allocations, that put a huge stress on the irrigation sectors in the South Australian part of the system.

Something like 85 per cent of the irrigation water in the River Murray was used for permanent plantings. It gave us very little flexibility when we were only allowing irrigators to use 20, 30 and 18 per cent of their allocation. They were forced to the wall. They were forced to go and buy temporary water. They were forced to allow their crops to die.

The Hon. P. Caica: We helped them too.

Mr WILLIAMS: Yes, I know. I am just making the point that, if we allow the mindset to develop that this volume of water that we are going to give in the volumetric conversion is a God-given right and should never vary, we will found ourselves facing the same problem sometime in the future.

I know I have taken a fair bit of the house's time. As I started off, this is a subject which I am passionate about. It is a subject which brought me to be a member of this place in the first instance. I have witnessed some very silly things being done in the South-East over water allocation and I witness some very silly things continuing to be done.

I think it would be a very silly thing for us to pass this piece of legislation, giving the minister a variety of options, without forcing the minister to say to us exactly what he wants to do. That in itself is enough reason for the parliament to say, 'Sorry, minister. Go back and complete your work and come back with exactly what powers you want by expressing to us what you want to do with those powers.'

I will conclude my remarks and repeat that the opposition will be seeking to have this matter referred to the Natural Resources Committee of the parliament in the other place. Hopefully, that committee will get to the bottom of some of the matters that I have raised here today, and particularly take on board the serious concerns of the forestry sector in this state and, hopefully, get some sort of understanding of some of the agendas that are happening in the background. I will conclude my remarks there.

Mr PEDERICK (Hammond) (16:44): I too rise to speak to the Natural Resources Management (Commercial Forests) Amendment Bill 2010. In my opening remarks, I would like to say that water, in whatever form, brings a lot of passion to a debate. I certainly appreciate the passionate debate from the deputy leader, the member for MacKillop, and his knowledge of water and the reasoning that it got him into this place. Certainly, he lives in the region where this bill, if passed, will have the most effect on forestry.

According to the minister, the policy framework stipulates that the use of water by commercial plantations should be managed by applying either a forest permit system or a water licensing system through the Natural Resources Management Act. The bill seeks to expand the

current forest water permit system and also introduce the forest water licensing and trading system, introduce water allocation plans relevant to forestry activity, and define the allocation of water relevant to forestry activity.

This policy has come forward under several environment ministers during the Rann government, and, from an off-line conversation with the current minister, I think it has probably been about five years in the making. Minister Hill gave assurances to the forestry sector in a ministerial statement on the topic of managing the expansion of forestry's use of the South-East's water resources. The expansion has not materialised, and industry therefore believes that proposals to license continue to be unnecessary. I quote:

> Provision has been made for approximately 59,000 hectares of total expansion to be permitted before any need to secure water allocations to offset the impact of further forest expansion. The provision allows for an increase in the current estate of 135,000 hectares by approximately 45 per cent. By its own assessment, this provides the forest industry with significant certainty regarding its opportunities to expand for approximately 10 to 15 years.

On 18 June 2009 minister Weatherill introduced amendments to the NRM act that would license forestry as a water user, and on this side of the house we agreed that the bill should be referred to the parliament's Natural Resources Committee. On 1 December 2009 minister Weatherill moved that the bill be discharged after he agreed with our position to refer the bill. The minister formally asked the Natural Resources Committee to inquire into it, but this was subsequently withdrawn and its investigation never took place.

In early 2010 minister Caica, the present minister, set up an interagency reference group which was established to work on the Lower Limestone Coast Water Allocation Plan, which included PIRSA, the Department of Treasury and Finance, the Department for Water, the Department of Environment and Natural Resources, and the South-East Natural Resources Management Board. The group also established a reference group to consult with key stakeholders. The forestry industry states that both the bill and the water allocation plan were not provided to the reference group beforehand.

This bill was introduced into the House of Assembly on 24 November 2010 and is largely the same as the 2009 bill, although I note there are several amendments. The bill is an expression of a statewide policy framework, 'Managing the water resource impacts of plantation forests', which was adopted by the government in 2009. The licensing system operates within a water allocation plan and it is intended to integrate with the current system of licensing water, thereby facilitating trade between licensed water users and the forestry industry.

The government's 'carrots', so to speak, in favour of the bill are to streamline the current forest permit system, taking it from the Development Act 1993 to the NRM act and, so it says, increase benefits to licence holders as they will be able to trade their licences. However, at issue is that South Australia, if this bill were enacted, would regulate the commercial forestry sector through water licensing. Obviously there are concerns with being the 'first mover', such as investors moving interests interstate because they will not have to confront the same regulations.

I want to make the point that, if this bill were introduced as the River Murray Act, which was introduced in several other states at the same time and which is a national act, perhaps there may have been more consensus on this side of the house. However, being the first mover may deter investors from investing in the forestry plantation in this state.

We also need to be aware, as people in the forestry industry are, of the plantations in Victoria that are ForestrySA plantations, so we would actually have two different rules and regulations for forestry under the government's ownership. That will add another level of bureaucracy if this bill is enacted.

Forestry industry players such as the National Association of Forest Industries, the Australian Plantation Products and Paper Industry Council, Australian Forest Growers and Gunns Timber oppose the bill. They support the referral to the Natural Resources Committee as an opportunity to put their point of view and to expose flaws in the Department for Water advice.

As well as having not been properly consulted, their concerns include: it is inconsistent with minister Hill's 2004 statement; there are no exemptions in the bill for small-scale farm forestry; it ignores the positive benefits of forestry on salinity and water quality; and it is inequitable to regulate forests when not including similar land uses which are also water-affecting activities (for example, lucerne).

I note the deputy leader's comments about other perceived water-affecting users such as lucerne. It could involve even dryland pasture plants, whether it is phalaris or some other grasses that are involved here. I am certainly well aware of irrigators in the South-East who feel that, if forestry is regulated under the water allocation plan, perhaps they will not take the potential hit in their change of water allocation from a hectare to a measurement basis (i.e. hectare to volumetric). They perceive that if they can have forestry in the game, so to speak, they will not get such a hit.

As the deputy leader rightly mentioned, forestry is not in the mix as we speak. The government has spent five years developing a water allocation plan for the South-East, and these things are supposed to be on five-year cycles. It seems to be a continuum of work for the bureaucrats to get through this process and you are already running into the next stage of water allocation planning in this state.

In relation to general sustainable water use by forestry activity, the National Association of Forestry Industries makes reference to the CSIRO's technical comments on the guide to the Murray-Darling Basin Authority's proposed basin plan as supporting its views. NAFI believes the CSIRO's submission highlights:

1. That to remove intercepting activities may be impractical and/or undesirable due to the negative consequences resulting from catchment clearing (e.g. erosion and salinity) and the artificial inflation of the water budget. For instance, forestry provides a range of ecosystem services essential to the maintenance of catchment integrity.

2. Current interception 'does not produce a conflict between current diversions and the environment because it is implicitly included in the water availability calculations of the current plans, and it is using water in the landscape that was there under natural conditions anyway. It is only future interception in a fully-allocated region that is of concern. The National Water Initiative is precise about this.' Importantly, they disagree that the Lower Limestone Coast Water Allocation Planning area is overallocated. In any case, there are no plans to increase plantation areas.

3. That it is more sensible to fully accept interception as a fixed use, much as basic rights uses are accepted, and to consider diversions not interception when balancing uses with environmental need. Should further regulation of all water uses become necessary if a catchment becomes fully—or over—allocated 'all new interceptions should be within SDLs and included in water plans, consistent with the NWI'. The NWI is quite specific on the need for no retrospectivity.

As I indicated before, the South Australian Farmers Federation, the Coonawarra vignerons (who I met with recently), the South Australian dairy farmers and the local potato growers support forests being included in the natural resources management regime. They are very keen to have it included in the draft South-East Natural Resources Management Board Water Allocation Plan. Essentially, some of these players assume that forestry will be included.

As Mitch said, people are making assumptions about legislation that has not been enacted, if it will ever be enacted. We will certainly seek to have this recommended to the Natural Resources Committee, but I also have concerns with the proposed forward sale. In addition to having those concerns about the proposed forward sale of three rotations of forestry, or 111 years of the future of the South-East, who will own the water? It is understood that it is about $300 million worth of water we are talking about here. Will it be the government that will basically own the stumps of the trees or the forest plantation—

Mr Whetstone: They will keep the credits.

Mr PEDERICK: Yes, that's it. They will probably keep any carbon credits—or will it be an investor? The most likely investor for a purchase of the forward sale of forestry—and I hope this fool idea just goes away, that the government suddenly realises the folly of destroying a region—would be someone like a Chinese investment group or perhaps an American superannuation fund. Although, the way their economy is going, I am not sure who is going to have the money in America.

Mr Whetstone: Malaysia.

Mr PEDERICK: As the member for Chaffey indicated, it could be other money from South-East Asia, from Malaysia. People have certainly been placing a high interest in the forestry estate. We have seen the recent sale of Gunns down there at a heavily discounted rate of about 40 or 50 per cent below valuation. One of the concerns I have is in part 5A—Commercial forestry, division 1—Preliminary, 169A—Interpretation. In this part, what concerns me is who is going to have control of the water. I think it gives the minister a fair bit of flexibility. This part provides:

(1) In this part—

> *forest manager*, in relation to a commercial forest, means the person who has effective control of the forest vegetation that makes up the forest, either as the owner or occupier of the land on which the vegetation is growing or as owner of the forest vegetation under a forest property (vegetation) agreement under the *Forest Property Act 2000*.

I think that gives the minister an each way bet, and he may be able to explain that when we get to the committee stage of the bill. I am not a lawyer, but my interpretation of that subsection is that the minister could deem that either the government will be in charge of the water or the new owner of the forest, if the proposed sale of rotations goes ahead. I think we need to be perfectly clear in this place on who is likely to own any water licence under this bill, because I think it has real ramifications for whoever takes on the venture, and certainly for future governments. If this does go ahead for 111 years, that is a lot of future governments whichever way you look at it in this place.

As I indicated before, it would be much more sensible if we saw all states involved in this as one, so that one state was not playing the lead role and putting an imposition in place for the forestry industry, with the others sitting back—which essentially they are—to see what happens as far as investment in our state goes.

The member for MacKillop, the deputy leader, talked about the drainage system in the South-East, and there is comment that only 6 per cent of the natural wetlands are left in the South-East, but land was cleared over the last 120 to 150 years or longer for agricultural purposes. In the past 50 or 60 years I note the work of the McCourt family at Woakwine Cutting where the McCourts and workmen cut through with a—I am not sure, was it a D6 or a D7?

Mr Pegler: D6.

Mr PEDERICK: D6—thank you, member for Mount Gambier—with a scoop on the back. To be frank, it was a hell of an engineering job, operating this equipment 24 hours a day to help drain thousands of acres near Beachport.

These drains, thousands of kilometres of them in the South-East, have drained the surface water so that it could open up agricultural opportunity and it has been a boon for the South-East. I have seen the impact of the dry years as the member for MacKillop was indicating. I used to shear sheep at a property at Callendale near Lucindale, but you would not shear any sheep there now, sadly; she is covered in blue gums. I visited the old shed the other day and I was very disappointed to see roofing iron missing and the board looking like it was going to rot away. Such is life I guess. The property is covered wall to wall, and if it was not blue gum—it was very close to it—it was pine plantations.

The point I am trying to make is that we seem to almost be at odds. In one sense the land has been drained so that agriculture can operate; yet now we have people involved in the agriculture sector and the government wanting to bring in forestry, which has been in action down there, certainly with softwoods—pine—for at least 120 years. I have heard all the arguments from both sides about how much water forestry uses and some sectors say it is not just rainfall-intercepting activity, it does draw the watertable down, and to a certain extent it does, but there are always recoveries in a place like the South-East. As I said, they have suffered their dry years and have not had some of the recovery that they could have, but they have had a wetter period and there is a lot of water that flows out to sea and flows away in the drains.

I think it would be pertinent to have this legislation referred to the Natural Resources Committee. It has been five years. What is another little while to make sure we get it right not only now for the state of South Australia but for future generations? It concerns me that alongside this legislation, we have the proposed forward sale of forestry which, I believe, will tear our community apart.

Mr VENNING (Schubert) (17:04): I rise to speak on this bill, and I want to commend, first, the member for MacKillop, because the very fact that he is in this house is because of this very issue. I also note that the member for Mount Gambier will have a fair bit to say on this matter as well. Can I say that the member for MacKillop has had many a battle on this issue, and I pay huge credit to him because many of us did not understand this issue, particularly when there is a huge change of principle like licensing the water for trees, because you wonder where such a principle is going to finish.

He had many a battle in our party room with another friend of mine—former minister Brindal. There was many a battle (which I will long remember) in our party that went on about this particular issue. Can I say that this issue has been well aired within our party room and opinions are well founded. I do not always agree with the member for MacKillop, but on this one I do,

because he has convinced me by his personal commitment and the fact that he even got here in the first place.

This was one of the issues. Particularly water licences generally in the South-East was a very difficult issue back then, and to knock off a good Liberal member—in fact, a previous Liberal leader—was no mean feat, and this issue was prominent with respect to that. I stand here and support the shadow minister in relation to this issue.

This bill seeks to expand the current forest waters permit system and also introduce a forest water licensing training system. It seeks to introduce water allocation plans relevant to forestry activity and define the allocation of water relevant to the forest industry. As I said, this has been quite a controversial change of basic principle, and credit, as I said, to the member for MacKillop. This policy has been operating under several environment ministers during the Rann Labor government.

I just question: if you keep taking it to the nth degree where this principle finishes, because what about lucerne pastures? We know that these have deep taproots. They take a lot of water out of the aquifer. So, really, should lucerne pastures, particularly some variety of lucerne (lucerne trees, even) be exempt from this? Anyway, if we keep going, should cereal croppers be required to have a water licence, because we do also pull water, particularly when you are growing faba beans.

We do grow faba beans on our property. They have a huge, long taproot, which pierces the watertable. It pierces the hard surface underneath, the soil pan that was put there by bad farming for many years. Of course, faba beans reach right down and also get into the watertable. If this principle is applied here, where does it go? These are the debates that we have had in our party room for many, many years.

Minister Hill gave assurances to the forestry sector in a ministerial statement on the topic of managing the expansion of forestry's use of the South-East's water resources. The expansion has not materialised and therefore the industry believes that proposals to licence continue to be unnecessary, as the shadow minister has just said, and I would agree with him.

Minister Weatherill on 18 June 2009 introduced amendments to the NRM act which would license forestry as a water user. Then, of course, minister Caica, a good friend of mine—

The Hon. P. Caica interjecting:

Mr VENNING: And it is not an easy issue, because you inherited this. I am interested to hear from the member for Mount Gambier. Have you spoken yet?

Mr Pederick: He is not speaking.

Mr VENNING: So, he is not going to speak. Anyway, I am interested to know what your position is, because I can remember discussions with your predecessor on this matter, Mr McEwen. There was certainly some heat in the discussion, because no-one exactly agrees with the principle. But, it is a difficult issue. Under minister Caica in early 2010 an interagency reference group was established to work on the Lower Limestone Coast WAP, including PIRSA, DTF, DfW, DENR and, of course, the South-East Natural Resources Management Board.

The group also established a reference group to consult with key stakeholders. The forestry industry states that both the bill and the WAP were not provided to the reference group beforehand. You would question that.

The bill then was introduced to the House of Assembly on 24 November 2010 and is largely the same as the 2009 bill. I can understand that the member for Mount Gambier will probably go along this line, but all the plantations have now been planted and they do use water—they do. I can understand that, but I would be interested to hear what his point of view will be. This is an issue that is uniquely South-East.

Previously, there was plenty of water down there. Of course, I have a bit of history with it because my uncle, who is still alive, was one of the first guys who went down there in the early 1950s working for the water works (E&WS) and he did the planning for all the original drains, particularly those just north of Millicent. He lived in Millicent for many years and he was the surveyor in charge of drains. His name is Evan Tylor, and he still lives there and still talks about these drains.

They were marvellous things but now, of course, they can be a little bit controversial. They made all this land that was basically unproductive into vastly productive land. In fact, we used to call the South-East the breadbasket of South Australia because it became hugely productive land with the pastures and the adding of fertiliser. Certainly, it has been a credit to the South-East people.

I want to finally say in relation to the forests, and as an allied issue, that I cannot believe that the government would sell off the asset, that is, the forests in the South-East. This is yet another example of government not caring about a rural community, particularly when the local economy is so dependent on these forests for future income. You really are selling off a birthright. I am a horse trader, and always have been, and the people who buy these will be buying an absolute bargain and will harvest them over the years and make a fortune out of them and play the market. I believe that market should remain with the government, the local saw mills and the local communities down there. It is an asset that will reach far into the future for many years and, if they are sold now, it is an asset gone forever, and it really will gut those rural communities.

I think the government is showing a certain arrogance towards regional South Australia. Again, it is all about the government paying the bills of today and stuff tomorrow. I would use the phrase 'bugger tomorrow' but that is not parliamentary—but I have said it anyway. It goes onto a long list of negatives for country South Australia by this Rann Labor government. Whether or not it is intentional, that is what is going to happen. It is an easy pick for them. They sell of an asset because there are no votes for them down there and they do not really care. What about the general community? This will affect all South Australians in the long-term but, certainly, the people in the South-East in the short term. I believe the government has abandoned our country people.

I do not blame minister Caica for this, because he was minister for primary industry at the time. He did not sack the advisory board, but the current minister has, after 125 years. I cannot believe this. Today we had a briefing on bioagronomics and we were talking about all the technology that is coming out. That is fabulous, but we do need to have people giving independent advice because all this technology is extremely expensive. We have the best facilities for bioeconomics in the world but the money in it is commercial money. What sort of advice do you think the farmers are going to get? It is going to be commercial advice. We need the department there giving us independent advice, because it is going to be very difficult to make the decisions for the future in relation to guaranteeing food security for Australia.

If we do this right, I reckon there is a hugely optimistic future for us. It has to be managed carefully and we have got to fund it. It is not the time for SARDI, our key research body through the agronomic centre at the Waite Institute, to be stripped of further resources, and that is what has been happening. It is not right. It is the wrong message and the wrong direction. I do not want to see R&D cut even further, because that is what has been happening.

I thank you, Madam Speaker, for organising today's briefing. It was hugely interesting and I think every MP ought to get a copy of the handouts because the information was quite spellbinding. Our position in the world in relation to this subject is pretty good, and it is great to have a positive after so many negatives.

As a final comment, I want to say that we know we have EISs (environmental impact statements) on all these matters in relation to the environment: why can we not have, in relation to the sale of the forests, a CIS (which I label a community impact statement), because certainly it is going to strip the community?

Finally, I commend the member for MacKillop, the Deputy Leader of the Opposition, on a long-term policy relating to this issue. He has fought hard. It has been tough, but the people of the South-East have supported him. You would remember that he came here as an Independent and it was my job to talk to him, this maverick who came in here and knocked off my leader and friend. Now here he is, deputy leader of the Liberal Party and still fighting the fight for the people of the South-East. All I can say is well done to him and I hope he is successful in making sure that the people of the South-East always have a strong voice.

I will be extremely interested to hear what the member for Mount Gambier has to say on this issue because I am not a font of all knowledge and I do not represent the area, but I certainly listen to those who live there and those who have lived there. So, with those few words I commend the member for MacKillop and I would support him in saying that if this bill never got up I would not be upset.

Debate adjourned on motion of Mrs Geraghty.

DEVELOPMENT (BUILDING RULES CONSENT—DISABILITY ACCESS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 April 2011.)

Mr GRIFFITHS (Goyder) (17:16): I indicate that I will be the lead speaker for the opposition on this bill, and quite possibly the only speaker, so we should not take very long. I indicate from the start that the opposition supports the bill but waits with some expectation for when the regulations come out, and we will see what happens there. I also put on the record my thanks to the Hon. David Ridgway, who is the shadow minister responsible for this area, and his preparation of some notes which I can use.

I note that the bill was introduced by the minister on 6 April 2011. I had actually expected it to be debated some weeks ago. It appeared sometimes and then dropped off and now it is back, so we will eventually get there. The minister has introduced this legislation as a mechanism to align the Development Act and regulations with the commonwealth Disability Discrimination Act in ensuring greater and dignified access to buildings for people with a disability and also to provide greater certainty to the building industry, particularly where an application is seeking to upgrade or extend an existing building.

The framework for development assessment and for building rules and standards in South Australia is provided, as we would all appreciate, by the Development Act. The main technical document which is called up under the act and the regulations is the Building Code of Australia. The Building Code of Australia is the national technical document which sets the standards for building work.

Since the commonwealth Disability Discrimination Act was initiated in 1993, there have been some inconsistencies between it and the national law (the code). The incongruities between anti-discrimination law and building law have made it untenable for developers and property owners in situations where building works, carried out in compliance with building law, have ended in complaints to the Human Rights Commission. This has often meant extra work for builders, costs for clients and general difficulty within the industry.

In 2000, the commonwealth Disability Discrimination Act was amended so that it could allow for a set of standards, being the Premises Standards, relating to building access. Since then, discussions have been taking place on a federal level, mainly with the Australian Building Codes Board, to negotiate a set of technical requirements which would form the basis of those Premises Standards.

The standards, in the form of the commonwealth Disability (Access to Premises) Standards, were passed by the commonwealth parliament last year and will take effect on 1 May of this year. So, they are in place now and they are to be reviewed, I am advised, in five years' time.

The standards set out administrative provisions and an access code detailing technical building requirements. That code will be mirrored in the Building Code of Australia, which is maintained by a national board under intergovernmental agreement. The standards will apply to public buildings, i.e. new buildings, as well as upgrades or extensions to existing buildings requiring building approval.

The Premises Standards must now be reflected in the development regulations, under a head power within the act. The regulations will be picking up the exemptions and concessions for existing buildings out of that document, most notably, I am advised by the shadow minister, 4.1, 4.3, 4.4 and 4.5.

There are two main aspects of this bill. They should be considered in the context that section 53A of the Development Act already describes situations in which an application for the building rules consent would require a building upgrade as a condition of approval. Section 53A is divided into two subsections. The first deals with cases where an existing building is deemed to be unsound from a structural perspective, while the second deals with an existing building deemed to be inadequate from a disability access perspective. New buildings are not subject to this legislative change as they will already be covered by the Building Code of Australia.

The bill defines the affected part of a building, of which building work is to be carried out. The affected part is 'the principal pedestrian entrance of the building' and 'any part of the building that is necessary to provide a continuous accessible path of travel from the entrance to the location of the building work.' Therefore, the Premises Standards and, therefore, the Building Code, would

thereupon apply to the new building, a new part of an existing building or, indeed, the affected part of an existing building.

The bill also makes a number of technical amendments. Firstly, it removes the prescribed date of construction, before which a building may be subject to section 53A, if deemed to be structurally unsound. It defers that date to the new regulations. Again, I enforce the point that the opposition waits with great expectation on the regulations when they come out in a draft form, after the bill has been approved by both houses.

As mentioned, it may also be required that prescribed alterations to a building impose the requirement to upgrade inadequate access and facilities. This clause would amend the section so that the affected part, rather than simply the facilities, may need to be upgraded if noncompliant with the Building Code.

Further, where there is currently a restriction on that subsection only applying to buildings constructed before 1 January 1980, that restriction is removed and the application of the section is fully dependable on alterations of a class prescribed by the regulations. The clause also provides that, by regulation, there may be circumstances where such an additional work is not required.

The Premises Standards contain a general exemption, the same as is found under the Disability Discrimination Act, for situations involving an unjustifiable hardship. The Premises Standards spell out much more clearly however, what factors would need to be considered by a court if someone was defending the decision to not comply with the Premises Standards.

In essence, this bill simply provides a head power, where all requirements to upgrade buildings in certain cases will be referred to regulations which reflect the Premises Standards and, therefore, the commonwealth Disability Discrimination Act and, indeed, the Building Code of Australia.

I again confirm that the regulations are yet to be finalised or seen by the opposition and the shadow minister was advised that no consultation was conducted on the bill, prior to its introduction on 6 April. The opposition has attempted to consult with organisations; those being the Property Council, the Housing Institute, the Master Builders Association, Julia Farr, Minda and Novita.

At the time of this report being prepared by the shadow minister, we had received a response from the Property Council, which has been informed by the department that it will be consulted on the regulations, and I have no doubt that the minister will ensure that consultation occurs quite widely. Mr Nathan Paine from the Property Council has commented that not all of the properties are financially viable for upgrading to today's accessibility standards and that is where, no doubt, the hardship exemption may be considered. However, the department asserts that the unjustifiable hardship provisions of the Premises Standards will be reflected in the regulations.

The Property Council is also concerned about the removal of the 1 January 1980 date and argues that a building of six months of age may, indeed, be subject to the same requirements. Now, the shadow minister conferred with parliamentary counsel on this matter and he has been advised that this circumstance could happen, however, he believes it appropriate to see the regulations and what building classifications may be subject to required upgrades.

We also envisage that the Housing Institute will be relatively unconcerned by the changes, given that it does not apply to private residences. As far as disability advocates are concerned, the bill only strengthens the disability access requirements which, we all in this chamber acknowledge, is a good thing.

Therefore, I confirm that the opposition supports the bill, notes that it has been some time before it has had a chance to be debated in the chamber and expects it to also go through in the other place, no doubt, with a strong contribution from the Hon. Kelly Vincent, who will make comments on this, I would expect.

Indeed, from an access point of view, it is an appropriate piece of legislation but, as with many things these days, it appears as though much of the structural change is going to occur by regulation. So, the opposition confirms that it will express a final opinion and reserve its right to deal with the regulations as it chooses, depending upon what the regulations actually say. So, with those few brief words I confirm that the opposition supports the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (17:25): I thank the member for Goyder for his positive contribution,

as well as the Hon. David Ridgway who, as the member for Goyder mentioned, has also been involved in the formulation of the opposition's view on this matter and who has clearly decided to support the measure. Overall, I thank the opposition for this constructive approach in relation to this piece of legislation.

The member for Goyder's remarks about the importance of regulations being done well is a point well made, and I can indicate that I would be quite happy to have discussions with the member for Goyder or, indeed, the Hon. David Ridgway, in relation to any particular concerns they may eventually have in respect of the regulations that will ultimately be put before the parliament. With those few words, I think we can probably move on. I gather from what the honourable member has said that we will not have to bother about going into committee.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (17:27): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADJOURNMENT DEBATE

MINING DEVELOPMENT, YORKE PENINSULA

Mr GRIFFITHS (Goyder) (17:27): I wish to refer to the announcement made today by the Minister for Mineral Resources Development about Rex Minerals. I confirm to the house that this project has been known to me for some time, and it would be fair to say that there is somewhat of a mixed reaction from the people of the Yorke Peninsula to it. There is strong relief within the communities that there is an opportunity to diversify the economy of the region which, as I am sure all in this chamber would respect, is very strongly based around agriculture and tourism opportunities, as well as growing aquaculture opportunities.

Rex Minerals has been in the area probably for close to four years. It has been exploring this site and has spent a considerable sum of money. It is my understanding that its intention is to spend in the range of $80 million this calendar year and in 2012 actually proving that the deposit is there. The minister confirmed today that there is 1.5 million tonnes of copper, 1.4 million ounces of gold, and a very strong magnetite deposit on the site as well.

In meeting with some of the farmers, I take very seriously their very strong desire to preserve traditional agriculture. There are adjoining property owners who have fought against any opportunity for Rex Minerals to access their sites to undertake drilling, and I respect their position on this. I have met with them many times and spoken with them many times, and taken their concerns to Rex Minerals, but the overwhelming feeling I get from the community is that people are excited by the chances that Rex Minerals brings to the area.

There is a lot of work to be done between now and then, when they eventually may have the opportunity to start production, but it is exciting for the region because of the associated infrastructure that will come into the area to support this industry, and the opportunities that will create. My briefing late yesterday afternoon from Mr Steve Olsen, Managing Director of Rex Minerals, as a final update before the company went to the Stock Exchange with its announcement today, talks about a significant upgrade to the electricity capacity in that local area, again, at the cost of many millions of dollars.

Significantly, they talk about a really big investment in water infrastructure for the region. For many years, it is water that the region has been calling for to give the opportunity for our communities to grow to their maximum potential. Rex Minerals understands that, and has a strong desire to use water probably equivalent to what the whole region uses per year, in the range of two gigalitres.

Rex Minerals will contribute significant dollars—and I mean significant dollars—to SA Water projects to actually build a trunk main that could potentially supply something like five gigalitres to Yorke Peninsula. That will create tremendous spin-offs for every community around it, so while there is strong recognition by me and people who talk to me about the need to preserve traditional agriculture, there is also excitement about the opportunity that mining will present to diversify the economy.

I am advised by Rex Minerals that the scope of the development is potentially some 13 square kilometres, which represents 0.3 per cent of the agriculturally productive land on the Yorke Peninsula. While I come from a farming background on my mother's side, and within my family on my wife's side, I recognise that what might be seen as a loss from agriculture (the estimate is in the range of up to a million dollars in agricultural production) will be well and truly compensated if this project gets a guernsey and the mining activity takes place.

Rex Minerals talks about, potentially, an investment in the range of $600 million to get to a construction phase. It has told me that, potentially, a thousand people will be needed to work on-site to build the infrastructure that will be required for the initial processing and extraction, with full-time jobs after that (for at least the minimum of 12 years of the life of the mine) for around 650 people.

While I will always try to represent the needs of agriculture in the Goyder electorate, my job is also to talk with people who want to diversify economies. It will be a difficult balance. I respect the comments from the Minister for Mineral Resources Development today about the excitement that he feels for a mine potentially being located in the area. I know that many people in the community who have been concerned about the economic future of their towns see this as an opportunity for their town to have a strong future.

As a member of parliament whose job it is to support communities in any way possible, I see it as my responsibility to try to put both sides of the argument and to make objective assessments about what the community needs to move forward. In this case I think there has to be an opportunity for this mining development to be reviewed strongly—no doubt about that—and for every environmental requirement to be put in place to preserve the uniqueness that Yorke Peninsula represents but also to ensure that we have a chance to diversify our economy. I just wanted to put that on the record.

I want to take a brief moment to reflect upon Mr Rod Gregory. He is South Australia's sole entrant on *Australia's Got Talent*, and he is called the 'Old Fella'. He is actually a neighbour of mine, down my street in Maitland, and he and his wife Toni built a new house about a year ago. He is a rather unique character and he has only just come to comedy routines in the last couple of years. He has performed around the nation and in a lot of the Adelaide Festival stuff, too—but he has also had a strong commitment to the community for a long time.

He was involved with the hospital board at Maitland for some 27 years. This bloke has a unique nature. In his routine he calls his wife 'Mary'; her real name is Toni. Some of the jokes seem to have a bit of a sexual reference to them, if I can reflect that—he talks about Viagra tablets a bit too often, and that sort of thing.

Mr Pederick: As long as you don't need them!

Mr GRIFFITHS: Exactly. He is a great bloke. I am proud to have him as a neighbour. I spent New Year's Eve with him at his new house when the neighbours all got together. I wish him good luck and I hope that all South Australians decide to vote over the next week on *Australia's Got Talent* for the 'Old Fella', because it would be fantastic for our state for a local man to win.

PILGRIM LUTHERAN CHURCH, MAGILL

Mr GARDNER (Morialta) (17:34): It gives me great pleasure in this adjournment debate this afternoon to recognise the 40th anniversary of the Pilgrim Lutheran Church in Magill, which was celebrated the weekend before last. As a member of the local area, if not the exact location of the church, I enjoyed the opportunity to speak after the service, not least because it is the church of which I am happy to be a member of the congregation.

It was a special occasion. The President of the Lutheran Church of Australia, Mike Semmler, delivered a roaring sermon that challenged all of those present to greater service. There were over 200 people present to celebrate the 40th birthday, which is a slightly larger congregation than usual, and all present certainly enjoyed that. We also had the President of the Lutheran Church of Australia South Australia/Northern Territory, Pastor David Altus there. The congregation's pastor, Peter Faggotter, and the chairman of the congregation, Garry Wedding, are to be congratulated not only for organising a fantastic day but also, more importantly, for the work that the church does—as do other churches and other community, volunteer and service groups—in our community.

I was pleased to read out a letter from the member for Hartley to the congregation, in which she talked about some of the work they do in the broader community, and I was pleased to expand

on that in my comments. In particular, they do work with bread runs for local families who are struggling, Meals on Wheels, the Magill kindergarten across the street, the Nosh and Natter outreach that they do with the community, and other local community work.

They also do broader work across Australia through support for the Alice Springs town ministry. Recently, the congregation received a request from the Traralgon congregation in Victoria, which has a significant Sudanese community that needed help with transport, so the Pilgrim Lutheran Church in Magill was able to donate the money to buy a bus for that Sudanese community. Internationally, they particularly support young children in Cambodia who have so little. I certainly appreciate the work that all of the members of the congregation of the Pilgrim Lutheran Church do and, on the occasion of their 40th anniversary, I am pleased to make that recognition in this house.

RIVERLAND LEVEE BANKS

Mr WHETSTONE (Chaffey) (17:37): I too would like to participate in an adjournment grieve this afternoon, just to fill up a little bit more time. I would like to talk about the levee banks that are positioned around Renmark and Lyrup in the Riverland. Those levee banks were built for a very good reason back in 1956 to deal with the floods that inundated particularly Renmark and Lyrup in the region.

Many of you here might not know that Renmark is located on a river flood plain and is in actual fact an island. Renmark is surrounded by the River Murray on one side and the Bookmark Creek on the other side. So, whenever we have significant flows or high river events, Renmark is surrounded by water. We have bridges on either side, on the Sturt Highway and the Ral Ral highway, that allows people to move in and out of Renmark in particular.

I think the questions are: who is the owner of the levee banks and who is responsible for the maintenance and upkeep of those levee banks if we do have another flood event or a particularly high river again? I would like to reflect on what happened with the flood events in Queensland and New South Wales. In particular, if we look at what happened with the flood events in Japan, they did have seven-metre-high levee banks, particularly concrete in most of the regions that were affected by the tsunamis, because that is a fairly regularly occurrence over there.

If we look at what Renmark and Lyrup are about to experience, we have seen a high river event this year. All the Murray-Darling Basin catchments are wet. All the tributary rivers, creeks and wetlands are full. If we were to have another significant rain event like we have had this year, there is no doubt that we would experience particular flood events coming down into South Australia. To realise that that is a real possibility, we only need to look at the levee banks that surround both Renmark and Lyrup and they are in need of maintenance. They are in need of significant money being spent on them to bring them up to date to prevent Renmark going under water.

What is the cost to the town; what is the cost to the economy; what is the cost to the state government? We look at the significant cost to the federal government and the state government not only monetary-wise but also the mental health issues that people had to endure going through those floods. Some of those communities went under water not just once or twice, but up to three times.

We need to look at who has the responsibility for these levee banks in the Riverland. It is reported that it would cost about $4 million to have the levee banks upgraded and maintained. It has been a topic of discussion between councils, local government, the state government and, in some cases, the federal government as to who is going to pay for the maintenance and who is going to keep these levee banks maintained. To date, the state government is saying, 'It is not our responsibility'. At the meeting next week with the minister, the mayor and the CEOs of Renmark/Paringa, I think we need to negotiate a fair and equitable outcome so that we can have those levee banks repaired and maintained so that we can deal with the real potential of a flood coming into this state next year.

The science is saying that we are looking at above average rainfall and, with the basin at capacity, the only bit of room to wriggle is the Dartmouth Dam, which is at about nearly 60 per cent capacity. Hume is full; Medindee Lakes are full; the river is full; and the wetlands—all the environmental assets that we have along the river system—are full. The ground is wet so any rain that we get at the moment is running into the river, and running down the river and out to sea. That is a great event and something that we need to see happen, but we need to have provisions in place to safeguard the communities and the towns. It would cost huge amounts of money to fix if we were to experience a flood event.

Some of these levee banks have flat tops on them now so, when it rains, the water sits on top of them. Initially, when they were built, there was a mound on top so that the water hit the levee bank and ran away. We have rabbit holes and we have damage caused by vehicles driving along the tops of the levee banks over these years. Just remembering that these levee banks were built in 1956 to combat a very high river event or a flood event to keep both Renmark and Lyrup dry. Over the years, we have also looked at the degradation that these levee banks have suffered. It is only a matter of time—nothing lasts forever. It is all about keeping things maintained—just like a vehicle, a house, or perhaps a government.

I hope that we have a fruitful discussion with the minister next week, and with the mayors and CEOs from those respective local government areas, and that we can get an outcome and that we will strike a balance and have the levee banks fixed and maintained, because the $4 million repair tag is a full year's rates that come into Renmark, Paringa and Lyrup. Here is hoping that we get a significant rain event next year with very little damage. I think we were let off the hook this year with major flood events on the eastern seaboard—the northern part of the catchment, the northern part of the basin.

We never really got the flood event that normally happens into South Australia. We see the water coming down the Darling and down the Murray, and, when it meets at the junction, that is when we have trouble. This year we saw some water coming down the Darling, then we would have a couple of weeks' break and then it would come down the Murray. We were very, very fortunate not to have that flood event happen this year, but, mark my words, when it does happen, we will see it come in monumental proportion.

Yes, we all pray for rain. None of us prays for flood, but that is just something that we have to deal with at the time. Again, it needs to be recognised that levee banks are there, that they do need to be maintained, and that it must be a shared cost and not dealt with on a local government-only basis.

Mrs Geraghty: For goodness sake! Member for Hammond, do you have to?

MURRAY RIVER

Mr PEDERICK (Hammond) (17:46): I acknowledge the encouragement from the Government Whip. I would just like to take the last couple of minutes to capitalise on the excellent contribution by the member for Chaffey about the impact of water flowing down the river. What a great recovery the River Murray had last year with the confluence of water coming from both the northern Murray-Darling Basin and the southern Murray-Darling Basin.

Something happened that some people did not think they would see for another eight years, and it took very few months for it all to happen and to get water levels back up in the lower end of the river. The problems that we have had are the long and delayed time lines in getting rid of the Narrung bund. I believe that has finally disappeared—or at least, as the locals say, you cannot see it anymore. There is still a lot of silt under the water.

The Clayton bund will slowly be removed, and I hope that it will be removed by December this year because the Goolwa Regatta Yacht Club wants to run its Goolwa-Milang regatta in January, around the Australia Day long weekend, and a week of events are proposed. At this stage the Department for Water people are advising that it will be done. Let us hope they get on with it for this area has suffered without having this event for the last five years, and it will be part of the rejuvenation of the area for that community. We also need this government to get on board and remove the Currency Creek bund so that the whole lakes system can come back to reality.

At 17:47 the house adjourned until Thursday 28 July 2011 at 10:30.