HOUSE OF ASSEMBLY

Wednesday 19 October 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. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (11:02): I move:

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

Motion carried.

NATURAL RESOURCES COMMITTEE: LITTLE PENGUINS

The Hon. S.W. KEY (Ashford) (11:04): I move:

That the 59th report of the committee, entitled Little Penguins: A*way with the fairies*, be noted.

This report is a report of the committee's investigations into little penguins in South Australia. The committee's interest in little penguins began in December 2010, when committee member the Hon. Robert Brokenshire MLC raised the issue in response to a request from Mr John Ayliffe, Manager of the Kangaroo Island Penguin Centre in Kingscote.

This report is not the result of a formal inquiry, rather, the committee has taken evidence from Mr Ayliffe and a number of others interested in penguins, as well as seeking advice from the Department of Environment and Natural Resources and the Kangaroo Island NRM board. A number of individuals with relevant expertise were contacted and a preliminary literature review taken. This report is a summary of the evidence gathered.

There are approximately 80 colonies of little or fairy penguins in South Australia. Most colonies are small but there are also larger ones, such as at Pearson Island (60 kilometres south-west of Elliston in the state's west) with 12,000 birds. Most of the colonies are genetically isolated, which means that they have not been in contact with each other for 100 years, or more. Kingscote and Penneshaw colonies on Kangaroo Island are genetically isolated meaning that, if either became extinct, they would be unlikely to be replaced by birds migrating from the other one.

Overall, I am pleased to say that little penguins are not considered endangered in either South Australia or nationally. While the species overall may not be under threat, members were still concerned to hear of the recent rapid decline of penguin numbers on Granite Island at Victor Harbor, 80 kilometres south of Adelaide. Members were shocked to hear that little penguin numbers on Granite Island have declined from 1,548 in 2001 to 146 birds in 2010, with just 102 left in 2011.

There are circumstances on nearby West Island where numbers dropped to around 2,000 in early 2000-01, with fewer than 50 individuals in 2010. The most likely cause of this decline is believed to be increased predation by New Zealand fur seals, which are enjoying a population boom after the cessation of commercial sealing last century. Predation by dogs, cats, rats and fluctuating fish stocks may also be factors.

While New Zealand fur seals are clearly implicated in the declining penguin numbers, it appears that different mechanisms may be at work, and the overall picture remains unclear. For example, little penguin numbers have declined on the islands that do not have seal colonies or are not known as haul-out locations for seals. In other locations, large penguin colonies are thriving in close proximity to large seal colonies. This suggests that there is much more need for research (as is recommended in the report) in order to ensure an appropriate response.

Recently, members may have heard reports that New Zealand fur seals have been spotted in the Upper Spencer Gulf, near Port Lowly, which is the world-renowned spawning site for the giant cuttlefish. Madam Speaker, as I am sure you would be aware, these unique cephalopods are under pressure on a number of different fronts, and so many additional pressures, such as those poised by rapidly expanding bands of marauding fur seals, are particularly ill-timed.

Returning to penguins, Mr Ayliffe was particularly concerned that Kingscote's little penguin colony may suffer the same fate as Granite Island, and drew the attention of members to the small number of young male 'bachelor' seals targeting the penguins. The position of the Department of

Environment and Natural Resources was that the Kingscote colony appeared stable for the time being. We should know whether this is correct soon as the annual Kangaroo Island penguin census—expanded this year to four locations on the island—has just begun.

Unfortunately, the colony at Penneshaw was reported to be in terminal decline, with numbers collapsing from 200 birds three years previously to fewer than half a dozen, according to Simone Summerfield who runs the Penneshaw Penguin Centre. Mr Ayliffe put to the committee that, within three to five years, there will be no commercially-exploited penguin colonies in South Australia unless there is some management of the seals. Mr Ayliffe's fears were that the local extinction of penguins would impact on both Kangaroo Island's ecological diversity and also the local economy due to the loss of tourist ventures at Penneshaw and Kingscote.

In contrast, the Department of Environment and Natural Resources described the decline of the penguin colonies used as tourism assets as tourism rather than an NRM issue. The department's position put to our committee was that the numbers of penguins had become artificially inflated in recent decades in response to the reduced numbers of seals, and that they were now seeing the declining penguin numbers return to the status quo.

It was also hypothesised that little penguins on Kangaroo Island may be modifying their colonising behaviour by scattering along the southern coastline at lower densities unattractive to seals, and also choosing to inhabit places distant from the New Zealand fur seal colonies. If correct, such mechanisms might hopefully ensure the survival of the species in South Australia, even if some colonies do become extinct.

The problem with the department's assertion that penguin numbers will stabilise once fur seals have returned to pre-European levels is that there is an absence of accurate pre-sealing population estimates, and DENR cannot predict what the status quo that we are supposedly heading for might look like, or when it will happen.

One recent estimate suggests 57,000 New Zealand fur seals exist Australia-wide. Historical records indicate that 100,000 and 300,000 seal skins were taken by sealers off Kangaroo Island between 1803 and the 1960s, although the unregulated nature of the industry, especially in the early days, means that these numbers may significantly under-report the number of animals killed.

Regardless of the exact figures, it is important to recognise that the current 10 to 15 per cent per annum seal population increase could continue for another 10 to 15 years. Such a massive increase in seal numbers would even stimulate cause for the resumption of commercial seal harvesting in years to come—a proposal likely to generate significant public discussion, to say the very least.

Anyway, I return to Mr Ayliffe from Kingscote. Mr Ayliffe proposed to our committee a small and strictly controlled trial targeting the individual seals identified as impacting on penguin tourist assets. Suggestions involve bleach marking and tagging 'problem' seals to better keep track of them and harassing seals away from penguin colonies used for tourism using non-lethal deterrents. Relocating 'problem' seals away from penguins was suggested as a last resort.

In response, the department (and much of the published literature) countered that attempts to manage seals in other jurisdictions have proven to be 'fairly ineffectual, incredibly resource hungry and expensive to deliver'. The department suggested, instead, that the best course of action was to undertake a community education program to tell people that the process of penguin decline was a natural one. While penguin decline may be a natural phenomenon, members of our committee argue that Mr Ayliffe's suggestion should at least be properly considered by the department.

Members of our committee will be keeping a close eye on the little penguin population, and we urge the Department of Environment and Natural Resources and the NRM boards to work cooperatively with interested individuals such as Mr Ayliffe to try to ensure that shorter term impacts on penguin tourism are given due consideration as well as the longer term survival of little penguins in South Australia.

Mr VAN HOLST PELLEKAAN (Stuart) (11:13): I will be fairly brief. Our chair has ably outlined the report and the views of the committee. It is important to point out that this is a report rather than an inquiry and that does have different implications. Nonetheless, I thank the staff and the people who provided evidence, because to come to Parliament House and provide evidence,

on their part, is equally the same amount of work and I think that should be recognised; and certainly the staff have put time and effort into this.

It is also important that I point out that, being the member for Stuart, I am not an expert on little penguins, but I have learnt a lot through the work of the committee just recently. One of the most important issues to point out is that there is a wide range of possible reasons why the little penguins might be suffering. There may well be dogs, cats, humans, pollution, climate change potentially, changing or reducing food sources or rats—a whole range of reasons why these animals are actually classified as vulnerable. What is important is to try to find out what is really going on.

One of the things that is highlighted in our committee's report is that the natural distribution of the New Zealand fur seals and the little penguins is almost the same around the southern coastline of Australia. I do not think that is just because the seals are chasing the penguins; there are other reasons for that. It is also not surprising, if they are living in the same waters and sharing the same beaches and habitat, that there is going to be strife for the penguins and not the seals.

With regard to the recommendations that our committee has put forward, they are quite clear, and our chair has already mentioned them. I would like to focus on recommendation No. 2, which can be summarised by asking DENR to consider a scientifically robust trial targeting problem predators. The problem predators may not just be the seals; they may well be the seals, but trying to find out exactly what the issue is is important.

The other issue, aside from whether it is actually the seals that are the key predators, is the recommendation in relation to 'individual problem predators'. I have a view, as an individual member of parliament, that if the issue is that problem seals are causing difficulty for specific little penguin colonies—not only for the penguins but also for tourism, business and other flow-on benefits that come from these penguins—the problem predators or problem seals need to be dealt with one way or another.

If it really is as simple as seals versus penguins, I am not sure that there is much that parliament, DENR, the government or anybody else can or should do about it. The seals are not an invasive pest. People have not put them onto boats, brought them here and dropped them off. They did not come with the First Fleet. They have not come more recently. They have not hitched rides inadvertently. The seals are as natural as the penguins in the waters of southern Australia, so to my mind, trying to identify whether there are individual problem predators will be the most important work we recommend that DENR does.

The SPEAKER: I am sure I have seen penguins at Marree—Marree penguins—but I had been driving for a long time at the time!

An honourable member: How big were they?

The SPEAKER: Only little ones.

Mr PENGILLY (Finniss) (11:17): It is with a good deal of interest that I have followed the progress of this particular matter, as two of the main areas that were looked at by the member for Ashford's committee were Granite Island and Kingscote. I point out that I have the utmost respect for the operator of the Granite Island penguin visitor operation; however, that respect does not extend to Kangaroo Island, and I will come to that shortly.

I have had close and ongoing discussions with the representative of DENR over this, and I believe that DENR is on the right track. One of the things that we have done, because the penguin numbers were up, the seal numbers were down and they have risen to where they are now, is that we have created visitor attractions at Kingscote, Penneshaw, Granite Island and other places particularly for the visiting public and travellers to go and look at the penguin experience. That has been terrific, but we are actually putting in place a visitor attraction which, to all intents and purposes, is only there as long as nature allows us to have it.

The seal numbers have grown exponentially; there is no question about that. The New Zealand fur seal is an aggressive animal—an extremely aggressive animal. They eat penguins, along with other things, and there is no question about that either. It is also interesting (and I will just talk about the Kingscote area) that the seals have been lounging around on the beach in front of the Ozone Hotel. That has become a new visitor experience for the international travellers particularly, and they really enjoy it.

The Hon. K.O. Foley: Watching the seals eat penguins?

Mr PENGILLY: No, Kevin—watching the seals on the beach, not eating the penguins. They would have to go swimming to see the seals eat the penguins. They have become an attraction in their own right but, as local fishermen have told me in the last couple of weeks, the seals have disappeared, to all intents and purposes, from Kingscote and other parts because, as the warmer weather comes, the seals look for colder waters, and they have headed off to other areas to lounge around and feed.

I am not for one moment suggesting that the seals are not eating the penguins. They are part of the diet of seals and, as their numbers grow, eventually, they are going to eat themselves out of house and home and either die off or move elsewhere. As with the koala debate about a decade ago, when we looked at the possibility of reducing koala numbers through a shooting program, that was not undertaken. What was put into place was a sterilisation program.

I think there needs to be a bit of work done on that, and that is something that the committee, under the chairmanship of the member for Ashford, may choose to do. I seriously question the vast amounts of money still going into sterilising koalas when 100,000 hectares of the island were burnt out in 2007, including large amounts of koala habitat. No-one has thought about that. So, I think that is something the committee could look at.

Also, the member for Ashford mentioned the census on penguins. I am reliably informed that the census this year actually showed that there has been a preliminary analysis that penguin numbers have gone down. However, I am also reliably informed that the number of volunteers who turned up to count the penguins was much lower, so there was far less effort put into the penguin census this year because the volunteers were simply not there.

I would desperately love to see the penguins return to all places. I know that there is a very distraught operator at Penneshaw, and I know that the Granite Island experience is nowhere near what it was for visitors. One day it may all turn around and come back.

In relation to the Kingscote experience and John Ayliffe, Mr Ayliffe has a track record that goes back many years. He is probably the most devious and manipulative person I know, and I do not for one moment trust anything he says. I trust implicitly Mr Graham Trethewey, who went to the committee with Mr Ayliffe.

I will put on the record that, recently, the Tourism Kangaroo Island AGM was being held at the Ozone Hotel in Kingscote. People who were sitting drinking coffee, or whatever, at the hotel looked out into the bay and saw a group of seals 100 metres or so from the front of the hotel and, to their horror, saw Mr Ayliffe come out in his dinghy, with an outboard motor on it, with a dog on board, and harass the seals in front of everybody.

That is the sort of credibility Mr Ayliffe has. He really made a brilliant move, because he was seen by everybody, and I think he was paid a visit by DENR the next day. So, you cannot take at face value anything Mr Ayliffe says. I do not seek to go on any further about that, but I would be very careful in my dealings with him.

On occasion over the last decade, I have taken legal action against Mr Ayliffe, and others have, too. The second time legal action was nearly taken against him was in the lead-up to the election in 2006, when he was distributing material which was blatantly defamatory to myself. The Christies Beach CIB was prepared to act, but they were asked not to because it was only going to further infuriate the situation.

Only in the last two years I once again consulted a QC, and Mr Ayliffe received further legal representation from my lawyers. I do not trust Mr Ayliffe—I am sorry—and I wish the committee all the best as it goes about its work. I know that the committee had its best foot forward, but a few things needed to be put on the record. However, I hope the penguin experience improves for visitors who want to see them. They are terrific to visit.

The Hon. K.O. Foley interjecting:

Mr PENGILLY: You can come after you retire, Kevin. Come over and I will take you on a night tour. With those comments, I support the committee, but just be very careful about how you go about it.

Mr PEGLER (Mount Gambier) (11:23): First of all, I would like to commend the Natural Resources Committee and the chair, the member for Ashford, on this report. In the South-East, we have for many years been trying to protect our penguins by baiting and poisoning foxes and cats

and encouraging people not to go to their nesting sites, and this has proved very beneficial for the penguins.

As far as the seals and penguins are concerned, they are both naturally occurring, and I believe that it is just the balance of nature finding its own equilibrium. We might end up with a few more white pointers, which will put the seals back in order and everything will be right.

On a recent visit to South Africa, I had a look at what they had done with the seals over there. I went to a town called Simon's Town in the north-western part of False Bay, which is right at the tip of South Africa. They had had problems with seals and they took the approach that it was better to recruit more penguins by fencing off their nesting areas and providing nesting boxes.

They also put in boardwalks so that people could see the penguins without interfering with them. Because of that recruitment program and the penguins only being preyed on by the seals and not by land-based animals and man, the equilibrium is returning.

As far as relocating the seals, in one area of South Africa they captured and relocated 60-odd seals that were preying on the penguins, but of course the ones that were the most devious at catching penguins were the ones that were the hardest to catch and it made no difference whatsoever.

So, I think that what we must do is ensure that the area where the penguins nest is protected. We can do that and perhaps use the experience over there where they are charging people to go onto those boardwalks so that it is being funded by the people themselves. It is a program that has worked exceptionally well.

As far as I am concerned, it is just the balances of nature occurring, and we must make sure that the nesting sites are the ones that are protected.

The Hon. K.O. FOLEY (Port Adelaide—Minister for Defence Industries, Minister for Police, Minister for Emergency Services, Minister for Motor Sport, Minister Assisting the Premier with the Olympic Dam Expansion Project) (11:26): I feel compelled to speak on this topic. I do not want to be critical of my colleague the member for Ashford and her hard work and that of her committee, but it is not just the penguins on Kangaroo Island that are under threat. Has anyone gone down to Granite Island recently?

Members interjecting:

The Hon. K.O. FOLEY: Did you cover Granite Island in your work?

Members interjecting:

The Hon. K.O. FOLEY: Oh, you did, right. I was down there recently and there are no penguins. As I count down my days in this place the quality and subject matters of debate are, to say the least, interesting. The suggestion that a bunch of politicians could come up with a strategy to save fairy penguins I find interesting—amusing.

The Hon. S.W. Key: We failed.

The Hon. K.O. FOLEY: You failed.

Members interjecting:

The Hon. K.O. FOLEY: It probably would help. As a cabinet minister I was in a cabinet meeting where we discussed with the Chief Scientist—for your ears only, a cabinet secret—the koala bear problem on Kangaroo Island. The advisers were adamant that we had to have a culling of koala bears, which would be somewhat problematic for our tourism industry. It would receive plenty of coverage in America and Europe, but for all the wrong reasons.

Mrs Geraghty: And Japan.

The Hon. K.O. FOLEY: And Japan. But I think there needs to be some lateral thinking. If somehow we could have the seals show interest in the koala bear then we could solve two problems. I am just saying that sometimes we need to think laterally to resolve problems. Having contributed to this debate, I am happy for it to be closed.

Ms CHAPMAN (Bragg) (11:29): I thank the member for Ashford for her report and the work of the committee on this important issue. That, together with the question of abundant native species, is an issue which this state and this parliament, I think, has to deal with. The penguins'

current plight, for those that are left in the state that have not already been on the dinner plate of seals, I think is a serious indicator of the problem.

We have had major problems with corellas in the metropolitan area, which certain agencies, including the Natural Resource Management Board, have ignored. When I say 'metropolitan area', I mean on the Adelaide Plains and Mount Lofty areas. This is the way they have dealt with it, unlike some more effective ways on Kangaroo Island: they have stripped the trees in Strathalbyn and the NRM Board say it is a noise problem, so the local council have to fix it up. We have seen responsibility shifting on these issues for a long time.

I welcome the report on the penguins and their plight for survival that has been prepared by this committee. I read with interest the case studies that were examined in an attempt to manage this issue in South Africa or around the precincts there. I had the opportunity to have a look at some of the background of those in the short time we have had to consider this report. What I would say to the committee is that I consider that the findings of those examinations that they have taken into account are flawed, not only in the lack of data over a time period but also the samples that they used.

One finding of those investigations or reviews of the programs in South Africa was one that suggested that there had been an abandonment of the program to cull and manage seals because the seals had learned to identify the boat that would come along that housed the people that were going to deal with them. In other words, they had some learned behaviour that the people on the boats were going to kill them and therefore they moved out of the district.

I say to the parliament that, when the committee looks at these sorts of things, the validity and basis upon which they rely on these reports does need some scrutiny. If we are going to make recommendations based on material that is unreliable then that only continues to perpetuate the disadvantage that we are all at in coming to some resolution of this matter and others like it.

I repeat the concern I have, and that is that somewhere, at some time, somebody has to take responsibility for how we are going to deal with abundant native species. We have to remember that it is not always a circumstance that is a problem over a prolonged period. Sometimes they are intermittent. Sometimes they respond to drought, heavy rainfall periods, geographical changes or changes to the availability of food sources to some species, etc.

Another example might be the advent of presenting a piece of major road infrastructure through an area where kangaroos might hop and cause damage to motor vehicles, as deer do in the northern part of America. However, somebody, some time has to deal with it.

I was disappointed to read in this report that further research needs to be done and that it will be considered again at some other later date. The situation is with us now. It needs to be dealt with. It is not just a question of whether there are small areas of koala infestation that are stripping trees on a part of Kangaroo Island. It is not just an issue of whether corellas are causing damage to crops and to native fauna. It is not just an issue of whether the seals are harvesting through the poor little penguins after they have eaten all the fish.

These sorts of things have lots of implications, including to the current government's consideration of marine parks. Once the penguins are gone—there are not many left, and there is concern about whether the seals are eating them—are they then going to eat the fish? Are the fishermen going to be blamed for that? How are marine parks going to protect the fish or other water users—obviously not penguins because they will all be eaten.

In raising my concern about the failure of anybody to actually deal with these issues, let me conclude with the fact that the cuttlefish in the Upper Spencer Gulf have also come on the agenda, and they have been referred to in the report. I think most members would appreciate that the cuttlefish in the breeding grounds around Port Lowly in the northern Spencer Gulf have not picked up the paper and said, 'Oh, goodness! BHP are going to put a desalination plant here so we might just move home.'

A legitimate explanation may be that there appears to have been recently an identification of a reduction of cuttlefish. Let me alert the house to what local fishermen say. Local fishermen have already seen seals in significant populations in areas which they have not previously inhabited in the Spencer Gulf up towards the Point Lowly area. I say to the house: if you want some serious response, if you want some decent information about what is going on out there, ask the people who actually live and work in these regions. Ask the fishermen.

One who has had experience for over 30 years in the fishing industry, including along this stretch, has said to me, 'I have identified that there are a number of seals there, Vickie, and BHP needn't be worried about whether their desal plant is going to cause a salinity problem that is going to kill the cuttlefish because the seals are already out there eating them.' This is a new source of food for the seals which, of course, we have heard are in very significant number, and they are growing.

It is not just a question of whether or not you cull. In the interests of protecting human beings who swim at beaches and undertake recreational activity, and in the interests of promoting tourism, we keep sharks and other predators of seals outside of those waters, so it is obvious when we interfere with the natural order of predators of seals. Of course, we are not in the sealing and whaling industries anymore—for good reason. I am not suggesting that be advocated.

Once you interfere with the natural structure, the pecking order in nature—and in this instance we have ensured that we have programs. We have ships that go out, we have helicopter surveillance, we keep away sharks and others that might be detrimental to our own recreation and tourism activity in this state. Once you do that, there are consequences, and the direct consequence here is that seals are having a great time and they are breeding. They have plenty of fish still, a few penguins are left. They have plenty to be able to develop, and what I am saying is that, if you look at the interference in the natural chain of events, you get some answers about why we have this.

If we are going to maintain an interference at some level of this food chain in the ocean, rather than just proposing marine parks where we draw a line on the sea, let's look at it more seriously. Let's understand why we have an abundance of native species which is causing harm to other natural habitats of the environment, whether they be fauna or flora. Let's not just bury ourselves behind reports that say, 'Let's look at some more research.' Let's have a real understanding here. We have a problem here. It is not just a human inconvenience or about danger or safety; it is to the peril of other native species and it is about time we addressed it and did something about it.

VISITORS

The SPEAKER: Before I call on the member for Ashford, I would like to mention to members that we have a group of students in the gallery from Thebarton Senior College, many of whom are new arrivals to Australia, who are learning English, I believe. Welcome. It is very nice to see you here in our parliament.

NATURAL RESOURCES COMMITTEE: LITTLE PENGUINS

Debate resumed.

The Hon. S.W. KEY (Ashford) (11:39): It is wonderful to see that so many of our members in the chamber are interested in the *Eudyptula minor* issue and their demise. I wish to thank all those who have assisted the committee. There are some 27 references, as members will note, in the report that has been compiled on this issue.

I should say that, noting the member for Bragg's points which I think are very well made, the committee decided this was not going to be a major inquiry that we would be doing. It may be that we are convinced that we should reopen this issue but, as I said in the opening comments, we really were responding to the Hon. Robert Brokenshire's inquiry into the issue.

I would like to thank everybody on our committee. We have had a few changes, but I would particularly like to acknowledge members of the committee: Mr Geoff Brock MP, the Hons Robert Brokenshire MLC and John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP and the Hon. Gerry Kandelaars MLC, as well as former committee members the Hons Russell Wortley MLC and Paul Holloway MLC for their contributions. I would particularly like to acknowledge the contribution of the member for Bragg and also her comments on the cephalopods—the cuttlefish. That was also something that our committee discussed.

I make special mention of the surprise contribution from minister Foley and his address to us. I would just like to reassure him that we tried to have as comprehensive an overview of the plight of the fairy penguins as we could. So, I thank him for that.

The staff have waded through the different information that has been put forward to us, bearing in mind that this was not an official inquiry that the committee took up. I would particularly

like to thank them for their work and their ongoing support of the committee. It is quite extraordinary that they have put the time into making sure that we are reasonably well informed about fairy penguins. On that basis, I commend the report to the house.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT

The Hon. S.W. KEY (Ashford) (11:41): I move:

That the 2010-11 annual report of the committee be noted.

The committee has an important role to play in investigating matters relating to the administration of the state's occupational health, safety and compensation legislation and other legislation in relation to these matters, including the performance of the WorkCover Corporation.

The occupational safety, rehabilitation and compensation committee differs substantially from other committees. While a number of factors are identical to all standing committees of parliament, the key difference with this committee is that the members are not remunerated. Thus, the members' dedication to the work of the committee is noteworthy. Each member has given a significant amount of time to the committee's business and worked well collectively for an important cause.

The committee tends to be issue focused and its level of activity fluctuates, depending on the existence of topical matters. After the 11th report of the committee was tabled in 2007, the committee entered into a time of relative inactivity. During the extensive time when the reforms to the Workers Rehabilitation and Compensation Act were implemented, there was a resulting period of transition and uncertainty.

In early 2010, following the state election, after the appointment of new members to the fifth Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation, the committee's activity significantly increased with the commencement of an inquiry into vocational rehabilitation and return to work.

For the financial year 2010-11, the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation met on seven occasions. The bulk of the committee's work during this time was focused on a single in-depth inquiry into vocational rehabilitation and return to work, which it is currently undergoing. During this time, the committee was also briefed by representatives from SafeWork SA on the national occupational health and safety harmonisation legislation which is, obviously, very relevant to us in this house in this session.

The committee notes that the South Australian return to work rate for injured workers has consistently been lower than the national average for the past 14 years and, in fact, is currently the lowest in the nation, yet the frequency of use and expense of vocational rehabilitation is exceptionally high and on the increase. Such a combination of factors continues to have a negative impact on WorkCover's unfunded liability and the overall performance of the scheme, not to mention the lives of those workers, and their families, who have not returned to work.

Following the reforms in 2008, the state's workers compensation scheme has consistently been in the public spotlight and has suffered criticism. The committee has been advised that there have been a number of independent reviews into workers compensation since the reforms and it is clear that the return to work rate of South Australia's scheme is of concern to all stakeholders. The committee recognises this concern and, through its inquiry, would like to discover the reasons the current scheme is underperforming and identify ways it can be improved. The committee understands that the issue is complex and that there is no single definitive solution to bring about an improvement in the scheme's performance.

The committee has heard evidence from WorkCover, its claims agent Employers Mutual, and other stakeholders, including South Australian unions, who are in the process of developing and initiating several strategies with the aim of addressing the state's low return-to-work rate. Such efforts are commendable and, hopefully, time will show such initiatives to be successful.

May I say that it is not just a matter for WorkCover and the claims agent; it is important for all stakeholders, including employers, employees and rehabilitation service providers to focus on supporting return-to-work efforts. Successfully doing so will inevitably result in a reduction of the unfunded liability of the scheme but, more importantly, will reduce the impact of injury upon the lives of workers. The committee notes WorkCover's aims to improve the return-to-work outcomes.

The corporation's strategic plan includes targets to improve the return-to-work rate by 3 per cent each year in the next five years.

The 12th report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation summarises the work of the committee for the financial year 2010-11, and also provides a summary of committee activity and membership changes since the committee last reported to the house in 2007. I would like to take this opportunity to thank all those who have contributed to the work of the committee, in particular the assistance provided to the committee in undertaking its inquiries. I thank all those organisations and people who took time to make an effort to prepare submissions to the committee and appear before the committee to provide oral evidence. Without the support of all those people the work of the committee is severely limited.

Finally, I extend my sincere thanks to members of the committee: the Hon. John Gazzola MP, the Hon. John Darley MLC, the Hon. Rob Lucas MLC, Mr Ivan Venning MP, and Mrs Lisa Vlahos MP. I would also like to thank the staff who support the committee: Mr Rick Crump, the secretary of the committee, and Ms Mia Ciccarello, the committee's research officer. I commend the report to the house.

Mr PEDERICK (Hammond) (11:47): I rise to support the 12th report of the Committee on Occupational Safety, Rehabilitation and Compensation. I think this is something we all need to address in a very serious way; too many people have lost their lives or have been injured in the workplace. Coming from a farming background I know how important it is to be careful, because farming is one of the most dangerous occupations—up there with mining—that can be taken on, and I am certainly well aware of the dangers within the industry.

I have a good friend up the road who was involved in a power take-off shaft incident, which tore his clothes off. Luckily he survived. Something must have blocked to stop the power take-off shaft that was revving somewhere in the vicinity of a couple of hundred revs, and it got hold of a piece of loose clothing. Thankfully he lived, even though he was injured. He is still making a full recovery but is managing to complete all his duties, although I think it still causes him a bit of grief with his ribs. There have certainly been some horrific accidents along the way. We hear of posthole diggers where people have been scalped; they have managed to be fixed up but, sadly, too many people have been involved in accidents in which they have lost their lives.

I want to bring one item to the attention of the house; I think it is linked to occupational health and safety. A constituent was involved in a major project in this state, and was subcontracting to that project, and he was going to supply a loader. He thought that perhaps the loader he had at his home base was not up to speed, as it has had a couple of oil leaks. He thought that he would do the right thing and hire a new machine. He went to this project with the brand-new machine he had hired, and he was asked, 'What's the service history?' It was a brand-new machine, straight out of the box, straight off the workshop floor and imported from America. He was told, 'No, it's got no service history.' How ridiculous! That is taking things one step too far.

After several days of trying to sort this out, he decided to go back to the hire operator and hire a machine with a few hundred hours on it just so that he could take it to the worksite and give the supervisors the service history of that machine. I think there are issues like that that need to be resolved. You would like to think that common sense would have prevailed in that case of someone turning up with a brand-new machine, with its seat still wrapped in plastic and everything shiny new. That machine was highly appropriate for the job, and you could not fault it—I believe it was a Caterpillar machine—and it would have well and truly done the job.

I am not denying at all that we have to have occupational health and safety standards, but let's have some reality in some of these incidents on worksites so that if people do turn up with a brand-new machine we do not have this ridiculous situation of someone asking for a work and service history and being overly pedantic about the history of that machine. Let's not forget that we do have to be mindful of everyone who works in this state and in this nation: we want to see that loved ones get home to their loved ones.

Mr VENNING (Schubert) (11:51): I was put on this committee against my wisdom, I suppose, because this is not an area in which I naturally have a lot of expertise. I agreed because the Chair, as always, conned me into doing so. Now that I am on the committee, can I firstly congratulate the member for Ashford on being a very good Chair. This is a sensitive issue, and the way in which the committee has been handling it, it has crossed the political divide.

I cannot see us at any time having a real split on a political line because I think the common cause, the common problem, has been of concern to us all. I found being on this

committee particularly interesting, and I have had discussions with other associates and the Chair (and her close associate), and I find the information that comes out amazing. Some of these people also write articles in the paper about what has happened in this area, and I now read these with a lot more interest.

We have come up with some pretty concerning revelations since we have been on this reference. Maybe the member for Ashford knew about the problem, but I certainly did not—well, I knew it was there, but I did not know it was as deep to this extent, particularly our very poor return-to-work ratios, which concern me greatly. When the committee calls in the witnesses, amid all the heaving and shoving that goes on, and the flicking of blame, they all realise there is a problem, but it is always somebody else's problem. As a committee, we had a good look at it in the cold, hard reality of a committee under parliamentary privilege and with a high quality of speakers who were brought in.

With regard to the other committee members, we have been well served with some pretty smart people, because a lot of us have some expertise before we come into this place. However, it is very upsetting and concerning to realise that, even after the parliament changed the so-called WorkCover regime in South Australia to fix up the problem, it is still the worst in Australia, and there are all sorts of excuses as to why that is the case.

I know the government went through a fair bit of angst passing that legislation through this place and earned the ire of the unions, as they are certainly concerned that they do not receive the best service. On the other side, businesses are concerned that they are paying far too much in premiums, so it is a bit of a double loser. When you realise what has been happening here in relation to the service providers who do the work in getting these people back to work, I believe it has basically been a monopoly.

There have not been any checks and balances; it has been a closed shop with jobs for the boys. When other people try to become service providers, they find themselves locked out. There have been no real checks and balances there and it has been very much a closed system. However, I think these service providers—and we will find out and hopefully reveal this—need to be performance tested. When you look at other states (and we have done that) our performance is pretty ordinary alongside theirs. This is a pretty poor area of our whole industrial, manufacturing and tertiary industries and businesses in South Australia.

It is a huge cost to business and a huge disincentive. When someone is trying to keep a business in South Australia, particularly when they are running offices in several states, and they see the WorkCover fees here are far in excess of any other state, it is just another reason why they relocate out of South Australia. We wonder why we are paying such a high level of WorkCover premiums because, as I said, it adds costs.

I think that the industry itself—and that is what it is, an industry—realises that there is a problem here. If this committee has done nothing else, it has revealed to all the stakeholders who have discussed matters with us that what is going on here is not acceptable. The industry has to be contestable, it has to provide service, it has to come under regular scrutiny and it cannot be just looking after an internal business of jobs for the boys.

I commend this report to the parliament. It can sometimes be a chore coming down from the country for these meetings, but I have no problem in doing that because I find it particularly interesting. I commend the chair and other members of the committee because it has been very interesting. This is one committee that I have been on that can actually achieve a fair bit and, in this instance, I certainly think it has.

Mr VAN HOLST PELLEKAAN (Stuart) (11:56): I would like to thank the member for Ashford for tabling this annual report. When people hear about a parliamentary committee into occupational safety, rehabilitation and compensation they typically think of large companies, large employers, and large workplaces. I would like to make a few comments about small employers and often people who are self-employed. I agree with a lot of the comments from the member for Schubert that things can be over-regulated and I believe that responsible self-regulation is generally the way to go.

However, sadly, I am minded of the fact that a constituent of mine near Melrose died eight days ago. He was working for himself on his own farm and was crushed by a tractor against a haystack. Also, Madam Speaker, a constituent of yours near Quorn had a very similar death, I think seven or eight months ago.

While I am certainly not a fan of over-regulation and endless rules, laws, checks and nonstop interference with people's businesses, the work of a committee like this and the importance of a report like this needs to be highlighted and appreciated. People can have very unfortunate accidents at work, whether they work for one of the world's largest companies, like BHP at Roxby Downs, or somewhere else in the world, or they can have an accident at work if they work for themselves and do not employ anybody else on their own property.

Madam Speaker, the fact that we have had, in our two electorates, two very sad deaths in the last several months—and, again, I am not in favour of over-regulation—enforces focus by everybody, whether they are self-employed or they employ thousands of people in this area, which is very important. Knowing the member for Ashford as I do, she would consider every single worker, whether it be a farm worker in country South Australia or a factory worker in the heart of Adelaide, to be equally important. I commend the report.

The Hon. S.W. KEY (Ashford) (11:59): I would like to thank everyone for their contribution. We have not finished our inquiry into return-to-work rates in South Australia and we will certainly be continuing on with that work. I would like to commend members for their input this morning.

Motion carried.

ARKAROOLA PROTECTION BILL

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:00): Obtained leave and introduced a bill for an act to provide for the establishment of the Arkaroola Protection Area, to provide for the proper management of the Arkaroola Protection Area and prohibit mining activities in the Arkaroola Protection Area; to make related amendments to the Development Act 1993, the Natural Resources Management Act 2004 and the Pastoral Land Management and Conservation Act 1989; 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) (12:01): I move:

That this bill be now read a second time.

The Arkaroola area is a significant place for the Adnyamathanha people, whose connections with this place remain strong and vibrant. It is a region defined by towering granite peaks, razorback ridges and deep gorges. Arkaroola also encompasses ancient seabeds which hold fossils that are up to 650 million years old. Geologists have stated that the ancient Arkaroola reef is of tremendous scientific importance and includes a reef framework containing calcified organisms that may represent the remains of the oldest animals on earth. Arkaroola is also home to over 160 species of birds and the rare yellow-footed rock wallaby. It is a unique combination of superlative natural phenomena.

The purpose of this legislation is to protect the cultural, natural and landscape values of Arkaroola in perpetuity. This legislation will establish the Arkaroola Protection Area and provide for the proper management and care of that area. The legislation also specifically prohibits all forms of mining activities within the Arkaroola Protection Area. This unprecedented legislation, in conjunction with the other measures initiated by the government, will result in Arkaroola being protected for all time.

In 2009 a draft policy document, Seeking a balance, generated considerable interest across the community, with nearly 500 submissions being received, the vast majority of which were overwhelmingly in favour of protecting Arkaroola from mining. Having been delivered this unequivocal message from the people of South Australia (and further afield), on 22 February 2011 the government undertook a consultation process on identifying the best conservation management framework for Arkaroola. In doing so, we considered all the available options to preserve the iconic Arkaroola area, including a definitive ban on mining at Arkaroola.

The Minister for Mineral Resources Development and I personally undertook consultation with directly affected parties. This included the Adnyamathanha people, the Arkaroola and Mount Freeling pastoral leaseholders, and all exploration and mining companies with an interest in the area. Following this process and cabinet consideration of the consultation outcomes, the conclusion was that exploration and mining access should be excluded from a defined area of Arkaroola as a first step in protecting its landscape and conservation values and to meet community expectations.

Accordingly, on 22 July 2011 the government announced a series of measures that will permanently protect Arkaroola. The first step, as an interim measure, has been to reserve the land from the operation of the Mining Act 1971 and the Opal Mining Act 1995. His Excellency the Governor in Executive Council made these proclamations on 29 July 2011. The Premier has also recently written to the Prime Minister, the Hon. Julia Gillard MP, signalling the South Australian government's intention to pursue the listing of Arkaroola on Australia's National Heritage List and to seek to have the area inscribed on the World Heritage List. As a precursor to these national and world heritage nominations, the Premier also recently nominated Arkaroola to be assessed for its state heritage significance and the South Australian Heritage Council has since resolved to enter Arkaroola in the South Australian Heritage Register.

The most powerful protection, however, comes from this special-purpose legislation. The Arkaroola Protection Bill 2011 will protect the cultural, natural and landscape values of a defined area to be known as the Arkaroola Protection Area, and will exclude exploration and mining within the area. These measures in combination will give Arkaroola the highest level of protection that can be afforded by the Parliament of South Australia.

An important element in considering this bill is that the Arkaroola Protection Area will meet international and national standards for what is considered a protected area. The International Union for the Conservation of Nature has devised a series of protected area management categories, which are recognised by the Convention on Biological Diversity as a way of categorising the incredible variety of protected area management types around the world. Indeed, not only will it mean they ICUN definition of a protected area but the Arkaroola Protection Area will specifically meet the definition of a category II national park under the ICUN framework.

This bill is therefore unique in enabling us to establish the Arkaroola Protection Area so as to have the same legal status in South Australia as a national park under the National Parks and Wildlife Act 1972, as well as being internationally recognised as a protected area. The bill spatially defines the Arkaroola Protection Area via a deposited plan that will only be capable of amendment by a further act of parliament.

Through its objects, the bill provides for the conservation of features of cultural and natural significance, including the conservation of habitat, ecosystems, biological diversity, geological features and landscapes. The native title rights of the Adnyamathanha people will be fully respected by this legislation, and Aboriginal heritage will continue to be protected. Accordingly, the bill has a specific provision to support the conservation of objects, places or features of cultural value to the Adnyamathanha people. Rather than affecting the determined native title rights of the Adnyamathanha, this legislation supports the continued existence, enjoyment and exercise of those rights.

The bill contains objects to support scientific research and environmental monitoring that is in keeping with the other objects of the bill. It also contains an object to foster public appreciation, understanding and enjoyment of the cultural and natural features of the Arkaroola Protection Area. To ensure the proper management and care of the area, the bill requires that the Minister for Environment and Conservation must develop a management plan for the Arkaroola Protection Area.

The management plan must be consistent with and seek to further the objects of the proposed Arkaroola Protection Act 2011. The management plan will be an expression of policy and does not in itself affect rights or liabilities. It will, however, be a powerful tool in establishing the rules relating to matters such as grazing and incompatible development within the area. Significantly, the bill requires any person or body involved in the administration of any other act to exercise their powers and functions in relation to the Arkaroola Protection Area in a manner that is consistent with and seeks to further the Arkaroola management plan.

The role of the management plan is further strengthened by the requirement for the minister responsible for the administration of the Development Act 1993 to review any development plan relating to the Arkaroola Protection Area to ensure its consistency with the management plan. Preparation of the management plan will commence once this legislation is passed.

In order that the native title rights of the Adnyamathanha people remain unaffected, the management plan must be developed in a manner which is not inconsistent with the continued exercise and enjoyment by the Adnyamathanha people of their determined native title rights and interests. The bill, therefore, requires that the Adnyamathanha people, and all other persons or

bodies holding an interest in the area, be consulted about and involved in developing the management plan.

The bill specifically provides that no mining rights or operations or regulated activities under the Mining Act 1971, the Opal Mining Act 1995, or the Petroleum and Geothermal Energy Act 2006 can be acquired or exercised in relation to land within the Arkaroola Protection Area. The definition of this land is the same as that continued in the Acts Interpretation Act 1915 and will include the subsurface land within the area. This includes both existing and future operations and activities related to exploration or production.

The unique nature of the region justifies the decision to end mining access at Arkaroola, but suggestions that this decision will increase South Australia's sovereign risk are clearly refutable. The government remains unashamedly pro-mining. The decision to ban mining in a small, clearly defined area of the state does not change the overall ground rules for mining access in South Australia, nor does it have any implications beyond Arkaroola; hence the need for special-purpose legislation relating only to Arkaroola.

The intent of the proposed legislation is only to prohibit exploration and mining within the Arkaroola Protection Area. If a tenement boundary crosses into the Arkaroola Protection Area, only that part of the licence within the Arkaroola Protection Area will not be available for exploration and mining. Mining operations or regulated activities under a mining act will remain permissible in the part of the licence not within the Arkaroola Protection Area.

The bill also includes a provision to allow the government to make such regulations as are contemplated by, or necessary or expedient, for the purposes of the proposed legislation. The bill also makes related amendments to the Development Act 1993, so that the planning strategy will be taken to include the objects of the proposed Arkaroola Protection Act 2011, and to establish arrangements for the amendment of the development plan to ensure consistency with the proposed Arkaroola Protection Act 2011; the Natural Resources Management 2004, so that the Regional NRM plan, when adopted or amended, is to be consistent with the management plan for the Arkaroola Protection Area; and the Pastoral Land Management and Conservation Act 1989, so that pastoral leases relating to land in the Arkaroola Protection Area will include conditions requiring the lessee to use that land in accordance with management plan.

The Arkaroola Protection Bill 2011 and the related initiatives provide the framework by which we will protect an iconic part of South Australia for future generations to enjoy and appreciate. I want to pay tribute to my colleagues, but in particular the Premier of South Australia for his push to ensure that this most beautiful place in South Australia, this most beautiful part of what is our planet, is protected for future generations to enjoy in perpetuity. I commend the bill to the house and I seek leave to insert the explanation of clauses without my reading them.

Leave granted.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Objects

This clause sets out the objects of the measure.

5—Administration of Act

The administration of the measure is to be committed to the Minister administering the *National Parks and Wildlife Act 1972*.

6—Interaction with other Acts

Except where the contrary intention is expressed, the measure is in addition to and does not derogate from other Acts.

7—Management plan

This clause provides for the development of a management plan for the Arkaroola Protection Area. Whilst the management plan is an expression of policy and does not, of itself, affect rights or liabilities, the provision

requires persons and bodies involved in the administration of Acts to act consistently with, and to seek to further, the management plan in exercising powers and functions in relation to the Arkaroola Protection Area.

8—Review of Development Plans

This clause requires that the Minister responsible for the administration of the *Development Act 1993* ensure that any Development Plan under that Act that relates to the Arkaroola Protection Area, or a part of the Area, is reviewed within 6 months after publication of the management plan for the purpose of determining whether any amendments should be made to the Development Plans to promote consistency with the management plan.

9—Prohibition of mining operations and regulated activities

This clause provides that after the commencement of this section, rights to undertake mining operations or regulated activities cannot be acquired or exercised pursuant to a mining Act in respect of the Arkaroola Protection Area (despite any other law). The clause also makes express provision to the effect that nothing in the Act affects the rights of an adjacent tenement holder in respect of any land comprised in the tenement that is outside the Arkaroola Protection Area.

10—Regulations

This clause provides for the making of regulations for the purposes of the measure.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This Part is formal.

Part 2—Amendment of *Development Act 1993*

These related amendments would ensure that the objects of the measure are incorporated in the Planning Strategy and make provision in relation to amendment of Development Plans to promote consistency with the management plan.

Part 3—Amendment of *Natural Resources Management Act 2004*

This related amendment requires a regional NRM plan to be consistent (as far as practicable) with the management plan under the measure.

Part 4—Amendment of *Pastoral Land Management and Conservation Act 1989*

This related amendment provides for the inclusion, in relevant pastoral leases, of land management conditions providing for the lessee's obligation to use the land in accordance with the management plan. Under the existing section 22(1a) of the Act, this condition will be taken to be a condition of the existing pastoral leases, but may be varied by the Board if the variation of condition is accepted by the lessee (see section 26 of the Act).

Debate adjourned on motion of Mr Pederick.

VOCATIONAL EDUCATION AND TRAINING (COMMONWEALTH POWERS) BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (12:10): Obtained leave and introduced a bill for an act to adopt the National Vocational Education and Training Regulator Act 2011 of the Commonwealth and the National Vocational Education and Training Regulator (Transitional Provisions) Act 2011 of the Commonwealth, and to refer certain matters relating to the regulation of vocational education and training to the Parliament of the Commonwealth, for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (12:12): I move:

That this bill be now read a second time.

One of our ongoing challenges, for the country and for this state, is ensuring that all Australians, and all students who come here from overseas to study, have access to the best available education and training that will enable them to operate and compete in a globalised world.

A key step to achieving this is by becoming more nationally consistent and rigorous in the way we register, accredit and monitor courses and providers, and the way we enforce performance standards in the vocational, education and training sector (the VET sector).

Earlier this year, the commonwealth parliament passed the National Vocational Education and Training Regulator Act 2011 and the National Vocational Education and Training Regulator (Transitional Provisions) Act 2011. This legislation provides for the establishment of a national regulator (the National VET Regulator) that will drive better quality standards and regulation across the Australian VET sector.

This legislation gives effect to the 2009 Council of Australian Governments (COAG) agreement to create a national VET regulator, responsible for registering training organisations and accrediting courses. The National VET Regulator will also regulate services to overseas students by VET providers under the Education Services for Overseas Students Act 2000 of the commonwealth.

The National VET Regulator will operate under a referral of powers from the states. The legislation before the house is to allow for the transfer of South Australian powers through the adoption of the abovementioned commonwealth acts. I seek leave to have the balance of the second reading speech inserted into *Hansard* without my reading it.

Leave granted.

The 2 non-referring states, Victoria and Western Australian, who were not signatories to the 2009 COAG agreement, will enact mirror legislation to ensure consistent application of the national standards, noting the COAG agreement that all registered training organisations wishing to operate in more than 1 jurisdiction or enrol international students will be registered through the National VET Regulator.

The matters that are being referred to the Commonwealth are limited to those necessary for the effective operation of the national regulator, combined with a further referral which will allow the Commonwealth Parliament to make amendments to the Commonwealth law in consultation with States and Territories.

There will be consequential amendments that will need to be made to the *Training and Skills Development Act 2008* arising from the referral of powers to the Commonwealth. Early in 2012, the *Tertiary Education Quality and Standards Agency Act* of the Commonwealth will also come into effect for the regulation of higher education providers. Once full transition to both regulators has been achieved, consequential amendments to the State's *Training and Skills Commission Act 2008* will be brought forward.

Funding for the National VET Regulator will be provided by the Commonwealth Government for a period of 4 years and it will then operate on a cost recovery model. There will be no budget impact on the general operating costs for the State Government resulting from the transition to the national regulator, as reductions in regulatory fee revenue will be offset by a reduction in expenditure on regulatory activities.

Following enactment of this Bill, State regulation for VET will transition to the National VET Regulator (the Australian Skills Quality Agency (*ASQA*)) toward the end of this year. The Department has been working with ASQA and the providers to ensure a smooth transition.

Establishing the National VET Regulator is one of the most significant reforms to the sector in years. It is an initiative strongly supported by VET practitioners and providers, and by employers, industry skills councils and unions. It will work collaboratively with these stakeholders and other regulators to provide targeted, rigorous and transparent compliance regulation to assure the highest quality of VET delivery for students, industry and community.

As noted in the introduction, ensuring rigorous quality assurance of vocational education and training is critical to increasing the skills and qualifications of individuals which will drive up the productivity of our economy. Moving towards a national regulation system is critical to achieving this outcome. It will maximise the efficacy and efficiency of the VET sector, and provide greater assurances about the quality of our VET providers and the outcomes of that provision, which will benefit training organisations, learners and industry.

This Bill before you is a critical step along this path and I therefore commend it to the members of this House.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation. The clause also disapplies the operation of section 7(5) of the *Acts Interpretation Act 1915* in relation to the measure.

3—Definitions

This clause sets out the definitions of words and phrases used in the measure. See, in particular, the following definitions:

National VET legislation means—

(a) the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth; and

(b) the *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011* of the Commonwealth,

as in force from time to time;

relevant version of the National VET legislation means—

(a) the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth; and

(b) the *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011* of the Commonwealth,

as in force immediately before the commencement of clause 4 of the measure.

4—Adoption of National VET legislation

Clause 4 provides that the *relevant version of the National VET legislation* is adopted within the meaning of section 51(xxxvii) of the Constitution of the Commonwealth. The adoption will have effect only for the period beginning when this clause commences and ending at the end of the day fixed for that purpose (if any) under clause 5.

5—Termination of adoption

This clause makes provision for the Governor, by proclamation, to fix a day as the day on which the adoption is to terminate. Such a proclamation may be revoked by further proclamation (provided that the revocation proclamation is published before the day fixed in the earlier proclamation for termination of the adoption).

6—Referred VET matters

This clause sets out each of the matters that is a *referred VET matter*. These are as follows:

- the registration and regulation of vocational education and training organisations;
- the accreditation or other recognition of vocational education and training courses or programs;
- the issue and cancellation of vocational education and training qualifications or statements of attainment;
- the standards to be complied with by a vocational education and training regulator;
- the collection, publication, provision and sharing of information about vocational education and training;
- investigative powers, sanctions and enforcement in relation to any of the above.

The clause then provides that a referred VET matter does not include the matter of making a law that excludes or limits the operation of a State law (that is, any Act of the State or any instrument made under such an Act) to the extent that the State law makes provision with respect to—

- primary or secondary education (including the education of children subject to compulsory school education); or
- tertiary education that is recognised as higher education and not vocational education and training; or
- the rights and obligations of persons providing or undertaking apprenticeships or traineeships; or
- the qualifications or other requirements to undertake or carry out any business, occupation or other work (other than that of a vocational education and training organisation); or
- the funding by the State of vocational education and training; or
- the establishment or management of any agency of the State that provides vocational education and training.

7—Reference of matters

This clause makes provision for the *amendment reference*. Each referred VET matter is referred to the Parliament of the Commonwealth, but only to the extent of the making of laws with respect to such a matter by making express amendments of the National VET legislation.

The reference of a matter under this clause has effect only—

- if and to the extent that the matter is not included in the legislative powers of the Parliament of the Commonwealth (otherwise than by a reference under section 51(xxxvii) of the *Constitution of the Commonwealth*); and
- if and to the extent that the matter is included in the legislative powers of the Parliament of the State.

The amendment reference will have effect until terminated under clause 8.

8—Termination of reference

This clause makes provision for the Governor, by proclamation, to fix a day as the day on which the amendment reference is to terminate. Such a proclamation may be revoked by further proclamation (provided that the revocation proclamation is published before the day fixed in the earlier proclamation for termination of the amendment reference).

9—Amendment of Commonwealth law

This clause is included to avoid doubt and provides that it is the intention of the Parliament of the State that—

- the National VET legislation may be expressly amended, or have its operation otherwise affected, at any time by provisions of Commonwealth Acts the operation of which is based on any legislative powers that the Parliament of the Commonwealth has on account of a reference of any matters, or the adoption of the relevant version of the National VET legislation, under section 51(xxxvii) of the *Constitution of the Commonwealth*; and

- the National VET legislation may be expressly amended, or have its operation otherwise affected, at any time by provisions of Commonwealth Acts the operation of which is based on legislative powers that the Parliament of the Commonwealth has apart from a reference of any matters, or the adoption of the relevant version of the National VET legislation, under section 51(xxxvii) of the *Constitution of the Commonwealth*; and

- the National VET legislation may have its operation affected, otherwise than by express amendment, at any time by provisions of National VET instruments.

10—Effect of termination of amendment reference before termination of adoption of Commonwealth Acts

This clause provides that if the amendment reference is terminated but the adoption of the relevant version of the National VET legislation is not terminated, the termination of the amendment reference does not affect—

- laws that were made under the amendment reference (but not repealed) before that termination (whether or not they have come into operation before that termination); or

- the continued operation in this State of the National VET legislation as in operation immediately before that termination or as subsequently amended or affected by—

  (i) laws made under the amendment reference that come into operation after that termination; or

  (ii) provisions referred to in paragraph (b) or (c) of clause 9.

Accordingly, the amendment reference continues to have effect for the purposes of this clause unless the adoption is terminated.

Schedule 1—Ancillary arrangements

1—Interpretation

This clause contains definitions of *Commission* and *National VET Regulator* for the purposes of clause 2 of the Schedule.

2—Commission may provide information and assistance to National VET Regulator

This clause provides that, despite any other Act or law, the Commission is authorised to provide to the National VET Regulator or an agency of the Commonwealth (whether at the request of the Regulator or the agency or otherwise)—

- such documents and other information in the possession or control of the Commission that may reasonably be required by the Regulator or agency in connection with the performance or exercise of its functions or powers under the National VET legislation; and

- such other assistance as is reasonably required by the Regulator or agency to perform or exercise a function or power under the National VET legislation.

3—Regulations

This clause provides the Governor with the ability to make regulations of a saving or transitional nature consequent on—

- the enactment of this measure; or

- the transition from the application of provisions of the *Training and Skills Development Act 2008*, or any other law of the State otherwise relating to vocational education and training, to the application of provisions under the National VET legislation.

Debate adjourned on motion of Hon. J.J. Snelling.

ROAD TRAFFIC (AVERAGE SPEED) AMENDMENT BILL

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan, Minister Assisting the Minister for Employment, Training and Further Education) (12:15): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan, Minister Assisting the Minister for Employment, Training and Further Education) (12:15): I move:

That this bill be now read a second time.

The Road Traffic (Average Speed) Amendment Bill 2011 is a bill to amend the Road Traffic Act 1961 to introduce point to point speed detection. Death or injury from road crashes is a major public health issue in South Australia. Excessive and inappropriate speed on rural highways continues to be a significant contributing factor towards road crashes and the extent of road trauma sustained by crash victims.

Monitoring compliance with speed limits is a constant challenge, and South Australia uses a variety of speed detection equipment to assist in the deterrence and detection of road users who breach speed limits. Conventional speed detection requires personnel and resources to monitor traffic, often on remote, rural highways. In addition, oncoming motorists often warn other motorists when a speed detection device is operating nearby.

Speed can be targeted at high risk locations with safety camera technology, and mobile or fixed spot speed detection can generate a positive 'halo effect' in the vicinity of the instantaneous speed measurement device, but this is limited to approximately one kilometre.

Point to point speed detection can have a far more widespread and beneficial effect. Point to point enforcement promotes area-wide suppression of speeding, because speed enforcement is sustained over a length of road rather than just at one single spot, thus modifying the behaviour of drivers over a larger area. Reducing the speed of all vehicles on a road has significant benefits to all road users. Evaluations of point to point enforcement conducted overseas found a statistically significant 20 per cent reduction in injury crashes in the first two years after point to point enforcement was installed.

Average speed is one form of point to point detection. It involves measuring the time taken by a vehicle to travel between two camera sites. The distance between cameras is certified by an independent surveyor. An image of every vehicle is captured by the first camera, together with a record of the time when the image was taken. The second camera repeats that process. The average speed of the vehicle is calculated by dividing the distance between the cameras by the time taken for the vehicle to travel between the sites—v equals d over t, as Father Kelly would have taught me in physics. If the average speed of the vehicle is in excess of the speed limit then the driver of the vehicle has committed an offence.

Average speed detection is used extensively interstate and overseas. It has been reported that average speed cameras are perceived by the public as a fairer way of detecting speeding because the cameras detect speed over a length of road distance instead of at a single point. Average speed cameras are also said to reduce congestion, fuel consumption and accidents due to the traffic moving at a uniform speed and encourage safer driving over longer distances due to the higher level of compliance.

The government is committed to road safety and has introduced this bill to enable the use of point to point cameras to detect speeding on stretches of roads where speeding has been identified as a road safety problem.

The first average speed detection system will operate on the Port Wakefield Road between Port Wakefield and Two Wells and it is then planned to develop a network of sites radiating out of Adelaide on the Victor Harbor Road, the South Eastern Freeway, the Dukes Highway, the Sturt Highway and the Northern Expressway. The expected distance between the cameras will be between approximately 14 and 50 kilometres. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill extends the evidentiary provisions of the *Road Traffic Act* to enable evidence of average speed to be taken as evidence of actual speed for the purposes of the Act. This means that the existing penalty structure for speeding offences in the *Road Traffic Act* and the *Road Traffic (Miscellaneous) Regulations 1999* will apply to point to point speeding offences, including excessive speed in section 45A of the Act (with its associated immediate loss of licence, 6 or 12 month disqualification and the minimum court imposed fine).

The Bill also amends the owner onus provisions in section 79B of the Act to ensure that they apply to this offence. The current situation is that when the owner of a vehicle detected speeding by a safety camera is sent an expiation notice and the owner was not the driver of the vehicle, the owner can provide the Commissioner of Police with a statutory declaration naming the driver. The expiation notice issued in respect of the owner is then withdrawn and a new one issued to the driver.

This framework will continue, but the Bill amends the section so that any reference to the 'time' of the offence is, for speeding between 2 points, the whole period of time during which the vehicle travelled between the 2 points.

Further amendments to section 79B clarify obligations and liabilities where it is alleged that there was more than one driver of the vehicle between the 2 points. The current provisions of section 79B are designed for offences that occur at a single moment in time and cannot apply where there is more than one driver.

Point to point speed detection differs from point in time offences since the offence is committed during the time the person drove between the 2 points, and there is a possibility that there could have been more than one driver of the vehicle between those points. The amendments to section 79B require the owner of a vehicle who knows there was more than one driver to nominate all of them. In this situation, the expiation notice issued to the owner could be withdrawn and new notices issued to all the nominated drivers.

The evidentiary provisions provide protection for drivers who can satisfy the court that although they were one of the drivers between the 2 points, they did not at any time speed whilst driving the vehicle between the 2 points. To use this protection they first must have identified the other driver or drivers to the Commissioner of Police by means of a Statutory Declaration.

Speeding remains a major cause of deaths and serious injuries on our roads. The Bill introduces a new approach to the detection of speeding that has been shown to be effective at reducing speeding over large distances, not just near the location of the detection device. The Bill continues existing defences for owners of vehicles and provides protection for drivers in the new situation where it is possible for 2 drivers to have shared the driving. In such a situation a driver can provide evidence that he or she did not exceed the speed limit. At the same time, it deters the exploitation of this provision by the unscrupulous by requiring the evidence to be provided to the court.

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 amends section 79B:

- to ensure that the regulations can make provision in relation to a notice sent with an expiation notice or reminder notice or a summons relating to a speeding offence where the evidence of speeding is evidence of average speed determined in accordance with proposed section 175A;
- to make special provisions in relation to such speeding offences, to deal with the fact that the offence occurs over a period of time (ie the period during which the vehicle travelled between 2 average speed camera locations) and that there may have been more than 1 driver of the vehicle during the period.

5—Insertion of section 175A

This clause inserts a new section as follows:

175A—Average speed evidence

This provision provides for the calculation of the average speed of a vehicle between 2 average speed camera locations and for acceptance of evidence of that average speed as evidence of the actual speed of the vehicle between the locations.

Subclause (3) allows the Minister to publish a notice specifying 2 average speed camera locations and determining the fastest practicable route between the locations and the shortest distance that a vehicle could travel between the 2 locations along that route. This information is then used in calculating the average speed of vehicles between the 2 locations and vehicles are conclusively presumed to have travelled between the 2 locations by that shortest distance along that fastest practicable route (on the basis that this will produce the result most favourable to drivers). The average speed so calculated is then conclusively presumed to have been the actual speed of the vehicle while travelling between the 2 locations. Where there is more than 1 driver of the vehicle between the 2 locations, each driver is, subject to the provision, conclusively presumed to have driven the vehicle at that actual speed.

Subclause (6) allows a driver to rebut that last presumption in certain circumstances where another driver or drivers have been responsible for the speeding. If the driver satisfies the court that—

(a) there was more than 1 driver; and

(b) he or she has furnished the Commissioner of Police with a statutory declaration naming the other drivers or providing reasons why the identity of 1 or more of the other drivers is not known and the inquiries made to try and identify any unknown driver (so that the police have an opportunity to investigate the claims made); and

(c) if the statutory declaration does not name all other drivers—he or she does not know and could not by the exercise of reasonable diligence have ascertained the identity of any driver not named; and

(d) he or she did not speed between the 2 locations.

Subclause (8) ensures that a person cannot be convicted of or required to expiate multiple offences where in addition to evidence of average speed between 2 average speed camera locations there is also evidence of actual speed at a point between the 2 locations.

The provision also contains a regulation making power in subclause (9).

6—Amendment of section 176—Regulations and rules

This clause makes a minor drafting amendment to make it clear that the reference to 'this Act' in section 176(5b) relates to the Act, the regulations and the rules (which is consistent with the *Acts Interpretation Act 1915*).

Debate adjourned on motion of Mr Pederick.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September 2011.)

Mr PISONI (Unley) (12:20): The bill has come back from the other place. The opposition is certainly happy to support the bill in its current form. I believe that the minister may have an amendment she might want to make to the bill in this place and, on that basis, I recommend the supporting of the bill.

Bill read a second time.

In committee.

Clauses 1 to 11 passed.

New clause 11A.

The Hon. J.M. RANKINE: I move:

Page 7, after line 9—After clause 11 insert:

11A—Amendment to section 28A—Criminal intelligence

Section 28A—after subsection (2) insert:

(2a) If the Commissioner proposes to impose a licence condition to improve public order and safety or to issue a public order and safety notice in respect of a licence and the decision to do so is made because of information that is classified by the Commissioner of Police as criminal intelligence, the Commissioner is not required to provide any grounds or reasons for the decision other than that it would be contrary to the public interest if the condition were not imposed or the notice were not issued.

This clause relates to an amendment previously removed when the bill was considered by the Legislative Council. It relates to criminal intelligence and its use as a ground for imposing a public order and safety notice.

Mr PISONI: The opposition has no objection.

New clause inserted.

Remaining clauses (12 to 41), schedule and title passed.

Bill reported with amendment.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (12:25): I move:

That this bill be now read a third time.

I thank the officers of the department for all their hard work. This has been an enormous effort by a lot of people; a lot of consultation with the industry and the unions involved. I also thank the opposition for its support of this final piece of legislation.

Bill read a third time and passed.

WATER INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 27 July 2011.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:28): We are here today to debate the Water Industry Bill, the long-awaited, much-anticipated bill, it is fair to say. I will be the lead speaker for the opposition on this bill. I expect a number of opposition members will contribute. No part of public policy in recent years has had a greater focus in the community, probably over the life of the current government, than has water policy. There are a range of reasons for that, not the least being that we went through a very extreme drought that put a lot of pressure on our water supply systems and our ability to supply water. We went through a number of years with quite significant water restrictions in large parts of the state, in fact across most of the state.

We have seen a significant number of policy decisions taken, and I argue that a lot were taken in a knee-jerk way in response to that drought and, in my opinion at least, a lot of unfortunate decisions were taken by the government, decisions for which South Australians will pay for a long, long time. That is very unfortunate. It points to the inability of this government to have got its head around what it is to provide a water supply, what it is to provide water security into the future. I do not think that the government, even now, understands the business of water management in South Australia. The old rhetoric that we have heard so many times that we are the driest state in the driest continent may well be the case, but it does not mean that we have a paucity of water.

What it should mean is that we should think long and hard about our management systems and how we manage the water that we do have, how we make good use of it and how we have integrated systems; and, maybe, if the government had taken that course of action over the last 10 years we might well find ourselves in a very different situation than what we do today.

I will speak directly to the provisions of the bill later, but I want to put into context how we have got to this position and why, I think, this bill will do very little, if anything, to meet the fundamental challenges that we face as a state in providing a low cost, reliable water supply to the citizens of this state. That is what we should be aiming to do. We should be aiming to provide the lowest possible cost with the highest possible reliability of water supply across the state.

Let me just for a moment bring to the attention of the house a few figures which underline the point I was making a moment ago, and I am going to labour this point a little. Notwithstanding that we do live in a relatively dry state, we have significant amounts of water. I say 'traditionally' because if we talk about each of the five years before level 3 water restrictions were instituted in Adelaide (and I think that was in 2006; so, before we had water restrictions), the average usage of water in the greater metropolitan Adelaide area was 168 gigalitres per year.

We have had people talk about the fact that Adelaide's water usage is some 200 gigalitres. I do not think that it is that much, but SA Water does supply water to other purposes and I suspect that that water is counted in the numbers. SA Water through its infrastructure delivers significant quantities of water for irrigation purposes, and I suspect that, when we talk about 200 gigalitres of water, it probably includes that. However, in terms of the consumptive use for domestic and industrial purposes in metropolitan Adelaide (excluding commercial irrigation), my figure suggests that, in those five years, 168 gigalitres was the average usage.

Interestingly, the annual run-off for metropolitan Adelaide in an average rainfall year, in a normal sort of rainfall year, through our creeks and rivers to the sea is around 160 gigalitres; so, almost the same as the water that we use in Adelaide. I find it quite fascinating that we have been through the changes to policy and we have been through the anxiety that we have had in recent years and we have failed as a community to recognise that it is the lack of management of the water that we do have rather than just a paucity of water per se that has caused our problems.

I fully admit that, in those drought years, the run-off of metropolitan Adelaide was much, much less than that figure I have just quoted. That was the average. I fully admit and accept that those drought years went on for an extended period, but I wanted to make the point that, under

normal circumstances, we could almost provide for our total water use simply from stormwater run-off off our city streets and our city roofs—those hard surfaces.

Interestingly, the historic run-off from the Adelaide Plains before white settlement of the Adelaide Plains was probably a fraction of that, and the numbers suggest about one eighth of that, about 20 gigalitres. Again, that points to a significant change in the Adelaide Plains and its environs, particularly our coastal waters, in that we now discharge eight times as much water into those coastal waters. I think it is fair to say that the quality of the water that is discharged from the Adelaide Plains into our coastal waters is quite different from what it would have been before white settlement.

I think it is important for us to understand that, too, because it goes to the whole issue of how we manage our water. Unfortunately, we seem to manage our water with a silo mentality, and stormwater is managed by a different group from other water, certainly the water that we use, particularly our potable water supplies. They are managed in complete isolation of each other, notwithstanding that they impact on each other.

The point I am trying to make is that they should impact on each other because the water that is created as stormwater run-off could well be used to supplement our other water supplies. But we could also derive an additional benefit by recovering the environmental disaster that we have visited upon our coastal waters by addressing both the volume of water that runs off into those coastal waters and the quality of that water that runs off.

They are issues which have to be addressed and met by the government here in South Australia for us to recover that coastal environment, and I direct members to read the reports, particularly the final report, of the Adelaide Coastal Waters Study, which spanned I think eight or nine years by the time it got to the final report. It is a very in-depth report that points to just about all the ills that have been caused in our coastal waters because of our lack of action in managing stormwater run-off, both quality and quantity. I think it is important to understand this because it points to policy failure, but it also highlights that we do have an asset, namely, stormwater, which should be used.

This bill, although it has been hailed as a great reform by the minister, does nothing to address that fundamental issue—or, should I say, those fundamental issues, being the environmental degradation. As it happens, the Minister for Water is also the Minister for the Environment and Conservation, so, whilst he has got at least one of his hats on, he should understand that issue, that it also should be giving us an insight into how to address the other problem we have, and that is getting water available for, shall I just say at this stage, commercial use rather than potable use. That is the first thing I think we need to get an understanding of, that there is at least that source of water which public policy in South Australia, to date, seems to have ignored.

There are several other things we have done in response to the drought that I want to talk about. One of them is that we have decided to build a desalination plant, and that is also, I think, integral to any discussion on public policy failure in this state—not because the decision to build a desalination plant was not one that had to be taken: it was the way the decision was taken and that the actual decision that was taken has left South Australia, in my opinion, much worse off than it should be.

First of all, the government refused to acknowledge that desalination was going to be part of the answer—I emphasise 'part of the answer'—to Adelaide's water security. The government only refused to acknowledge that because it was the idea of the opposition. That is the only reason the government refused to acknowledge that, and it has remained in that state of denial for a fair while. In fact, it then entered a process—which took about 12 months—to work its way into acknowledging that desalination was going to be part of the solution, and tried as hard as it could to fool the people of South Australia into thinking that it was the government's idea. That was bad enough because the delay in taking that, which was always going to be an inevitable decision, cost us, as a community, hundreds of millions of dollars.

I visited the Kwinana desalination plant in November 2006. The Western Australian government had contracted the construction of that plant a couple of years before that, and it was at that point in time, in November 2006, being commissioned. It was going through the processes that stage one of the Port Stanvac desal plant is going through right now. It was being cranked up and commissioned. From memory, the commissioning was expected to happen in April of 2007 and, unlike ours, that target was met.

That desalination plant, including the delivery pipeline to deliver the water back up to a point some distance remote from the desalination plant—probably at least the distance that the Port Stanvac desalination plant is from the Happy Valley storage tanks that we will be pumping water from—came to the Western Australian community at a cost of about $385 million.

I fully understand that if we had made a decision in a timely manner in South Australia we would not have got it at that price. The world was changing and I remember that the Treasurer, in particular, kept talking about how the steel prices had increased. Of course, in desalination plants it is not only steel; there is a fair bit of stainless steel and other fancy materials which are quite expensive. I accept that prices were going up.

The Western Australian government commissioned a second desalination plant the same size as the one we are building, and it came at a much, much lower cost than the one here in South Australia—a much, much lower cost. There are a couple of reasons for that, not the least being that they had already been in the game and already had the contacts with the manufacturers of desalination plants and that probably helped them a little bit, but also they made their decision in a sensible and timely fashion.

I have already presented to the house the evidence of a worldwide study that shows the construction of desalination plants in Australia, excluding the Western Australian experience—so in South Australia; Wonthaggi in Victoria; New South Wales; and South-East Queensland—where the governments all panicked and decided to very, very urgently build desalination plants. The evidence amassed from across the world suggested that the cost of constructing a desalination plant in Australia was about double, per litre of water design capacity, that of anywhere else in the world.

That same report showed that the main reason for that was that the Australian governments all went in bidding at the same time, because they were all panicked by the drought in south-eastern Australia—all bid at the same time, all with the same degree of urgency to overcome a failure of public policy. That, again, was one of the responses we had to the drought. I do not believe that the bill before us today will in any way address that.

The other interesting thing about the decision to build the desalination plant—and we supported the initial decision, other than the fact that it was at least 12 months too late in coming; and I have talked about the cost impost created by that—was that the government took the amazing decision, the absurd decision, I would say, to double the capacity from 50 gigalitres to 100 gigalitres a year. I say that because you would build a desalination plant to provide water security.

In a place like South Australia, where I would argue we do not have a paucity of water (we just have a paucity of water management), you do not build a desalination plant to provide a large portion of your water needs; you build it to provide water security and to ensure that you can, at any time, provide secure drinking water and secure water to provide for the community's health needs. Washing, cooking and toilet flushing are things that are essential for the survival of any community that lives the sort of life that we do—that is, in a city or a close-knit community. You need a guaranteed water supply, and that was never an argument.

The question is: how much water do we need? Although the government tried to sustain the argument that our water supply was in dire straits and under severe stress—and it was under considerable stress—we were still getting some run-off from the Adelaide Hills each year, even through the drought, and we still had access to some water in the River Murray; in fact, significant amounts of water in the River Murray. I never saw any evidence to suggest that either of those systems were ever going to dry up completely. Remember that our use, without water restrictions, was about 168 gigalitres a year, and that included watering all our gardens and parks and playing fields, washing the car out in the street, and washing down the cement footpaths.

I think it is reasonable to assume that our critical water needs would be substantially below that. The water restrictions that were imposed actually reduced our water usage at the margin. The restrictions brought it down, but it was still 130 gigalitres a year.

An honourable member: It reduced it.

Mr WILLIAMS: It reduced it somewhat, but it did not reduce it by 60, 70 or 80 gigalitres. I think it was about 40 gigalitres a year.

The Hon. P. Caica interjecting:

Mr WILLIAMS: If I have those figures wrong, the minister will correct them. However, the point I am making is that the restrictions we had in Adelaide were level 3 restrictions. Other parts of southern and eastern Australia had much more severe water restrictions than we had in Adelaide. It is possible to reduce water needs substantially more than we did in Adelaide. I would argue that, if you are going to provide a very expensive water source to ensure that you have water security under the most extreme conditions, you would do some very in-depth research into how much water you would need for that purpose.

In my opinion, you certainly would not need 70 per cent of the water that you would use when there are no restrictions whatsoever. However, that is what we have done here in South Australia. We have developed a desalination plant with a capacity of 100 gigalitres a year which will provide close to 70 per cent of our water needs under the conditions that I described in the five years before 2006.

I think the decision to double the size of the desal plant was one which was not borne on any good science or rigorous work as to what would be the absolute minimum water that we might need to provide Adelaide's water security. I think it would be hard to argue that we would have a drought much more severe than what we had been through, both in the length of time it was going to last and the impact.

Notwithstanding that, the government took the decision to double the desalination plant, and in doing so not only did it drive the cost up, there was some fancy figure work in the costs of the desal plant. The original cost as we were told was $1.1 billion. Additional to that was the $300 million north-south connector to connect the northern and southern systems, which brought the cost to $1.4 billion.

By sleight of hand over a period of time, the north-south interconnector disappeared but the price remained at $1.4 billion. So, we had a $300 million blowout in the cost of the original desalination plant, the 50-gigalitre version. The government then announced that it was going to double the size, bearing in mind that probably the most expensive part of the desalination plant, the tunnels out to provide the inlet and outlets for the plant, were incorporated into that first cost of the 50-gigalitres. The tunnels were built with a capacity to provide for the doubling of the size. The doubling of the size increased the cost by a bit over $400 million, bringing it up to $1.8 billion, again, without the north-south interconnector.

The moment that decision to double the size to 100 gigalitres was taken, the north-south interconnector had to be constructed. Without that, the capacity of the plant could have been utilised in the southern part of the system, particularly with rearranging the pumping from the River Murray and desisting from pumping water from the River Murray to Mount Bold, utilising the desalinated water in the southern part.

As soon as the decision was made to double the capacity there was nowhere to use all of the water coming out of that plant without building the north-south interconnector. Then, lo and behold, when the announcement was made that the north-south interconnector was back on the table, it was no longer $304 million, it was $403 million. So, there is another $100 million blowout there.

So, the project, which started off as a $1.1 billion project, including the north-south interconnector which is absolutely essential if you are to build a 100-gigalitre desal plant at Port Stanvac, is now $2.2 billion. We have doubled the cost; doubled the capacity and doubled the cost. What I am questioning is: did we need to double the capacity and could we afford the cost?

I think that is fundamental to any discussion we have in South Australia on the delivery of our water needs to metropolitan Adelaide. Unfortunately, we cannot undo that decision. We are stuck with it. South Australian water consumers are stuck with paying for it. Now we are getting closer to some of the clauses in this particular bill because one of the fundamentals of this bill goes to supposedly independent pricing. So, supposedly we will have independent pricing. I am going to talk a lot more about this because it is an interesting concept: independent pricing.

The Hon. P. Caica: You support it though.

Mr WILLIAMS: I do, but this bill does not deliver independent pricing, minister. The bill basically sets up a regime where the Treasurer provides to ESCOSA, which is supposed to be the independent price setter, a thing called a pricing order and ESCOSA must set the price according to the parameters and the criteria in the pricing order. So, nothing has changed in South Australia. At the moment Treasury basically sets the water price and, in the future, the Treasurer will issue

ESCOSA with a pricing order, which will restrict ESCOSA as to how it can determine what the price of water in South Australia is going to be.

The reason I point this out in this part of my contribution is that, if we had a new regime of truly independent pricing in South Australia—and this was actually raised by ESCOSA in the discussion paper that they put out about 12 months ago, the Economic Regulation of the South Australian Water Industry: Statement of Issues—one of the issues is whether the cost of the decision to double the size of the desalination plant (that $1.1 billion decision) should be part of the pricing structure for delivery of water to the South Australian community.

I would accept that if it was a good decision, a well-founded decision, made on the basis of good science and a rigorous understanding of the needs of the South Australian community, or particularly the Adelaide community, under severe drought conditions. If all that work had been done and the answer came back that we absolutely need to double the size of the desalination plant, I think it would be fair and reasonable for the Treasurer's pricing order to ESCOSA to say that the whole of the cost of the desalination plant has to be factored in to the price of water paid by South Australian consumers.

If that body of work came back—as I suspect it would, if it was done—saying, 'No, the decision to double the size of the desal plant was not based on the absolute need of the South Australian community but it was based on the political imperatives of the government of the day,' I think there is a sound argument that the cost of that $1.1 billion decision should be borne by the government of the day from its Consolidated Account and should not be passed on to the water consumers of South Australia.

Again, I think that is a fundamental that we should have an understanding of as we debate legislation like this, because there is absolutely no doubt in my mind that that was a political decision taken to achieve a political outcome, not a decision based on good science. If it was based on good science and the government had a fantastic reason for doubling the size of the desalination plant, I am absolutely certain that the in-depth and rigorous reports that backed up that decision would have been tabled and we would have all seen that, but we have not seen anything.

I have stood in this place and asked questions of a number of ministers now over a fair period of time and all I have seen is ducking and weaving from that fundamental question. That is why the Liberal Party and I are convinced that the decision to double the size of the desalination plant is one which should have been paid for by the government, because it was a political decision, from the Consolidated Account and not one that will be paid for by water consumers over the next 30 years.

That is one of the fundamental problems with this bill, because this bill is going to force that cost impost onto the people of South Australia through their water bills. The government has already been doing this and now the government wants to be able to say that it has an independent price setter, who is at arm's length from the government, who is saying, 'This is a fair and reasonable price.' I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

PARA HILLS SCHOOLS AMALGAMATION

Mr PISONI (Unley): Presented a petition signed by 831 residents of Para Hills and greater South Australia requesting the house to urge the government to take immediate action to stop the amalgamation of Para Hills Junior Primary School and Para Hills Primary School.

HOSPITAL PARKING

Dr McFETRIDGE (Morphett): Presented a petition signed by 406 residents of South Australia requesting the house to urge the government to immediately reverse its decision to impose car parking fees at our hospitals.

EATING DISORDER SERVICES

Dr McFETRIDGE (Morphett): Presented a petition signed by 12 residents of South Australia requesting the house to urge the government to provide a dedicated medical team and

facilities at Flinders Medical Centre to deal with eating disorders that is separate from general psychiatric facilities.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, order!

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, you are warned.

Members interjecting:

The SPEAKER: Order!

PAPERS

The following paper was laid on the table:

By the Minister for Social Inclusion (Hon. M.D. Rann)—

A Blue Print to Enhance Life and Claim the Rights of People with Disability in South Australia 2012-20

DISABILITY REFORM

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: There are many serious and important challenges facing South Australians with disability, as well as their family members and carers. Members of our community with disability face challenges, and the government recognises this, and our challenge in government is to create an environment that delivers positive outcomes in health, education, housing, employment and wellbeing for those with a disability.

These issues are not unique to South Australia and, despite more than doubling funding for disability services since coming to government in 2002, we as a government acknowledge that more needs to be done. In December 2009—and you will remember that this follows that major report, the Stepping Up report, on reforming mental health in our state by David Cappo in which we have invested $300 million. It is great to see that wonderful transformation occurring down in the member for Bragg's electorate.

In December 2009, I asked the Social Inclusion Board, chaired by Monsignor David Cappo, to deliver a blueprint for the long-term reform of the disability service system in South Australia—reform that would make systems work better for people with a disability, their family members and their carers.

Since making this request of the board, the need for reform has been reinforced by the commonwealth and all states and territories, signing the National Disability Strategy at the February 2011 COAG meeting and the recent release of the Productivity Commission report into a National Disability Insurance Scheme.

The independence of the Social Inclusion Board, and its experience in delivering major reform plans that cut across government, means it was well placed to deliver a blueprint for disability reform. The board's 2007 'Stepping up' report into the state's mental health system has been the catalyst for major innovative reform and more than $300 million being invested in mental health in South Australia. We are now national leaders in this area, due to this work of the Social Inclusion Board.

Members interjecting:

The Hon. M.D. RANN: Well, you should have seen your Liberal colleagues, the premiers, at the last COAG meeting. I am pleased to say—

An honourable member: It was your last COAG meeting.

The Hon. M.D. RANN: Yes. At least I have been to them. I have been attending the equivalent of COAG meetings since 1978 when there was a young John Howard as the treasurer and Malcolm Fraser, the great Malcolm Fraser, as the prime minister—something that I don't think the honourable member opposite will ever be able to say.

So, I am pleased to say that I have received, and today table, the Social Inclusion Board's blueprint for disability reform. Entitled 'Strong voices: a blueprint to enhance life and claim the rights of people with disability in South Australia', it is an important milestone for disability in our state. The blueprint was informed by the voices of more than 2,000 South Australians and involved consultation meetings across the state, from Ceduna to my own beloved Mount Gambier.

The independent report recommends changes in the short, medium and long term. It factors in important reforms at the national level, including the much anticipated National Disability Insurance Scheme which, I think, is one of the great ideas, in terms of social reform at the federal level, to follow on from Medicare, 30 years ago. 'Strong voices' sets out a broad, whole-of-community reform agenda that covers:

- affirming and applying a rights-based approach for people with a disability, away from a welfare model—so, a rights approach rather than a welfare model;
- refocusing services to an early investment approach, away from crisis management;
- establishing an individualised funding model across all disability services to increase individual choice and better meet people's needs;
- making communities more accessible to facilitate participation, access and mobility of people with a disability; and
- strengthening the safeguards and protections for people with disability, particularly the most vulnerable people—women and children.

The blueprint is available at the Social Inclusion website: www.socialinclusion.sa.gov.au.

I would like to thank the Social Inclusion Board and its former chair, Monsignor David Cappo, for producing this outstanding report. This is Monsignor Cappo's final piece of work in his role as chair of the Social Inclusion Board and as Commissioner for Social Inclusion. I have stated many times that David Cappo's relentless hard work, perseverance, commitment, resilience and service to this state has been invaluable and will be sorely missed.

I would also like to thank Dr Lorna Hallahan, who chaired the Social Inclusion Board's disability subcommittee during the development of this plan and who has recently been appointed as South Australia's representative on the National Disability Insurance Scheme Advisory Group. The government will now consider this report. Madam Speaker, I now table this major report on disability reform.

EMERGENCY SERVICES COMPUTER AIDED DISPATCH SYSTEM

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) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: The state government is introducing a new computer aided dispatch (CAD) system across South Australia's emergency services. SA Ambulance Service is the first agency to use this new dispatch system, and it recognises the service was in most urgent need of upgrade to its existing dispatch system. The old dispatch system had reached the end of its useful life, and its long-term reliability could not be guaranteed.

Given the critical nature of the work that the ambulance service does, a new dispatch system was considered essential to guarantee public safety and a better service over the longer term. The new dispatch system went live one month ago, ahead of a rolling implementation scheme to other government emergency services, which will come in line in the coming months.

This is a project of significant and complex scale, and I thank the staff at the SA Ambulance Service for the patience and professionalism they have demonstrated through the initial implementation period. The operators had four months of training ahead of the new system's introduction; however, the transition in a live operation environment was always—

The SPEAKER: Order! Can I remind the media that they are only to film people on their feet.

The Hon. J.D. HILL: That's me.

The SPEAKER: And can members also please keep the background noise down? It is very hard to hear the minister, as he is very softly spoken gentleman.

The Hon. J.D. HILL: I am sorry, Madam Speaker. I will try and resonate a little more loudly.

The Hon. A. Koutsantonis: Project.

The Hon. J.D. HILL: Project. As I was saying, Madam Speaker, the operators had four months of training ahead of the new system's introduction; however, the transition in a live operational environment was always going to be a huge challenge, and some initial issues were always anticipated. As use of the system has progressed during the last month, a small number of issues have been identified, which I want to let the house know about.

During extensive and robust testing prior to going live, these issues did not present at any time. SA Ambulance Service has advised that, of the 13,135 triple zero calls received since the service has gone live, there is only one known incident—unfortunately, but still only one. That occurred the day after transitioning, and in that case, there was a 25-minute delay in dispatching an ambulance.

I am advised that other teething problems have been minor in nature and have not resulted in any adverse patient outcomes. Public safety and providing the highest level of emergency ambulance response to the community remains the number one priority, obviously. SA Ambulance Service says it has worked with the supplier to quickly resolve any issues and to put contingencies in place.

I acknowledge that this has presented some additional challenges for staff in the Emergency Operations Centre, and I again thank these staff members for handling the move to the new system extremely well. I am assured that the SA Ambulance Service is working closely with the supplier as a matter of priority to put in place permanent solutions that will deliver a more efficient working environment for our staff.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:13): I bring up the 32nd report of the committee.

Report received.

Mr SIBBONS: I bring up the 33rd report of the committee.

Report received and read.

QUESTION TIME

MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:16): My question is to the Minister for Aboriginal Affairs and Reconciliation. Why should the public have confidence in the minister when respected Indigenous leader Noel Pearson recently said about the APY lands that the state Labor government is 'completely bereft of any kind of real solution'?

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) (14:16): I thank the honourable member for this important question. Of course I think that the public should have confidence in this government, because we have an outstanding record when it comes to what we have—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: We have, by any stretch of anyone's imagination, on any measure on any indicator, a very, very good record—

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

The Hon. G. PORTOLESI: I am going to give the members opposite a bit of an education in relation to this. In relation to community safety, in May 2008 the state government commissioned the Mullighan inquiry, that has transformed people's lives—

Mr Marshall interjecting:

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

The Hon. G. PORTOLESI: Well, they asked the question. We established new police complexes at Amata, Ernabella and Mimili; police moved in in April 2010. We have increased minister Rankine's department's funding to the NPY Women's Council to extend family violence support services; we have upgraded the school at Amata; we have developed a diploma of interpreting training program with some 15 graduates—and I have had the honour of meeting a number of those graduates—an expansion of the very successful Wiltja program at Woodville High School. In relation to health, petrol sniffing has been reduced to very, very low levels.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Immunisation coverage—

Members interjecting:

The SPEAKER: Order! It was a very broad ranging question; the minister can answer as she chooses.

The Hon. G. PORTOLESI: Thank you, Madam Speaker.

Mr Marshall interjecting:

The SPEAKER: Order! The member for Norwood will behave.

The Hon. G. PORTOLESI: Immunisation coverage is around 95 per cent, which is much better than the national average. Country Health SA is currently arranging—

Ms Chapman interjecting:

The SPEAKER: Member for Bragg!

The Hon. G. PORTOLESI: —for the first visit of a mobile dialysis bus to the APY lands, which is planned for October 2011, and there is a new mobile dental surgery at Pukatja. The list goes on: we have introduced a visiting mental health service to the APY lands; we have led the way for national partnerships to promote Indigenous housing, providing nearly $300 million over 10 years for housing in remote areas—and I congratulate the Minister for Housing for her work. The list—

Ms Chapman interjecting:

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

The Hon. G. PORTOLESI: The list goes on and on. I would also like to refer to one other document, if I may, from Better World Arts.

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley!

Members interjecting:

The SPEAKER: Order! The minister will sit down until we get some order in this place. If members on my left want to continue to ask questions they'd better behave or I'll refer them all to the right. Minister.

The Hon. G. PORTOLESI: I would like to refer in closing to an email I received from Better World Arts. We are all, of course, familiar with this organisation that does outstanding work in Port Adelaide. It is dated 29 August. It states:

Dear Grace,

Just watching the 7.30 Report.

I am reading this because this goes to my time as Minister for Aboriginal Affairs and Reconciliation, and it is referring to the work we are doing in relation to food security and, in particular, one aspect of the food security work, which is the market gardens. It continues:

Congratulations on supporting such an essential initiative. Over a decade ago—

this is what Better World Arts said to me, completely unprompted—

I was interested in working with something like the fruit and vegetable program that is now being set up. Back then, talking to people who had been raised in the missions (on their own country from different centres), they have such great memories of the market gardens in their communities, working there and eating from those gardens. It makes such sense to grow food in a place with so much sunshine and under-employment and to have fresh food produced and eaten locally. There are so many other programs—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: They don't want to hear it. They want to continue talking down people on the lands. It states:

There are so many other programs that can offshoot from this, healthy eating, healthy cooking, small business, exporting food. Let's hope it is well managed and grows.

Kind regards...

Members interjecting:

The Hon. G. PORTOLESI: Well, they think that Aboriginal people on the lands do not have the wherewithal to cook for themselves. That is what the leader said.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Light.

RENEWABLE ENERGY

Mr PICCOLO (Light) (14:22): Can the Premier please update the house on the new renewable energy plan for South Australia and the state's complementary wind farm policy framework?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:22): Do you know something? It's great to be in a place where we all, together, embrace each other with affection, and—

Members interjecting:

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

The Hon. M.D. RANN: I am pleased to advise the house that today the state government is releasing a landmark renewable energy plan for South Australia. The plan will be complemented by a new policy and planning framework for wind farm developments, which is also being released today. South Australia's renewable energy plan provides an agenda for the future growth of our renewable energy sector. It builds on South Australia's leadership in hosting wind and geothermal energy investment and our pioneering support for household solar.

Our success has been driven by the developing policies that anticipate and generate renewable energy opportunities rather than waiting for them to arise. This proactive approach has worked well in developing renewable energy as an important sector in South Australia and therefore, forms the basis of our new plan.

Some of its key initiatives include drafting legislation to provide renewable energy investors with access to the 40 per cent of South Australia's land mass that is crown land subject to pastoral lease; calling for expressions of interest in the design and implementation of a concept model for a community owned solar project; and beginning consultations on setting a specified limit on carbon

emissions for new electricity generation, which will effectively prevent investment in new coal-fired electricity generation. So, what it amounts to is a ban on the building of coal-fired power stations in the future. It will also provide $345,000 for further demonstration of concentrating solar powered technology of heat and electricity for a horticultural greenhouse in Port Augusta.

The plan is built around five key strategies for supporting renewable energy investment and generation in our state. These include providing quality information; having the most efficient and certain regulatory environment; selectively intervening to address market failures; government leadership by example; and positioning South Australia to take advantage of national policy settings, including the commonwealth's proposed Clean Energy Future Package.

The wind farm reforms also being released today are an important complement to South Australia's renewable energy plan. The new wind farm rules will take interim effect from today and will be subject to an eight-week consultation process. These reforms have been developed to achieve a balance, with an interest in ensuring that both local communities and industry are served by the overall package.

The wind farm planning framework will help to reinstate local councils as the key authority for assessing planning applications for wind farms. The reform policies combined with the process of implementing them will help to skew investment away from populated areas. They will set new restrictions for distances between wind farm developments and dwellings, while giving greater assurance and consistency to wind farm investors.

Uncertainty has recently plagued the wind industry, prompted by a court decision to uphold an objection to a new development on 'visual amenity' grounds and, of course, the Victorian government's crackdown on wind investment.

I am advised that an estimated $1.8 billion in wind farm investment is currently on hold in South Australia pending increased certainty, such as that being provided in these reforms. As more than half of Australia's wind farm investment in capacity terms is in South Australia, we have a national responsibility to take the lead in reforming policy to respect the legitimate interests of both the industry and local communities. The main elements of the package include:

1. amendment of council development plans to provide greater consistency for assessment of wind farm development applications;

2. requiring that developers manage the visual impact of their developments which includes requiring that turbines be located at least one kilometre from dwellings (unless both parties agree to a lesser distance);

3. removal of the capacity for appeal by third parties against proposals that are consistent with this approach and are located in sparsely populated zones (and that would be good to stop some of the nonsense that has been occurring, delaying tactics);

4. similarly, removal of third party appeals against proposals in sparsely populated zones where turbines are located more than two kilometres from the periphery of country towns.

So, we've got great 'cred' on this—54 per cent of the nation's wind power, as I think I may have said before in this house—

An honourable member interjecting:

The Hon. M.D. RANN: —no, but with only 7.2 per cent of the population. These changes will be paired with efforts to strengthen local council decision making by restricting the access of wind farm developers to the state government Crown Development Assessment Process.

Mr Williams interjecting:

The Hon. M.D. RANN: Interesting—$2 billion worth of investment—

The SPEAKER: Order, member for MacKillop!

The Hon. M.D. RANN: —and not one single wind turbine under their watch. We got off our backsides—all of that private sector money coming into our state, great for regional communities, including for the deputy leader's own electorate, but then when I was down there the last time he was a no-show when there was a local disaster. He was at the races in Darwin.

Mr Williams interjecting:

The SPEAKER: Order, Deputy Leader!

The Hon. M.D. RANN: Importantly, these reforms will reverse the current trend of wind farm developers seeking to have their projects assessed under the Crown Development process rather than under council processes, a trend which works against the interest of keeping councils involved in wind farm approvals. Projects already accepted for crown development assessment will not be affected. To support councils in their expanded role, the state government will provide $300,000 through RenewablesSA to councils that need additional help.

The government will also fund the establishment of an industry liaison manager to work as a sounding board for communities in the Mid North. The Clean Energy Council has estimated that nearly—and this is something for the deputy leader, when he is not reading James Thurber and thinking that Stephen McBride is somehow analogous to Nelson Mandela—$2.8 billion has been invested in wind power in South Australia, creating 806 direct jobs and 2,417 indirect jobs.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Renewable Energy Plan and wind farm planning framework being released today will build on South Australia's current leadership role in hosting renewable energy investments. I commend this to the house, and I table this next document.

An honourable member interjecting:

The Hon. M.D. RANN: There will never be a photo of you inside the cover.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Question time will last for one hour today. If we go over and we have not answered the questions, then you will not get the opportunity. I am not extending question time today. The Leader of the Opposition.

MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:31): Thank you, Madam Speaker. My question is to the Minister for Aboriginal Affairs and Reconciliation. Why should the public have confidence in the minister when respected Indigenous leader Mick Gooda recently said:

Children are missing out on a basic human right. The government has to do something. There has to be some form of intervention. It's no good the state government just talking about market gardens.

Members interjecting:

The SPEAKER: Order! The Minister for Aboriginal Affairs and Reconciliation.

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) (14:32): Thank you, Madam Speaker. The community should be satisfied; they should feel—and, indeed, I am confident—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Madam Speaker, they do not need to listen to anything that I say about children on the APY lands. Let me repeat for their benefit the press release that the Nganampa Health Council—an independent health authority—says about children on the lands:

The statements from various NGOs, some Aboriginal spokespersons and national media organisations claiming widespread severe malnutrition amongst children on the APY lands are simply wrong.

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood!

The Hon. G. PORTOLESI: I continue:

Mr John Singer, Director of Nganampa Health Council said today—

Mr MARSHALL: Point of order.

The SPEAKER: Point of order. The member for Norwood.

Mr MARSHALL: This question had nothing to do with malnutrition, and I would ask you to direct her—

The SPEAKER: Order! It was a very broad-ranging question.

Members interjecting:

Mr MARSHALL: Relevance. The answer is not going near the question.

The SPEAKER: Order! Member for Norwood, sit down. You are warned for the second time, member for Norwood.

Mr Goldsworthy interjecting:

The SPEAKER: And the member for Kavel, you are also warned.

Members interjecting:

The SPEAKER: Order! The Minister for Aboriginal Affairs and Reconciliation.

The Hon. G. PORTOLESI: I am sorry, Madam Speaker, for speaking while they are interrupting. Anyway, I will continue:

Mr John Singer, Director of Nganampa Health Council said today, 'Certainly poverty is a major problem on the APY lands, but it is complex and it is uneven in its effects. This does not mean that some parents have problems in consistently providing healthy food for their families, but our health service data shows that, despite this poverty, there has been marked improvement in the growth and nutrition of children on the lands.' He said, 'An emergency response—

which goes to the heart of the question—

to poverty is not what is needed. What is needed are sustainable ways to reduce poverty. Nganampa Health—

not me—

is currently planning a high-level professional review of poverty on the lands which provides clear recommendations for poverty reductions.'

And we are very keen to work with them. I continue:

Professor Paul Torzillo, Medical Director of the health service said, 'During the 1980s and 1990s—'

Members interjecting:

The Hon. G. PORTOLESI: They ask the question, they don't want to hear the facts, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I am sorry for speaking while you were interrupting. During the 1980s and 1990s, up to 30 per cent of all children under five had severe malnutrition by WHO's standards and at the time we were trying to prevent severe malnutrition. However, by 2005, that proportion was only 6 per cent, which is not much above the national average. This year, our data on all children under 5 years (approximately 210 children) shows that only six children have a weight for age measure demonstrating severe growth failure, and four of these had birth-related causes contributing to their low weight.

Nganampa Health Council has a very effective policy of identifying any child who drops below the predicted growth curve, even if their weight is not markedly abnormal. These children present extremely difficult problems to change. There are multiple medical, social and nutritional factors which contribute to growth problems in these children. In general, 20 to 30 such children across the APY lands are identified as needing special attention for growth, and often the interventions required are complex because of a host of problems. In closing, again—

Ms Chapman interjecting:

The Hon. G. PORTOLESI: Of course they are, because you don't care. In one year, how many questions have you asked me? What is your policy response? A big fat zero, and you know it, Vickie.

Ms Chapman interjecting:

The SPEAKER: Order! Member for Bragg, you are warned for the second time.

The Hon. G. PORTOLESI: In closing, Paul Torzillo says:

Again, emergency responses by either NGOs or government are not what is needed here but, rather, considered and sustainable initiatives.

That is not from me. That is from the Nganampa Health Council.

Members interjecting:

The SPEAKER: Order! Member for Taylor.

GRADUATED LICENSING SCHEME

Mrs VLAHOS (Taylor) (14:36): My question is to the Minister for Road Safety. Can the minister please advise what changes the government is proposing for the graduated licensing system for young drivers?

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan, Minister Assisting the Minister for Employment, Training and Further Education) (14:37): I thank the member for Taylor for her question: it is a very important question on a very important subject. Last week I released a discussion paper which flagged five new initiatives aimed at further reducing the over-representation of young drivers in the road toll. These initiatives have the potential to significantly reduce road trauma for young drivers in South Australia. They are not about making life tougher for young drivers: they are about protecting them and saving their lives.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. T.R. KENYON: Over the last decade, more than 4,000 young people aged between 16 and 24 have been killed or seriously injured on our roads. Research shows that crashes are most likely to occur during the first six to 12 months of holding a provisional licence when the driver is least experienced and driving unsupervised. The initiatives reflect world's best practice, are evidence-based and have already been implemented to varying extents in other Australian states and territories. The initiatives include:

- Passenger restrictions for all P1 drivers, allowing no more than one passenger under 21 for the duration of their P1 licence, with exemptions for immediate family members or for employment or if a qualified supervising driver is present.
- A restriction on driving between midnight and 5am for all P1 drivers for the duration of their P1 licence, again, with exemptions for work-related driving or if a qualified supervising driver is present.
- Raising the minimum age for provisional licences from 17 to 18 years, meaning drivers cannot drive solo until they are at least 18 years of age.
- Extending the total minimum provisional licence period from two to three years and removing regression to a previous licence stage.

Raising the minimum driving age will largely eliminate crashes involving 16 to 17 year old drivers, resulting in an estimated reduction of 60 to 70 fatal and serious injury crashes each year. Similarly, we will potentially see between 12 and 17 fewer fatal injuries each year by introducing passenger restrictions for P1 drivers. Night-time driving restrictions could also potentially result in eight to 12 fewer fatal and serious injuries each year.

As a community, we all have a responsibility to provide greater protection for young drivers while they are at their most vulnerable stages of driving. Some of these initiatives may affect the independence of young drivers and their families and friends, and this is particularly true in rural communities and disadvantaged groups. However, young drivers in rural South Australia are 2½ times more likely to die or be injured in a crash than their peers in metropolitan Adelaide.

There is also a belief in the community that road fatalities and serious injuries are largely the result of risk taking or extreme behaviour but, in fact, over half of all fatal crashes and 90 per cent of injury crashes are the result of mistakes or common lapses in judgement. I urge members opposite, particularly the shadow spokesperson on road safety, the member for Kavel, to

put in a response to the discussion paper. He has been strangely quiet lately and I note that he failed to put in a submission to our recently released Road Safety Strategy—Towards Zero Together.

Members interjecting:

The Hon. T.R. KENYON: Well, he has a chance now.

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: He has a chance now, as do all South Australians.

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: He has a chance now, Madam Speaker, as do all South Australians. The discussion paper is open for public comment until 9 December, so there is plenty of time for him to start working on a response. The initiatives flagged in the discussion paper—

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: —particularly raising the driver licensing age, are consistent with the advice from recent Adelaide Thinker in Residence, Professor Fred Wegman, who also advocated that there should be an increase in the minimum driving age to reduce the number of young people killed or injured on South Australian roads. I urge anyone with an interest in road safety to make a contribution to this important discussion.

MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION

Mr MARSHALL (Norwood) (14:41): My question is to the Minister for Aboriginal Affairs and Reconciliation. Why should the public have confidence in the minister when Monsignor David Cappo recently said:

Warning bells are ringing, but we have to intervene very, very quickly on these issues, otherwise we are going to have major tragedies on our hands.

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) (14:41): I have enormous respect for Monsignor David Cappo and, on behalf of—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop, you are warned!

The Hon. G. PORTOLESI: —everyone on this side of the house, I offer my sincere gratitude to him for the tireless work he has undertaken in giving those in our community who are vulnerable a stronger voice. There was another thing that Monsignor David Cappo told me that he said in his media commentary. He said this: 'And every time I said to them, I have complete and utter confidence in Grace Portolesi as minister.'

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. G. PORTOLESI: More or less.

Members interjecting:

The SPEAKER: Order!

RESEARCH FELLOWSHIPS

Mr SIBBONS (Mitchell) (14:43): My question is to the Minister for Science and Information Economy. How is the government helping to support science and research capabilities in our universities?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:43): I thank the honourable member for his question. This state has a wonderful tradition of strong scientific discovery, going right back to the Braggs and—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: True—to the family that made those extraordinary discoveries that led to the granting of a Nobel prize. We have three public universities in South Australia that are held in high regard—

Mr SIBBONS: Point of order: I cannot hear because of the unruly noise coming from the opposition.

The SPEAKER: There is an incredible amount of background noise. Could you please go outside if you wish to discuss things amongst yourselves? Minister.

The Hon. J.W. WEATHERILL: Thank you. We have three public universities that are held in incredibly high regard, both nationally and internationally, for being at the cutting edge of innovation and research. Indeed, from the analysis of some of the international research capacity data, it is clear that our universities have areas of expertise which are leading the world. However, we need to continue to be at the cutting edge of those developments and continue our reputation as a research hub of excellence.

That is why the state government, through the Premier's Science and Research Council, is today announcing a new initiative supporting the University of Adelaide, the University of South Australia and Flinders to attract world-leading researchers to Adelaide to help expand the state's existing research expertise in areas of strategic importance to the state.

Members interjecting:

The SPEAKER: Order! Will members on my left be quiet?

The Hon. J.W. WEATHERILL: These are new fellowships. We will see three universities each provided with $1 million over the next four years, which will be matched by each of the institutions. The investment will enable each university to build on its existing strengths. The idea is to attract a world-leading researcher. We know that there are many countries in the world at the moment where a number of researchers are thinking of relocating. We think this is a wonderful opportunity, not only to get them but also their teams and to bring them here to South Australia.

For instance, the University of Adelaide is seeking to appoint a new leading experimental physicist to expand on the groundbreaking work undertaken at the soon to be completed Institute of Photonics and Advanced Sensing—

The Hon. M.D. Rann: Tanya Monro.

The Hon. J.W. WEATHERILL: Absolutely—Tanya Monro's fantastic institute there. This will build on that. This will provide another capability that she needs to take her institute to the next step. Flinders University will look at ways—and I am sure this will interest the Premier—of building on its capacity in sustainable industries with a focus on clean tech, an emerging field of industry that develops and employs practices that are environmentally friendly and sustainable. Thirdly, the University of South Australia will seek to build on its strengths in the mineral sciences where the Ian Wark Institute has already added more than $430 million to the Australian minerals industry for research that supports improved minerals recovery, improvements in the grade and quality of concentrates and reduced operating costs. So, they will be seeking to attract another scientist in that particular field.

The state government knows how important scientific research, development and innovation are and to apply this research to the benefit of our community. We know that we have to grow the capability of our community if we are to be able to compete in the jobs which we know exist in these high tech industries. Collectively, these fellowships will do much to improve the research capability of this state.

MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION

Mr MARSHALL (Norwood) (14:47): My question is to the Minister for Aboriginal Affairs and Reconciliation. Why should the public have confidence in the minister when respected Indigenous leader and former ALP national president, Warren Mundine, recently said:

...it is obvious the achievements and outcomes for indigenous people are just not happening on the ground...The state government's problem has always been being able to admit it needs help.

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) (14:47): There is no question in my mind, again for the third or fourth time today, that despite the fact that this is incredibly difficult, complex—at times it feels like it is an intractable issue. There is no question that, in my view, for the first time we have the federal government, we have the state government and we have the APY executive working incredibly closely, working diligently.

If there is one thing that points to a very bright future, it is the fact that all three parties—the state government, the federal government, the APY executive—have now agreed that we are going to go down the path of regional partnership agreement. The APY executive and the people on the lands, all of them, I am told, feel that this is the way to go when it comes to managing future governance on the lands. I am incredibly confident that, despite the fact that there are a number of hurdles that I am certainly absolutely committed to overcoming, we will get there because unlike them we have a plan for the future.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: Point of order, Madam Speaker. If the minister does have a plan, we would like her to table it. We have been waiting for it for four years.

The SPEAKER: There is no point of order there. Member for Reynell.

Members interjecting:

The SPEAKER: Order!

COMMISSIONER FOR ABORIGINAL ENGAGEMENT

Ms THOMPSON (Reynell) (14:49): My question is also to the Minister for Aboriginal Affairs and Reconciliation. Minister, can you please advise the house of the future arrangements for the Commissioner for Aboriginal Engagement?

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, you are on your third warning.

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) (14:49): I thank the member for Reynell. The member for Norwood has a terrible habit of misrepresenting the facts in this place. He just said—

Members interjecting:

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

Mr WILLIAMS: What the minister just did is totally out of order and if she wants to make such an allegation she has to do it by substantive motion.

The SPEAKER: Thank you, you will sit down. Minister, return to your answer.

The Hon. G. PORTOLESI: The question is about the commissioner for engagement. Klynton Wanganeen is one of those commissioners for Aboriginal engagement. The member for Norwood said that the commissioner resigned. What did the commissioner say? Quote: 'I told him that I didn't resign.' Here it is in black and white. I will get back to that in a moment.

I would like to thank the member for Reynell for this very important question. I do acknowledge absolutely her commitment to advancing reconciliation in her community and doing what she can to close the gap of Aboriginal disadvantage. I am very pleased to advise the house about the ongoing arrangements for the role of the Commissioner for Aboriginal Engagement.

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert, you are warned. Minister.

The Hon. G. PORTOLESI: This is a very important role in our view and one that the government remains absolutely committed to for the future. I am very pleased to announce that

Khatija Thomas, one of the two commissioners for Aboriginal engagement for the past nine months, will continue in the role now in a full-time capacity. This will allow her to continue working on her specific projects around school retention and education, and also the work that she is undertaking in Port Augusta.

Commissioner Thomas is a Kokatha woman with a background as a solicitor, working in native title. She has strong links with the Port Augusta community and, together with commissioner Wanganeen, has been an important part of the work that we are doing in Port Augusta, following Mr Lew Owens' report.

The Commissioner for Aboriginal Engagement serves as a very important voice for the Aboriginal community here in South Australia and provides, and is encouraged to provide, independent advice to me as minister on issues affecting Aboriginal people. The commissioner's role includes publicly advocating engagement between Aboriginal people and the broader community, identifying barriers to Aboriginal people's access to services, mentoring emerging Aboriginal leaders and consulting with non-government organisations and peak Aboriginal bodies and representing their views to the government. The commissioner also works to reduce disadvantage in the Aboriginal community, addressing issues such as homelessness, school retention and youth offending.

I would like to take this opportunity to thank outgoing commissioner Klynton Wanganeen for his outstanding work in this role for the past four years. He has been, and I have no doubt that he will continue to be, an outstanding advocate for Aboriginal people in our state and he offers invaluable advice to me. I thank him for setting up this role. Of course, he was appointed by my predecessor, minister Weatherill, and I wish him well in his future endeavours, as I do commissioner Khatija Thomas.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition.

MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:53): My question is again to the Minister for Aboriginal Affairs and Reconciliation. Given that the minister has lost the support of Noel Pearson, Mick Gooda, David Cappo and Warren Mundine and has been criticised by Lowitja O'Donoghue, will she now do the honourable thing and resign?

Members interjecting:

The SPEAKER: Order!

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) (14:53): The last time—

Members interjecting:

The SPEAKER: Order! The member for Morialta, behave. Order! Minister.

The Hon. G. PORTOLESI: The last time I checked, three out of those four people are not from the APY lands, nor are they from South Australia.

Members interjecting:

The Hon. G. PORTOLESI: That's right. They want to ignore. What we need in South Australia are solutions, policies and programs that are designed for our communities here. Lowitja O'Donoghue, on the other hand, is a Yankunytjatjara woman. I have said in this place before how I have enormous respect. These are some of the things that she says and they are very important. She says—

Members interjecting:

The Hon. G. PORTOLESI: If they were interested in advancing the cause of Aboriginal people, they would pay attention.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: This is what Lowitja O'Donoghue says:

[We] must give Aboriginal people the capacity to run their own affairs and income management is one part of it only—

Mr Venning interjecting:

The SPEAKER: Member for Schubert, you are warned for the second time.

The Hon. G. PORTOLESI: She also says:

My biggest message is about stopping welfare dependency programs and give Aboriginal people the capacity to run their own affairs.

The Hon. G. PORTOLESI: She also says:

I'm happy in relation to that financial literacy stuff.

That 'stuff' she is talking about is the stuff that minister Macklin and I announced just recently. She also says:

At the moment these communities are becoming much safer places.

She also says:

I know the minister—

She is referring to me—

is trying to stop the fly-in, fly-out sort of rubbish that goes on.

Members interjecting:

The SPEAKER: Order! Can I again remind the media—there is a cameraman up there that is very cross-eyed and keeps filming members on my left when the members on my right are on their feet. Member for Davenport.

SUSTAINABLE BUDGET COMMISSION

The Hon. I.F. EVANS (Davenport) (14:57): My question is to the Treasurer. How much more than $50,000 was the cost of the consultancy given to Ferrier Hodgson to investigate the leaking of the documentation relating to the Sustainable Budget Commission Review, and how is this not a conflict of interest, where Mr Carter is the managing partner of Ferrier Hodgson and was a member of the Sustainable Budget Commission?

The Treasury and Finance annual report tabled yesterday by the Treasurer shows that Ferrier Hodgson was given a consultancy of more than $50,000 to investigate the leaking of the documentation relating to the Sustainable Budget Commission Review.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (14:57): Those matters pre-date my time as Treasurer. I am not intimately familiar with them, but I have absolute and complete confidence that any conflict of interest issues would have been—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —addressed, and due diligence would have been done to make sure that there was no apparent or real conflict of interest.

MODBURY HOSPITAL

Ms BEDFORD (Florey) (14:58): My question is to the Minister for Health. What progress has been made on the redevelopment of Modbury Hospital?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:58): I thank the member for Florey for her question and acknowledge, as I have in the past, her very deep and abiding interest and advocacy for the Modbury area, the people who live there, and especially, and above all, the Modbury Hospital.

During the most recent election campaign, the government committed to a $46 million redevelopment of the Modbury Hospital, and that project includes a redevelopment and expansion of the emergency department, which will include 25 cubicles and will be designed to meet best practice standards. The redevelopment will guarantee the future of Modbury Hospital as a general hospital with a 24-hour emergency department.

We also need to ensure that Modbury Hospital will cater for the needs of the local population. We know that 60 per cent of patients who visit that hospital are aged 65, and that number is projected to increase significantly over the next decade. This is as ageing state, and the community around Modbury is a particularly ageing community. That is why, during the election campaign, the redevelopment commitment also catered for a rehabilitation centre and 36 new single bed rehabilitation rooms.

These rooms will be based on the new RAH standard, and will be large enough for a number of treatments to be undertaken in patients' rooms, so the patients do not have to be moved around the facility. All rooms will have en suites and will provide greater privacy for patients and provide the best available standards of infection control. The plan announced at the election involved in these 36 rooms being placed on the fifth and sixth floor of the hospital. The master planning process, which has been undertaken over the past year, uncovered some difficulties with this part of plan.

Requirements for the removal of asbestos on Level 5 and Level 6 were much greater than anticipated. Structural and support beams were also placed in such a manner that made it difficult to accommodate the desired floor plan for the rooms. For these reasons a decision has been made to progress the redevelopment as a new building in the north-east corner of the site with a link to the main building at level 1. The new build will incorporate 36 new single bedrooms for rehabilitation, as promised. It will also provide an ambulatory rehabilitation day therapy centre, as was also committed to at the election. The decision to build the rehabilitation services in a new building will have no effect on the redevelopment of the emergency department, which will progress as planned.

So, contrary to a report in the *Leader* Messenger today, I am advised that the project is still scheduled for completion by the end of 2013. I understand the Messenger received the information following a briefing by agents of the health department to local council; the Messenger did not get the story wrong, but the information provided to the council did not reflect the intention of the department.

This is an ambitious project with an ambitious time frame. However, I have spoken today with the chief executive of the health department who has assured me that this time frame is achievable. I hope the member for Florey can pass that on to her constituents, as I am sure my colleague the Minister for Road Safety will to his.

WATER PRICING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:01): My question is to the Minister for Water. Will the minister confirm that when the government increases water prices next year (which the minister has stated will be similar to the 40 per cent increase this year) the average household water bill will have more than trebled since 2002?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:01): When you deconstruct the question of the deputy leader over there, he talks specifically about the price of water. Of course when you look at the bills, and the costs of the provision of the services provided by SA Water, there are components of the bill that are not simply water—although water is an important component.

What we have said—and we have made no bones about it—is that there will be a series of large increases, and we have flagged that next year will be around a similar mark to what it was for this current financial year. However, we have not determined the figure yet, and I will not pre-empt anything until, along with my colleague the Treasurer and the work that needs to be undertaken, the pricing is eventually set.

DEBT EXPOSURE

The Hon. I.F. EVANS (Davenport) (5:02): My question is to the Treasurer, being coached by the former treasurer. Who is right: the Treasurer who said 'I have no reason to believe that we have any specific exposure to what is going on in the US,' or the Auditor-General, who said in his report tabled yesterday, regarding state revenues, that 'internationally there remain risks, including the sovereign debt issues of European Union nations and the United States of America's fiscal position'?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (15:03): There is no inconsistency between both remarks; they are both true. Of course in a general way we are not insulated from

what is going on in the rest of the world; of course what happens in the United States and what happens in Europe—

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley is warned for a second time.

The Hon. J.J. SNELLING: —has an impact on the general economic conditions that we face in South Australia, but in terms of the member for Davenport's original question, my recollection is that it was: did we have any specific exposure to what was going on in the United States at the time, to which the answer is no. We do not have any specific exposure to what is going on in the United States. Of course, we are not an island; we are a trading economy and are affected by—

An honourable member interjecting:

The Hon. J.J. SNELLING: Australia is an island, and South Australia is part of an island.

Mr Bignell interjecting:

The Hon. J.J. SNELLING: No man is an island, indeed. Thank you, member for Mawson; he has taken the role of the member for Croydon in terms of pedantry in the chamber. Of course we are not insulated from what goes on in the global economy. There is no inconsistency between what the Auditor-General has said and what I have said.

STRATHMONT CENTRE

Mrs GERAGHTY (Torrens) (15:04): My question is to the Minister for Disability. Can the minister update members on the progress made in moving residents from the Strathmont Centre into the community?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:05): I thank the member for Torrens for this question and take this opportunity to place on record my appreciation for the dedicated support that she is given the residents of Strathmont and their families over many, many years.

Later today I will have the honour of opening the first of the new houses being provided for people moving into the community from the Strathmont Centre. These two new homes are the first of eight and are part of the second stage of the devolution of the Strathmont Centre. This comes as part of our $56 million commitment made to Disability Services in the last budget.

These eight people are part of the first wave that will see 32 residents from Strathmont move into supported community living. I am told that the six remaining houses, built as part of the nation building stimulus plan, will be ready by the end of this year. As members would be aware, at its peak the Strathmont Centre was home to over 600 people with an intellectual disability. We are now in a position to see the number of residents further reduced to just 31.

In the meantime, we will do our best to ensure they are looked after, whilst plans for the eventual closure of Strathmont are finalised. The houses have been deliberately built close to public transport, community and social facilities so that residents can participate in and become part of their local community. The move from institutional care into community-based housing means people with a disability can receive the ongoing care they need but still be connected to the community and their families.

This is an exciting moment for the first eight people, and I am sure that members will join with me in wishing them all the best in the new homes. Can I also say that I think that for the families of these people they are putting an enormous trust in the government and disability services in caring for these people when many of them have lived at Strathmont for a very long time, and I want to acknowledge the great trust that they are putting in us.

DEBT EXPOSURE

The Hon. I.F. EVANS (Davenport) (15:07): My question is again to the Treasurer. Given the Treasurer's statement to the house in relation to the government's exposure to the US debt crisis that, 'I have no reason to believe we have any specific exposure to what is going on in the US', can the Treasurer advise of the government's investment performance on superannuation, WorkCover and Motor Accident Commission-invested funds since he made the statement on 28 July? Bank SA in its October quarterly outlook stated:

Financial market sentiment deteriorated significantly over the past quarter…The trigger for the marked deterioration in sentiment was a sovereign ratings downgrade of the US by Standard & Poor's.

Since the Treasurer made the statement the All Ordinaries have fallen by 6.4 per cent and the Dow Jones has fallen by 5.4 per cent.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (15:08): Unlike Alan Greenspan, I do not think the share market is waiting on the pronouncements of the South Australian Treasurer before they make investment decisions. The member for Davenport seems to overestimate my abilities, but it is simply—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —the case that I don't think my pronouncements have an effect upon the world share markets. I'm sorry—but, in terms of the individual results, essentially, for the year end to 30 June this year, the results have been very good across the board—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: Since then, of course they have not been performing as well. It is still early days. We are not even halfway through the financial year, but, of course, share markets have been down and the performance of our invested funds reflect that. There is nothing new about that; that is quite obvious. I think the member for Davenport seems to think that my pronouncements can somehow affect the share market, and I think he overestimates my influence.

Members interjecting:

The SPEAKER: Order! The member for Unley.

UNEMPLOYMENT FIGURES

Mr PISONI (Unley) (15:09): My question is to the minister hindering—sorry—the minister assisting the Minister—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: —for Employment, Training and Further Education. What does the minister say to the 48,300 and unemployed South Australians, including the 4,800 people who became unemployed last month, given his comments to the house yesterday about South Australia's unemployment rate, and I quote: '5.6 per cent is a good number'?

The Hon. P.F. CONLON: Plainly the question was out of order, containing not only opinion but inflammatory argument. It is too late to take it back but I hope the other side will not be complaining about debating the answer.

The SPEAKER: Absolutely, I uphold that. I was reflecting on the question when you stood up. Minister, do you choose to answer that question or should we go to another question?

The Hon. T.R. KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan, Minister Assisting the Minister for Employment, Training and Further Education) (15:10): No, ma'am, I am happy to answer the question. As I said yesterday, numbers bounce around from month to month; it is the nature of statistics. The month before we had the second best stats in the country, this month we don't . That's going to happen from time to time but any unemployment number with a five in front of it is a very, very good number.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. T.R. KENYON: 5.6 is a good number. I will just say, too—

The Hon. I.F. Evans interjecting:

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

An honourable member interjecting:

The SPEAKER: Order! We will hear the minister's answer.

The Hon. T.R. KENYON: I will say this to people who are unemployed today, that they have very great opportunities in front of them and they should be out there training themselves with the government's Skills for All program that is going to revolutionise training, and it is going to revolutionise productivity in this state. I will tell them that there are jobs galore, there are jobs out there and when, of course, Olympic Dam comes on line in the very near future, there is $1.2 billion just in pre-commitment works coming through, then it is just going to get better and better and better still. So, the opportunities in this state are very, very bright and people who are looking for work should be comforted by the fact that there is work out there.

CORRECTIONAL SERVICES UNIFORMS

Mr ODENWALDER (Little Para) (15:11): My question is to the Minister for Correctional Services. Can the minister inform the house about the uniform ceremony for senior managers and executives of the Department for Correctional Services?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (15:12): I want to thank the member for Little Para for his keen interest in all matters corrections. I can inform the house that, as of yesterday, senior staff of the Department for Correctional Services are back in uniform. For the first time in more than three decades, senior staff will now wear a formal uniform. Included are the Chief Executive, the Director and Executive Director, Custodial Services, and prison general managers. General managers will wear the uniform every day. The Director and Executive Director, Custodial Services, will wear the uniform whenever they attend a prison. On ceremonial occasions, the dress uniform will be worn by all.

It was worn by all yesterday at the presentation of Rank Insignia by His Excellency the Governor at a reception that His Excellency and Mrs Scarce generously hosted at Government House. I would like to thank the member for Stuart for his attendance in representing the opposition at the function.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: He is a good guy. I thank them again for giving up their time and opening up their house to us for the reception. Correctional officers are proud of their uniform. They are proud of what it represents and they are proud to wear it. It seemed logical to me and the government that the uniform should extend to managers and leaders. This is because it creates an unbroken line that leaves no room for confusion with regard to the roles and functions of those who are in our prisons. I believe it represents a greater sense of cohesion—a united front. If only some members opposite could say the same.

That is why I suggested that all custodial staff move back to uniforms, and I was pleased to find that the idea was met with overwhelming enthusiasm and positivity, which resulted in yesterday's ceremony. Also presented by His Excellency yesterday was the 15-year National Medal to the Chief Executive of the Department for Correctional Services, Mr Peter Severin. The National Medal recognises 15 years of diligent service by members of organisations that help the community during times of crisis, such as police, emergency services, lifesaving, search and rescue, and correctional services.

Peter Severin, of course, has worked in correctional services longer than 15 years. His career in corrections commenced in 1980, and he has held executive positions in large correctional organisations since 1996. I thoroughly enjoy working with Peter Severin, and I can say that he is a fine public servant; and, in the great tradition of South Australian public servants, he does his job exceptionally well and makes us all very, very proud.

On behalf of everyone in this house, I congratulate Peter on receiving the national medal. I am immensely proud to have had the opportunity to see the senior staff of the Department for Correctional Services in uniform yesterday, and to be there to witness the presentation of Rank Insignia by His Excellency.

I want to thank everyone involved, including the staff of corrections, who worked very hard and tirelessly in designing the uniform and helping to design the rank insignia; and, of course, to His Excellency for making sure that we do not politicise in any way rank insignia being given to officers as we saw in Victoria.

It is very important that our public servants know that they serve the parliament and the people of South Australia, not a political party. I think that everyone involved realises the independence of our correctional officers and the hard work that they do. I know that members opposite are regularly attending our prisons—

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Here they are. I think that Peter Severin is a fine public servant, and I have never known anyone to criticise him from either side of politics. I really think that trying to politicise his appointment devalues the whole exercise of putting him in uniform. If I had wanted to politicise it, I would have given the rank insignia myself. I chose not to for this very reason: the very reason that I did not—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —give him his insignia and got the Governor to do it was so that it would not be politicised. It is important that we do not politicise these positions. It was a wonderful occasion, Madam Speaker, and a milestone for correctional services in Australia.

GRIEVANCE DEBATE

SCHOOL AMALGAMATIONS

Mr GARDNER (Morialta) (15:16): I am pleased to have the opportunity to talk about the Stradbroke and Athelstone primary and junior primary schools this afternoon, and, of course, these schools are among the 42 schools that the government has slated for forced amalgamation in the coming year. It is a great shame that the communities of these schools have basically been told that the government is not particularly interested in hearing what they have to say about the future of their schools.

The act, of course, requires that these schools will go through the process of consulting their school communities, and that process is happening right now. The act requires that the minister then receives that report. I will get to what the outcome is going to be, but I do not think that it will surprise members that, if the outcome of that report is that the schools and their communities do not wish to amalgamate, this Labor government has signalled to these schools (through its budget last year) that their opinions and their wishes are not of interest to this government.

I was pleased to provide submissions to the reviews of both the Stradbroke and Athelstone schools. I should signal a potential conflict of interest in that, living next to the Stradbroke Primary School, as I do, we have every intention when the time comes of sending children there; so, I certainly have a particularly personal desire, in addition to being the local member, for that school to go well.

A forced amalgamation of these schools will result in the loss of approximately $280,000 of annual funding. It will have a negative effect on the education, social and economic needs of the schools. They will lose their principals at a junior primary level—and at a time yesterday the Minister for Education, who purports to have this view that you should consult before you decide rather than announcing and then defending (everything that he claims to stand for) is betrayed. The lie of it is betrayed by the evidence of this program of forced amalgamations.

The schools, of course, will have not only the immediate cash loss, that $280,000 worth of funding that is going to take away the emphasis in the junior primary years that the education minister claims to be so important (and, in fact, we know is so important) but there is also a hidden increase in their costs as well because the new schools will be significantly larger. The schools will be required to employ principals on higher salaries to compensate for that, and so the actual loss in real terms is closer to a third of a million dollars each.

In the past, many schools around the state have been encouraged to amalgamate by this government and others before them and, in doing so, the governments have put on the table significant capital works projects that are going to assist those schools. Nothing of the sort is the case in this instance. Indeed, even the paltry capital works that have been signalled for the 42 schools around South Australia to merge administration blocks are not even necessary in these two schools, so they will get nothing. They will be given just the stick but not the carrot.

Parents have chosen Stradbroke and Athelstone schools because they want this early years focus. A number of parents have put in submissions saying that they have, in fact, moved to be near these schools because they are so happy with the public option that is available there. At a time when there is a flow—and there has been a flow for the last 10 to 12 years—of parents and students choosing the private system over the public system, if we want to offer an excellent public system, it requires that there be choice available for those parents, and that those parents who see public options that will suit their families should be rewarded for doing so. In this case we see the government punishing them.

Tomorrow I will be lodging petitions from both schools, but we understand already, for example, that of 151 submissions to the Stradbroke school amalgamation review from the Stradbroke school community, 151 are opposed to the amalgamation. I wait to see the response from this education minister, who purports that he is going to be the consult and decide premier, as to what he will do with that information regarding these 42 school amalgamations. If any of them comes back saying that the school community wants to amalgamate, then so be it, that is good for them; but, if they come back saying that the school community has been engaged by the government in this consultation and the government ignores the results of those consultations, then the minister, soon to be premier, will stand condemned as not being a man true to his word and the principle that he has espoused.

The public deserves for its point of view to be taken into account, and I hope sincerely that the sports programs, the help for students with learning difficulties, the early years focus and the music and languages programs that currently are offered at these schools are not going to be devastated and undermined by this significant cut to all of these schools. I know, though, that the truth is going to be different if the government continues down this track. I urge the minister and the new premier to revisit this policy.

SUSTAINABLE BUDGET COMMISSION

The Hon. K.O. FOLEY (Port Adelaide—Minister for Defence Industries, Minister for Police, Minister for Emergency Services, Minister for Motor Sport, Minister Assisting the Premier with the Olympic Dam Expansion Project) (15:21): Clearly bereft of any questions, the opposition has realised that I am unassailable as a minister and therefore no longer wishes to pepper me with questions. The bruising that I give back is, clearly, too painful, but I accept that as a fact of life. It is a significant recognition of my time in question time.

I want to seriously respond to the question that was asked of the current treasurer on the matter of a suggested conflict of interest between Mr Bruce Carter, in his role as a member of the Sustainable Budget Commission, and the fact that a member of the team of Ferrier Hodgson was involved in a consultancy in respect of investigating who leaked that document. I can answer that question and, as the Treasurer said, it was before he was treasurer. My recollection may have one or two qualifications.

When this leak occurred, I asked the head of my Treasury department to put in place an appropriate investigative body that was consistent with government procedures and the probity that is involved in these exercises. From memory, it did involve both Treasury, I am pretty certain Department of the Premier and Cabinet (and I think it may have been Chris Eccles) and, certainly again from memory, somebody from the Crown in terms of a crown investigative officer. I had no involvement in that investigation, quite naturally.

From memory, all responsibilities were delegated; and the appointment of a person from Ferrier Hodgson, on my recollection, was based on the fact that the investigative team required a forensic accountant and it was the considered view of the senior public servant overseeing this process. From memory, again, without reference to me, and I may have been informed afterwards—obviously, I was informed afterwards—

Mr Venning: Why didn't he say this?

The Hon. K.O. FOLEY: Because he was not the treasurer at the time and would have no historic memory of it. From memory, the advice is that the person involved is the best computer forensic accountant in Adelaide, and, again from memory, one used extensively by SAPOL for this very type of work. He had a set of specialist skills and the officers in charge of the process (whether it was the Crown or Treasury: I cannot recall) felt this was the right person. He was known to the crown investigative unit, and he was utilised. Mr Carter would have had no knowledge. Just because Mr Carter undertakes work for the government in a private capacity does not exclude his

company, Ferrier's, from undertaking work on behalf of government. It is not something that should cause any concern whatsoever.

Mr Carter is an extremely hard-working, decent, honest citizen and professional, and any potential or perceived conflicts in any work that he has undertaken for the government have been properly administered by Mr Carter, by his firm and by the government.

I just want to put on the public record that, in the years that I have worked with Mr Carter—as we have with other business people, as previous governments have worked with business people—Mr Carter and the issue of conflict has been professionally managed. Just because he was on a government committee whose report was leaked does not and should not exclude him and his firm—considered the best by the public servants involved at arm's length from the ministry, from the body politic—from providing specialist services considered the best in Adelaide for forensically investigating computers and hard drives, etcetera. That would be the eminently appropriate thing to do.

PARLIAMENTARY OFFICER

The SPEAKER: Before I call on the member for Flinders, I bring to members' attention the presence in the chamber of a new parliamentary officer. You may not have noticed; I omitted to mention her yesterday. Welcome, and I hope your stay is as long as many others are. It is good to see you here.

Honourable members: Hear, hear!

GRIEVANCE DEBATE

COUNTRY SHOWS

Mr TRELOAR (Flinders) (15:26): I would like to talk today about one of the real pleasures of my role as the member for Flinders, and that is to tour around my electorate on the Eyre Peninsula and attend as many of the country shows as I possibly can. It is springtime in South Australia and many of the country towns are having their shows. In our local area, Port Lincoln and Wudinna have shows. Lipson, very pleasingly, has seen a resurgence. The Lipson show was in remission for a few years.

The Hon. K.O. Foley: Where's that?

Mr TRELOAR: Lipson is just inland from Tumby Bay, in between Tumby Bay and Ungarra. It is a tiny little town, but it has held a show for over 100 years. So, congratulations to them for reinvigorating that particular event. The show this year had probably double the crowd it had last year, so congratulations to them. Yallunda Flat has a real picnic atmosphere about it. The shearing event is held in the picturesque creek-lined hills of Yallunda Flat, and it has become a real novelty there in recent years.

Last week, it was my pleasure to attend the 100th Cummins show. In fact, Cummins is my home town, so it gave me a great deal of pleasure to be present at that show and also take part in some of the organising and running of the event on the day. I can probably throw the Cleve show into the mix, and I should. The Cleve show is now held in the autumn. It has been moved from spring to autumn to help the round of shows and to accommodate more than anything, I think, the show horses and the horses in action, which really do have quite a specific and set round.

The Oysterfest in Ceduna probably fits into this category as well. It is a big event. It is on the long weekend in October and, this year, I know they went through an extraordinary number of oysters. So, no doubt a good time was had by all.

The countryside is looking a picture at the moment. The Eyre Peninsula is looking forward to a good crop. It will not be quite the bin buster that it was last year, but it should certainly be above average. The Leader of the Opposition, Isobel Redmond, was welcomed to Cummins to open the show, and she mingled with the assembled crowd following that opening ceremony. I myself had a role to play as patron and was pleased to be able to award life memberships on the day to Bill Harris and Daphne Mickan.

There was a historical theme to the day. There were many vintage tractors and many vintage cars, and it was a pleasure to see them all polished up and in running condition. There was also a lot of new machinery. Of course, traditionally, one of the roles of country shows has been to exhibit the newest in available technology as far as farming machinery goes.

The Railway Preservation Society had a tent and display. There was even wrestling. Our original intention was to get Brophy's Boxing Tent back to the Cummins Show. We wrote to Ken and he is quite elderly these days. He thanked us for the invitation but declined. The wrestling proved to be quite a highlight. There was the usual art/craft, farm and garden produce, horses in action and my favourite of all, the poultry.

Interestingly, on the day two books were launched. One was a pictorial history of the Cummins Show itself. It was the 100th Cummins Show. In fact, the shows began as fairs in 1907. It officially became a show in 1910. Only two years have we missed a show in Cummins: one was in 1919 when the day was spent welcoming home the returned soldiers from World War I, and the other time was in 1992 when ongoing inclement weather unfortunately forced the cancellation of the show that year.

The other book launch was another historical booklet, tracing the history of grain handling as it was. It was compiled by the late Jim Cronin and launched by his brother Pat, with good help from Ian Rodgers who gathered the information together and got into print what Jim Cronin had compiled. Congratulations to them.

Along with that was a bag-sewing demonstration. That was of great interest, of course, because that is how things were done—three bushel bags—and it was good to see. A great day was had by all. Congratulations, if I may, just quickly in closing, to Graham Fuss, the Chairman of the show committee, and also the 100th year committee. It was an extraordinary amount of work by him and his committees. Congratulations to all.

Time expired.

O'DEA, MR D.

Ms BEDFORD (Florey) (15:32): One of the most gifted music teachers and musicians it has been my pleasure to know died suddenly recently, and the schools in the north-eastern suburbs and beyond are greatly saddened by his loss. Denis O'Dea began teaching back in 1975 but dedicated his teaching career to music in the late 1980s. He studied music at Salisbury College of Advanced Education where he met his wife, Anne. They sang together in the Salisbury Jazz Singers, now known as The Adelaide Connection. They were married in 1988 and, in that year, they began their association with Ardtornish Primary School where Anne was appointed music teacher.

Together, Anne and Denis have made a significant contribution to the musical lives of thousands of students in the north-eastern suburbs—schools such as Ardtornish, Golden Grove and Modbury West Primaries, Modbury and Golden Grove High Schools, and even helping with performances at the Modbury Special School—and so the gift of music they have nurtured will remain with their legion of former and current students forever.

The performing arts, and music in particular, have the power to transform—something recognised by our former colleague the late premier Don Dunstan and now championed by Premier Mike Rann and minister assisting in the arts, John Hill, and soon to be premier Jay Weatherill.

Denis O'Dea led a full life apart from his music and, as is so often the case, the full depth of his commitment to his family and community was not apparent to me as we only met at school or music functions. Most recently, Anne and Denis attended the centenary commemoration performance of *Why Muriel Matters* as, unbeknown to me, Anne's sister Carol Young (another remarkably talented artist) plays Violet Tillard, Muriel's friend in the highly acclaimed play written by Sheila Duncan, commissioned by the Muriel Matters Society.

Denis was involved in the North Adelaide Basketball Club, too, where he coached the under 10 girls for more than 25 years, as well as serving as a general committee member and statistician. He was awarded life membership for his dedication to the club. Denis is survived by his wonderfully musical wife, Anne, and their sons, Kieran and Ryan, with whom he has left a remarkable legacy. Kieran is in his third year at university studying a Bachelor of Music Education and he is a member of The Adelaide Connection, the same choir his parents were in back in 1982. Ryan is in year 11 at Charles Campbell Secondary School, majoring in many performing arts subjects.

Most recently Denis has been a great supporter of the Festival Statesmen Youth Chorus of which Kieran and Ryan are founding members. Kieran is also a member of The Fishbowl Boys. The national convention and Pan Pacific regional competitions were held in Brisbane at the end of September. The event happens once every three years, with competitors hailing from all over

Australia, New Zealand, Japan and Hawaii. The field of competitors totalled 46 in semi-finalist quartets and 26 in the choruses.

The Festival Statesmen Youth Chorus, under the direction of Jonathan Bligh, won gold in both the youth chorus barbershop and a cappella sections. The chorus was also awarded bronze in the open Australian chorus competition and bronze in the overall Pan-Pacific region competition. With just 24 singers, ranging in age from 15 to 30, the chorus was able to successfully compete against larger and more experienced groups.

Within the chorus, there are three quartets who also represented South Australia in competition. The Fishbowl Boys won gold in the barbershop youth quartet competition, gold in the youth a cappella and an amazing fifth in the open quartet contest—again, competing against quartets who are much older, with many more years experience than the 20-year-olds in the Fishbowl Boys. They were also voted the audience's favourite quartet.

Ryan's quartet, Now in Stereo!, representing the Charles Campbell Secondary School, was placed first in the Australian schools quartet competition and 15th in open—not bad for lads in years 10, 11 and 12. You Tune.com was placed 13th in the open quartet competition. I would like to say that both Kieran and Ryan are playing a major part in the great revival of male choirs here in South Australia.

In closing, I would like to mention the passing of David Bishop, who died on 26 July this year. The obituary in *The Advertiser* mentioned that David was, 'a fine cellist, an inspiring teacher and a strong advocate of music education.' David's vision was that every child should have the opportunity to learn a musical instrument.

He attended his first national music camp aged 19, in 1948, when it was under the direction of his father who had become the Elder professor at Adelaide University the same year. Involved in the Adelaide Symphony Orchestra for many years, David joined the newly established South Australian education department music branch in 1963, eventually becoming involved in setting up the special music centres at Marryatville, Brighton, Woodville and Fremont. The music branch continues this fine tradition today, thanks to the dedication of current music teachers.

David directed the State Music Camp for the first of many times in 1970 and the first South Australian Youth Orchestra season in 1978. David is survived by Josie, children Anthony and Rosemary and four grandchildren.

Although they never met, David and Denis apparently both shared a love of authoritatively debating a wide range of subjects and each seemed to like a glass of red. They leave the world a much better place for their work in music, for music has a way of transcending all. It has the power to cheer and unite. I know Denis had a favourite saying from Frank Zappa, who said: 'There are more love songs [in the world] than anything else. If songs can make you do something, we'd all love one another.'

ROAD SAFETY STRATEGY

Mr WHETSTONE (Chaffey) (15:37): I would like to speak on the government's road safety strategy, which has been out and about in the media over the last couple of weeks and received a lot of attention, particularly in the regions of South Australia, but it is not the right sort of attention that the government might have wanted to receive. In fact, the new strategy has been roundly criticised, particularly in regional areas, because the strategy proposes that speed limits on our highways be reduced from 110 km/h to 100 km/h.

The state's peak motoring body, the RAA, has also criticised the strategy for this reason and for the lack of serious funding commitment to improved infrastructure. The RAA says we need to make our country roads safer, not slower, and I believe regional South Australians could not agree more.

The RAA says the latest research by the Centre for Automotive Safety Research shows that serious injuries and fatalities can be reduced by 50 per cent through safer roads and improving infrastructure—50 per cent; that is a solid number, yet we see that this government is responsible for a $200 million backlog in road maintenance and continues to ignore it.

We see this government releasing a shiny new road safety strategy that acknowledges the need for safer roads and improved infrastructure, but we do not see a funding commitment that would achieve it. Instead, we are seeing reduced speed limits on our country and regional roads.

This was tried in New South Wales, by a Labor government, on the Newell Highway, a couple of years ago and the result was a resounding failure. The speed limit was reduced to 100 km/h and this increased congestion because cars were unable to overtake heavy vehicles travelling at a similar speed. The frustration caused by this congestion led to unsafe driving practices and the reduced speed limit also led to increased travelling times between regional centres—an obvious contributor to fatigue. I am sure that the Speaker of this house would agree that travelling long distances on country roads, with slower speed limits, will increase time, frustration and, again, fatigue.

The government needs to commit to funding to improved infrastructure which will produce the outcome we are all looking for. The government needs to address the $200 million backlog, and the Minister for Road Safety's complaint that the state cannot afford it, as he said on Riverland radio last week, just shows that his priorities are wrong.

The strategy also calls for increased fines, but this is just a blatant, naked revenue grab by a government whose spending seems to be on the take 24 hours a day. The RAA says that South Australia's penalties for low-level speeding are almost amongst the highest in the country, and that there is no evidence that fines will assist in reducing the road toll.

I am also disappointed that that there is very little mention of driver education in this strategy, particularly for our young. Let's get serious about mandating advanced driving courses in South Australia, particularly for our younger drivers, and providing the facilities for these courses. I would like to note that the proposed Riverland motorsport complex and driver education facility at Barmera is a prime example of what should be achieved for educating our young drivers.

We need to equip drivers with the skills to meet the challenges of driving on our roads rather than further regulating and fining them, and I think a prime example of that is that the younger drivers are predominantly vulnerable drivers; they need to be educated.

PIAZZA DELLA VALLE

Mr BIGNELL (Mawson) (15:41): I rise today to talk about an event in the electorate of Mawson which occurred the weekend before last. It was sponsors' night at the Piazza della Valle, the new piazza that is being constructed in the main street of McLaren Vale. It was a fantastic night. We snuck in behind the construction fences because the official opening will not be held for a couple of weeks, on Sunday 6 November, from 12:30pm to 5pm. I encourage everyone to go along to the official opening. There will be some fantastic entertainment, as well as wine and food.

The Piazza della Valle started out as an idea seven years ago by a group of people in McLaren Vale who wanted to come up with a project that recognised the contribution that the Italian community had made to McLaren Vale and the surrounding area over the years. The idea started out as a bench in a park somewhere and has turned into a $1.6 million piazza.

Of that $1.6 million, the South Australian government—and I want to thank former planning minister Paul Holloway—has contributed $1 million through the Places for People fund, which is the fund where developers who do not meet the open space requirements within their developments put money into a fund, and then that money can be used for projects such as the Piazza della Valle.

The Piazza della Valle is a sensational space, with excellent architecture and tiling, and artwork on the walls. One such artwork is sponsored by the Osborn family from d'Arenberg Wines, and it was great to see d'Arry Osborn there on the night. Also in attendance were the committee members, headed by the chair, Vicki Osland, and members Anna Rogers, Michael Scarpantoni, Goe DiFabio, David Cavanagh, Richard Bennet, David Bennet, Vicki Vasarelli, Joe Petrucci and Margaret Staples. I want to congratulate them all for their great contributions.

As I said, some of them have been on the case for seven years, and others have come later to the project, but they have all done a tremendous job. The committee members have persevered, and I congratulate them.

The project marries in well with the legislation that will soon be put before the house to preserve McLaren Vale as an agricultural and tourism region. What we want to see is more people living within the town boundaries of McLaren Vale, and, if they are living in high-density areas, then a place like the piazza would be the perfect place to go and congregate, just as people do in Italy. People are crying out for that European lifestyle.

I would also like to mention another point today, and that is in response to some comments made by Mr Lucas in another place a few weeks ago. He asked about a trip I went on when I was media adviser to the then minister for police and emergency services, minister Conlon, in 2003. Mr Lucas has been looking through some freedom of information dockets, he says, and he wanted to work out my movements between 21 July and 30 July, as I flew out from Australia on 21 July.

I was actually working for two ministers on that one trip. For the first half of the trip, I was working for then minister for tourism, Jane Lomax-Smith, and I attended the Tour de France with her. I then went to Barcelona for the World Police and Fire Games. So, I was with Dr Lomax-Smith for the first part of the World Police and Fire Games, and then minister Conlon came along, and I was with him for the second part of the World Police and Fire Games.

The reason I went to the Tour de France is that, as a former international cycling journalist, I have a lot of contacts through the media centre at the Tour de France, and I was able to get minister Lomax-Smith many interviews with journalists from all around the world as well as a spot on *Eurosport*, where she was involved in the commentary with a very good mate of mine, Dave Duffield. She promoted the Tour Down Under at that time.

I did read a letter to the editor in *The Advertiser* when I got back, from someone who had written saying that they had just come back from Europe and had been watching *Eurosport,* and had heard Jane Lomax-Smith on there talking about the great Tour Down Under, and that if that was what government money was spent on for overseas trips then it was worth every cent. I paraphrased that, because it has been a few years since I read it.

That is just to give Mr Lucas that information; that is what happened. He also asked about some receipts and, as I said in an email that he quoted from, I did have receipts for that trip and they were forwarded through our office manager. I am sure that was all dealt with at the time through the office, although obviously I am no longer part of that office.

I would also like to pass on my condolences to the family of John Cassidy, who retired from the position of publishing officer in Hansard at the end of 2008. John Cassidy died on Saturday after receiving treatment for cancer for the past two years.

ROYAL ADELAIDE HOSPITAL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:46): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: I should apologise to the house; I tried to catch the Speaker's eye at the end of question time but I missed it, so I am doing it now. I table today a copy of the Ernst & Young report into non-operating funds' internal control and governance, dated 19 September 2008, which was commissioned at a cost of approximately $64,728—and that is probably exactly, rather than approximately. There have been requests for this report to be released and I would like to ensure it is accessible to all members of parliament.

The report was commissioned as a result of irregularities detected in non-operating fund accounts in April 2008 at the Royal Adelaide Hospital. Those irregularities were reported to South Australia Police and also referred to the Director of Public Prosecutions, who continues to have carriage of this matter. Non-operating funds include research grants and doctors' private practice funds.

The report reviews the processes and internal controls that were in place at the then Central Northern Adelaide Health Service Incorporated. The report made 11 recommendations for areas of improvement in governance systems, management, policy and procedures, and delegations. The executive and leadership team at the Central Northern Adelaide Health Service Incorporated oversaw the process of implementing the report recommendations. All the report recommendations were accepted by the then Central Northern Adelaide Health Service Incorporated and were implemented, including the appointment of a manager of non-operating accounts.

The report demonstrated the need for a change in governance to a single entity, being the Adelaide Health Service Incorporated, to ensure tighter controls, increased accountability and continuity in procedures across all health sites. Through the creation of the Central Adelaide and

Northern Adelaide local health networks there will continue to be a focus on controls and accountability across the management of non-operating funds.

WATER INDUSTRY BILL

Adjourned debate on second reading (resumed on motion).

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:48): Before we broke for lunch I was well into my second reading contribution on this matter, as the lead speaker on behalf of the opposition. I was setting the context in which we are debating this particular matter, and I think I was at the stage of talking about the reality that South Australian water customers are, I think, going to penalised greatly for a decision to double the size of the desalination plant—a decision that was a political one and not an essential decision to supply water. I was making the point that—notwithstanding that the government has been out there selling, as one of the main so-called reforms of this piece of legislation, that we will have an independent pricing structure—the pricing regime will largely be driven by the pricing audit issued by Treasury.

I am making the point that there is really no charge. Currently, Treasury assess the price of water in South Australia, and with the bill that is before us Treasury will continue to instruct ESCOSA on how it will set the price for water in South Australia. So I am arguing there will be no change, and it looks like, certainly under the policy which is implied in this piece of legislation, the government intends to continue to use SA Water as a cash cow.

Only in yesterday's Auditor-General's Report it was revealed that the ratio of borrowings to the assets held by SA Water have now reached the upper limit of 25 per cent. SA Water has been forced by this government to borrow up to a value of 25 per cent of its total asset holding. It has been forced to borrow that money in order to pay to Treasury the tax equivalent and, in particular, the dividends which are demanded by Treasury in order to keep the budget afloat. It is really important for the parliament to understand what is going on here.

The setting of the price of water seems to be driven wholly and solely by the need to have a significant difference between what it actually costs to provide the water and how much revenue comes into SA Water, because the Treasurer needs to cream off a large amount of money. I may well come back to that—the principle of pricing—and how Treasury under this government has year in and year out set the price of water and claimed a return on capital which was never provided. In fact, will go to it right now.

One of the principles—and I think it is a fair and reasonable principle—is that the government should get a return on taxpayers' funds that have been invested into building the infrastructure, which is now owned by SA Water. I do not think anybody has a serious argument against that. It is how we determine what those assets are and what is counted as those assets, ostensibly paid for by the taxpayer.

When there is a development happening and somebody does a subdivision, part of the obligation on the party subdividing the piece of land is to put in services. Those services include water and sewage services. Generally, that cost is borne by the developer of the land. It is obviously charged to the people who buy the housing blocks in that land, or commercial land if it is a commercial development. It is a user pays system, where those services are paid for by the developer; but, then the assets—the underground pipework generally is what most of the asset is—are handed over to SA Water, and SA Water puts the value of those assets on its asset register.

Prior to 1995 there was no record of what is known as contributed assets. So, prior to 1995 all of the assets, which are now held by SA Water on its register, which were not paid for by the taxpayer but contributed assets and assets paid for by developers and owners of land, are added onto the SA Water register.

So, I think it can be reasonably and fairly argued, and has indeed been, in the reviews of the transparency statements, which are published by the Treasurer each year, that this amount of asset value is incorporated into the total asset value when Treasury works out what the price of water is going to be to deliver a certain return on asset.

Treasury is not only getting a return on the assets which have been paid for by the taxpayer—and I think it is fair and reasonable that they get a return on that—but Treasury also gets a return on the value of assets which are termed contributory assets: those assets which are paid for by developers prior to 1995. To be quite honest, I have no idea what the value of those assets might be, and seeing the documentation that I have read over the years I do not think that it has been identified. But I can imagine it could be substantial.

There is another issue that confronts us on a regular basis—whilst I am talking about the valuation of assets, because I think this is important and it has an impact on water prices, and that is why I want to talk about it. I will find the piece that I was reading yesterday from the Auditor General's Report.

The other thing that happens with the asset value, which the Treasury claims to demand a fair rate of return on, is that we get a revaluation on a fairly regular basis. I think it is arguable that Treasury makes some windfall profits here—and, again, it is not dissimilar to what happens in the private sector and in other industries—but we have seen some pretty hefty revaluations over the years in SA Water.

In fact, on the bottom of page 1345, Volume 4, Part B of the Auditor-General's Report, he talks about income, and I will be asking some questions on this particular matter when we get the opportunity. He says that other comprehensive income of $598 million (then in brackets it has $820 million, which I believe is the figure from last year's Auditor-General's Report) is attributed mainly to the revaluation of assets.

The question that I need to ask the Auditor-General is what is the relationship between that number, $598 million, and the revaluation? I am not sure if it would be counted as income if the valuation rose by that much, but it suggests to me that there was a substantial increase in the valuation of the assets.

The asset that SA Water is holding is $13.2 billion. That is a substantial amount of asset, and the Treasury demands to get a rate of return on that $13.2 billion. So, if that $13.2 billion is inflated either through revaluation or by containing substantial property or assets which were not paid for by the taxpayer, I think it is grossly unfair that that contributes to the price increase of water which is paid for by water customers across South Australia, and we have seen substantial price increases. These are important issues for householders, and I asked the minister a question in question time today whether he could confirm that, after the price increases envisaged for next year under this current government and in a period of about 10 years, water prices will have trebled in South Australia.

The Hon. P. Caica: Got that question from the *Sunday Mail*, did you?

Mr WILLIAMS: No, not at all. Why is that?

The Hon. P. Caica interjecting:

Mr WILLIAMS: I don't think so, Paul. I think it works the other way a little bit, as you are well aware.

The Hon. P. Caica: Emailed them, have you?

Mr WILLIAMS: Yes. That was a bit silly.

The DEPUTY SPEAKER: Hey, guys, first of all—

Mr WILLIAMS: Yes, it is not fair on Hansard or the rest of house.

The DEPUTY SPEAKER: It is not, absolutely. All interjections are disorderly, responding to interjections is disorderly, calling each other 'Paul' and 'mate', sadly, is disorderly, so let us carry on.

The Hon. P. Caica: Sorry.

The DEPUTY SPEAKER: That's alright; I don't take it personally.

Mr WILLIAMS: Thank you, Madam Deputy Speaker. I was referring to the minister's inability or failure to answer the question that I put to him in the house today. The reality is that we will have seen water prices paid by householders trebled under the term of this government in 10 years—substantially more than the inflation rate.

The government says, 'Oh, but we're building all these assets.' I have talked extensively about one of them and that is the desal plant, and I have been arguing that it was a political decision. Over $1 billion of the new assets that the government claims that it needs to pay for, I am arguing, was built for political reasons, not because of the necessity to provide water.

We have this pricing mechanism built into the existing regime where the asset base of SA Water is used to establish the price. The reality is that, in a proper world with a competitive market operating, that might be fair and reasonable because we could assume that the market

would drive those sorts of decisions. I do not for the life of me expect that, under a market-driven scenario, we would have had the building of a 100 gigalitre a year capacity desalination plant in South Australia because the market would have seen that as nonsensical.

The market would have seen that there was no real reason for expending that amount of money, and that is determined by the market because the market would have determined that they would never have got a return. The pricing mechanisms used in SA Water are not going to change and they are not going to change under this bill. We are not going to have independent pricing because the Treasurer will still have his fingers firmly in SA Water's wallet, taking out money as fast as he can, and that will be picked up by water consumers, by and large householders.

I have talked at length about that particular issue, but there are a number of other issues. I have talked about the reality that South Australia has a lack of water management, and I do not believe that is going to be addressed by this bill. One of the things about the bill is that it obliges the minister to go through a water planning regime. I think that, on a five-yearly basis, the minister will be obliged to do a water plan which will be reported on every 12 months and which will be regularly updated.

I do not per se have a problem with that. In some way I question the need to have that enshrined in the legislation. The minister, I think, talked in his second reading speech about active management. Active management, as I understand it, is being aware of the environment that you are working in, being aware of the world as it is changing (as it invariably does on a regular basis) and modifying your decisions in accordance with those changes. I am not too sure that the regimented type of planning process that is envisaged in this piece of legislation actually will improve that situation.

However, certainly, I have argued earlier in my contribution that, indeed, we have had a lack of good decision making, and this may help in that regard. What I do fear is that the government will point to the legislative changes and automatically make the connection and say, 'We have made these legislative changes, we have reformed the legislation, and therefore the system will work better.' It does not work like that: you actually have to make the changes on the ground. Certainly, they have to be within the legislation, but I do not see that these legislative changes give any more ability for the government to get its processes or determinations right: it just sets up another bureaucratic regime which may or may not work.

If you have got the wrong inputs, you will get the wrong outputs, as you do in any system. It seems that we have been using the wrong inputs when making water policy in this state for some time now, because we have got so many things wrong and, whether or not we set up a formal planning regime, I do not think will make any improvements: there are other things that need to be done to improve it.

So I have some concerns that this will, indeed, be an excuse for business as usual rather than there being a real change to the way we go about making water policy. In particular, I recall I was talking earlier about the fact that the integration of the whole of the area of water policy here in South Australia might be a good stepping off point, and I alluded particularly to stormwater; but there are other bits and pieces to, I guess, the availability of water in this state which need to be taken into account as well.

I will come back to stormwater now because it is one area in which I think policy in South Australia has failed miserably in recent years when great opportunities presented themselves—that is, to take some of that stormwater that I was talking about earlier in the day and recycling it and putting it to great use. I indicated that there is almost as much water running off the streets and roofs of metropolitan Adelaide in a normal year as what we use, so there is great potential.

We on this side of the house developed a policy that we took to the last election that we would use, from memory, I think it was, a third, or getting towards half, of that water over an extended period of time through re-use schemes—schemes which are not dissimilar to ones which are already working but replicated across the metropolitan area to give us vast volumes of captured water, to clean up that water to a significant extent and then store it in aquifers. One hundred to 200 metres below the surface underlying Adelaide there are substantial aquifers available to do this. There have been plenty of reports written, and we can store that water and, when we need it, we can recover it and give it what in the industry is known as a final polish to bring it up to potable standard and use it.

There are huge opportunities in metropolitan Adelaide to use technology which is proven, notwithstanding the government's arguments that the science is still out on the ability to bring this

to drinking standard. That is an absolute nonsense, and anybody who has read the technical information knows that that is a nonsense. Even if you are unconvinced by that—I will not even go there, because I cannot imagine that anybody who did serious work on the work that has already been done, particularly organisations like the CSIRO, would be anything but convinced of the technologies there. The time has come for the recovery of stormwater and the use of that for potable supply.

Again, like the decision on the desal plant that I talked about earlier, when the opposition came out with this great idea to utilise this great water source, the government decided for no other than political reasons that it would object to it, that it would undermine—attempt to undermine even the science behind it—this idea because the opposition had thought of it.

Again, South Australia is much worse off today than it would have been if the government had accepted that other people (people other than itself) could come up with great ideas from time to time, because it is a great idea. It does open up a huge water resource. However, through that intransigence, to put it nicely—bloody mindedness to put it truthfully—we now have the situation where the people who are developing those stormwater recovery and reuse schemes have been forced to develop schemes to use that water for no other than irrigation purposes.

It could be argued that that is a reasonable thing to do with that water. It mitigates any risk whatsoever. It cuts out some of the cost of going through the final policy and process, so it saves money and eliminates risk. What it does is it forces another large cost on the community because, to utilise that water, you have to replumb Adelaide.

About two years ago (I think it was in September 2009) one of the previous ministers admitted that to dual pipe Adelaide to provide for a non-potable water delivery system throughout metropolitan Adelaide would come at a cost of about $6 million at least. That is a huge cost and one that the state simply cannot afford.

Notwithstanding that, the government has put us into a policy position where those who are capturing stormwater, putting it through the processes I have described and then reusing it are forced to put in at least a limited distribution system to use that water and, because that system is limited, it limits greatly the amount of water that can be captured and reused.

I might talk about the publication known as Water for Good at more length in a little while, but one of the things which I have found useful about that publication is that it brings together a lot of information, information which has by and large been spread throughout other publications and sources. One of the things that really fascinates me about it, which flies in the face of the government's argument about reusing stormwater, is that it tells us that the quantity of water used in metropolitan Adelaide to water all of our public spaces, all of our public gardens and all of our public sporting fields and arenas is about 15 gigalitres per year.

The government has a policy that by the end of 2013 there will be 13 gigalitres of recycled stormwater used across metropolitan Adelaide. Bearing in mind that the Glenelg to Adelaide parklands treated waste water pipeline has a capacity of, I think, 2.8 gigalitres and will supply water to the parklands and a number of other sporting and playing fields close to the Parklands around the city, we can assume that there should be potential for at least a couple of those 15 gigalitres to be replaced by water there.

We have capacity for about another 13 gigalitres across metropolitan Adelaide, which is the government's target by 2013. To achieve that, it seems to me that you have to build a second delivery pipe system to every public park and public playing field across greater metropolitan Adelaide. I am just putting together some information that is in Water for Good. To me, the cost of doing that would be substantial. I suspect it will be much more than that final policy and then putting that fit-for-purpose, fit-for-human consumption potable water into the existing pipe network.

The moment you have a policy and achieve that end, there is no limit to the volume of water that you can put through those systems and utilise. At the moment, the upper limit that we can reach, I would argue, is probably about 13 gigalitres, although the government says that they are going to get to 20 gigalitres and then they are going to get to 40 gigalitres. The reality is that nothing can stop you from capturing that water and there is nothing stopping you from storing that water in the aquifers. There is no ability to use it.

We have a substantial amount of money, mainly commonwealth money and local government money. Whilst they have been out there beating their chest as they do regularly and claim credit for other people's hard work and other people's expenditure, the state government has

put only small amounts of money into these stormwater recycling schemes. We have seen a substantial amount of money invested, but the reality is—and I am sure I am on pretty solid ground here—that even the Salisbury council has been at the cutting edge of these schemes. They got there because they had two things facing them: they had a stormwater problem and they had the biggest single water user in metropolitan Adelaide in the council. They put those two issues together and came up with the solution of harvesting stormwater and selling it to the Michell's scouring plant.

It is my understanding that even today the Salisbury city council has the ability to capture, treat and store much more water than it can actually utilise, and that just highlights the problem that the policy failure has delivered to us in this area. Again, the bill before us does absolutely nothing to address this issue. In fact, the bill before us, in my opinion, will mitigate strongly against getting that policy of making proper use out of that asset, and that is stormwater which we currently run to the sea. It mitigates against us making good use of that water. It does that because the bill before us does not appear to distinguish between potable and non-potable water. I will come back to that when I get to talk more directly to the clauses in the bill. The minister in his second reading explanation made this comment:

> 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.

This gets to the very point that I am making. We do have opportunities in South Australia to achieve that very end, but I do not think this bill helps at all. There is no policy setting in South Australia at this stage to give an incentive for people to come up with novel ideas and to put those novel ideas into practice. This bill, in its current form, does not address that.

One thing I will say about the bill is that it has been out for a fair while. I think it was late last year that the consultation draft went out and submissions were called for. I will read from some of the submissions in a little while, but there have been some objections to the way the consultation was undertaken.

I can say the bill has been out there for a fair while, but I am not too sure that the government took much notice of the submissions that were made. There were 36 submissions made. The minister has claimed in his speech that he sought further consultation. He, in fact, says, 'This allowed for further consultation with experts such as Professor Mike Young and Chief Scientist Don Bursill.' I must admit that I did not see a submission from Mike Young. I am not sure what consultation was carried out with Professor Mike Young—somebody whom I have a great deal of respect for—but I have not seen his amongst the 36 submissions that are on the website.

One of the things that, I think, is very regularly commented on in the submissions that have been made is the call for third-party access. The bill basically puts third-party access right back on the backburner. When I say it puts it there, under this government it has always been there. The minister actually claims that we have brought it a bit closer to the front. The reality is that everybody in the water industry believes that, if you want to drive innovation, if you want to drive novel ideas, if you want to drive a lowering of cost to consumers, third-party access is one of those things that will help you drive all of that.

The minister claims that the bill will make a difference and get us moving. The reality is that the bill does not do that in any meaningful way. It sets up a regime where the minister, under the bill, has a period of time—I think, one month after the enactment of the bill—to put a report in and then that will start a process. I suspect that real third-party access is still some time off under this government.

Talking to people in the industry and citing the case in New South Wales, which has ostensibly had third-party access for some considerable time, I am told that, even though the legislation in New South Wales does provide for third-party access, in practice it is not possible.

The Hon. P. Caica interjecting:

Mr WILLIAMS: No, we don't. The minister says, 'We don't want that.' I certainly do not believe we do want that. Indeed, we want real third-party access. Not only is the time due for third-party access, it is overdue and well overdue.

I particularly cite the case on the West Coast where the former member for Flinders, Liz Penfold, argued for years that, if private enterprise could get access to SA Water's delivery pipes, there would be at least one desalination plant—a private enterprise paid for and run desalination plant on the West Coast, probably near Ceduna, providing high quality water into

communities where, not only do we have very poor quality water, the quantity of water available has been quite questionable over the years as well.

In fact, we have had one place—Streaky Bay, I think—where there have been, for a long time, significant restrictions on development. That is more about the pipes, but there are also limitations on the amount of water that is available over there. If we had got on with this policy of third-party access we could have had a regime operating some time ago, and we could have seen how it would work on the West Coast. It is an area of the state where the time has come and gone, and the provision of high quality, reliable water for those communities should have already happened.

I have covered this to some significant extent, but the minister goes on to talk about the independent economic regulator. I have already covered that; there is not much independence when the independent regulator (which, in this case, is ESCOSA) will be forced to do just what the pricing order coming from Treasury has determined has determined that it will do. Notwithstanding, as the minister says, that 'ESCOSA will be empowered to make the final price determination on retail prices for water and sewerage services', it will be absolutely constrained by the pricing order.

Interestingly, I asked the department officers about the fact the act under which the Essential Service Commission is established provides that the Essential Services Commission must work with certain parameters, and one of those parameters is to set prices which reflect the lowest cost and efficient delivery of service. That is completely at odds as to the way we currently set sewerage rates in South Australia.

There is no connection between the rates at which households and businesses pay for sewerage services in South Australia, and the service that is delivered. The price they pay is directly related to the value of their property; it is as simple as that. For the life of me, I fail to understand how ESCOSA is going to meets its obligations under its act at the same time as try to deliver something under this act.

The advice I received from the departmental officers when I put this oddity—at least in my mind—to them was that no, in the first instance, they will work within the pricing order and will then have ESCOSA undertake a full review into water and sewerage pricing in South Australia. There is nothing in the act about that.

I would have thought that, before the minister brought this bill to the house, he might have come to some determinations about that, and may have even had ESCOSA (if ESCOSA is the body to do so) or his own department to do some work on that particular matter before we got to where we are now. We are debating a supposedly independent pricing regime, when we clearly know that it is not an independent pricing regime, which makes it a bit difficult.

One of the other things that the bill will do is—and I love this idea—take away the technical regulation from South Australia water. I have long thought that there is a huge conflict when SA Water is the technical regulator of the plumbing industry. I think the plumbing industry is delighted to see that that will be taken away from them. I have some concerns as to whether establishing a new technical regulator is the best way to go.

The question that has been put to me is: why are we reinventing the wheel in South Australia by setting up a new technical regulator regime, when most of the codes of practice are already well written, and the Water Industry Association sponsors a full sweep of codes of practice? Maybe we should be looking much further forward and asking, 'Why don't we get on board with the other jurisdictions across Australia and establish an organisation such as the Water Industry Association to provide all of the—not necessarily enforcement, but certainly the codes of practice and the technical standards that required in the water industry?' It seems that no, we are not going to do that; we are going to reinvent the wheel here in South Australia and set up another bureaucracy to manage that.

The minister talked about water industry entities being able to participate in an ombudsman scheme, and the opposition supports that. We just hope that the existing energy ombudsman—whom it appears will take on the role—is properly resourced to take on this additional role. As a local member, I know that I have myself used the offices of the energy ombudsman to sort out problems for a number of my constituents over the years, and my experience has been that the energy ombudsman has been a very efficient and effective way of solving problems which otherwise seem unsolvable. I presume the same would happen with the water industry.

I was also pleased to hear, in the minister's contribution, that, under the licensing conditions, the bill provides concession schemes—probably not dissimilar to what we already have—to be approved and funded by the minister, and an exemption scheme, again to be approved and funded by the minister. I am pleased to see that; I had some fear that the minister may take a leaf out of his colleague the former minister for energy's book on the feed-in tariff scheme that we now find in the electricity industry, where we have a cross-subsidy. We have a scheme that is funded directly by other consumers, and we have seen the ridiculous outcome that we have achieved through that.

In his second reading speech the minister also talked about protection for low income earners and regional consumers. I presume the intent is to do this by regulation; I do not see anything in the bill that would protect low-income earners and regional consumers. I put on the record here and now that I do not like leaving these things to regulation; it leaves it to be at the behest of the government or the minister of the day. When we are putting legislation through this house and are contemplating these sorts of things, I think it should be in the legislation, but I will come back to that shortly. The minister concluded by talking about the review of the pricing structures for water and sewerage, and I have already covered that area.

So although I think that the sentiments the minister put in his second reading speech sound good, I am somewhat concerned about the ability of this piece of legislation to deliver that, and I am somewhat concerned that, notwithstanding that we will see a new piece of legislation, we will not see much significant change.

I want to read into the *Hansard* comments made by some people who did put submissions into the consultative draft, and I think this is a little bit telling. One submission, from the Provincial Cities Association of South Australia, said:

> The Association has made a submission to the Department…in relation to the proposed legislation and a copy of the submission is attached for your information and attention. Based on the lack of information and responses received by the association over the past two to three years from the minister, the Hon. Karlene Maywald, Water for Good organisation and SA Water, the association has little faith in the Department of Water and the government, considering our concerns, particularly as they relate to 'infrastructure definition' and 'regional demand and supply statements.'

That is the regional cities association, which consists of Mount Gambier, Murray Bridge, Port Pirie, Port Augusta, Whyalla and Port Lincoln local councils. This letter is a bit dated now—it is dated April this year—but they raise some serious concerns about the lack of two-way consultation. They raise—and this has been raised generally with me by local government—very seriously the need to license councils who are operating common effluent drainage schemes. I think these days they are called council waste water management schemes. The Local Government Association has raised a similar issue with me. They have some concerns over easements. They state:

> Many of the common effluent disposal schemes which were installed in the 1960s to early 1990s were undertaken under the auspice of the state Department of Health, without formal property easements being reached on Certificates of Title.
>
> The association requests that the proposed Water Industry Bill include reference for the operation of these schemes have access to the properties involved at all times to address any problems associated with the operation of the scheme...

It goes on. They have raised that very issue. The same issue has been raised by the Local Government Association. They have raised a number of issues—community waste water management schemes. They state:

> Most townships in regional South Australia are provided with waste water services by local government through various forms of CWMS—

that is council waste water management scheme—

> It is submitted that councils did not 'choose' to become involved in the provision of wastewater services as historically this was the role of the South Australian Engineering and Water Supply Department...and subsequently SA Water under the Sewage Act 1929. In particular, section 18 of that act provided for any area of the state to be proclaimed as a 'drainage area' which empowered E&WS/SA Water to construct, manage and rate traditional deep drainage sewerage systems. In practice, however, the proclamation of 'drainage areas' was historically limited to the Adelaide metropolitan area and major provincial cities.

So, the Local Government Association are arguing that councils have been left with this significant role. It goes on to say:

It is understood that the original policy concern of the state government was based around public health considerations due to failing septic tanks and/or unfavourable drainage conditions. The Local Government Act 1934 was amended to provide councils with the necessary powers to construct and charge for these schemes.

Now they are saying that the 39 councils manage more than 170 separate CWMS schemes across the state. They go on to say:

...the provision of CWMS was a public service provided by a council when the state government's water utility was unwilling to do so, presumably on the basis of scale and economic considerations.

Their submission goes on to talk about the charges for these services. It states:

...councils are forbidden from charging fees greater than the whole of life cost for providing the service, so it is submitted that CWMS 'prices' (or at least maximum 'prices') are already subject to regulation.

They go on to make the argument that they do not think that it would be fair and reasonable for those councils' CWMS schemes to be caught up in this legislation, the regulations for licensing and regulatory aspects of this legislation. They then go on to talk about stormwater management schemes, and I have already talked a little bit about that, but they cite a number of metropolitan councils, as follows:

It should be noted that the State Government's water security plan, 'Water for Good', sets ambitious targets for the harvesting and recycling of stormwater in the Greater Adelaide and regional areas. The vast majority of stormwater harvesting is undertaken by Councils and it would be perverse policy outcome if Councils were confronted with a regulatory regime which created disincentives for harvesting, recycling and sale of stormwater resources.

I think that parallels what I was saying about stormwater policy settings that we have seen in South Australia in recent years. It goes on under the heading of 'Other Water Services':

The vast majority of SA councils are not involved in the provision of potable water supply but there are some exceptions including the District Council of Coober Pedy and Roxby Downs Municipal Council that manage 'town water' and sewage supplies. The District Council of Ceduna also on-sells potable water to small communities west of Ceduna.

It says that it is suggested that these be considered as 'special cases' on their merits.

Other councils are involved in what might be best described as 'supplementary supply' of potable water for isolated communities where the normal SA Water potable supply service is not adequate or not available. These small scale schemes are developed in response to community need and it is submitted that they be exempt under the Bill.

Their submission also talks about managing water infrastructure and they state, after setting out their case, that councils had sought to obtain legal clarification of councils powers, stating:

The provisions of Part 5 of the Bill present the opportunity for this anomaly to be corrected without the potential difficulties of introducing a piece of 'special purpose' legislation.

There are some aspects of the bill, part 5 in particular, that would aid their work in providing CWMS, stormwater and, in some cases, potable water supply in some limited councils. They also raise the issue of technical regulation, as follows:

In regional areas, Council Environmental Health Officers (EHOs) are currently delegated to inspect and approve on-site wastewater systems under the *Public and Environmental Health (Waste Control) Regulations 2010*. Concern has been expressed that multiple approvals may be required under the Bill and the health regulations and/or removal of the delegation (of these officers) which would reduce the viability of these specialist positions in regional Councils.

The Local Government Association has raised a number of issues about the bill and how it might impact on its member councils because they are significant players in the provision of water services.

For the information of the house, I have a table which lists council wastewater schemes (I am not sure if it is all of them) and I can say that some of the schemes are quite substantial. For instance, the Mount Barker/Littlehampton scheme has over 4,000 connections, and then we get down to much smaller schemes such as Seven Mile shacks which has 11 connections. There is a whole range from many thousands of connections in sizeable country communities down to very small schemes where there is only a handful. There are plenty that have less than 100 and there a quite a few that have less than 50 connections. Of those small ones, a lot of them are in tourist areas, and quite a significant number of them are not necessarily in tourist areas but in areas where people live permanently, but only in very small communities.

The Local Government Association is making the point that it believes that, by and large, the regulatory framework as envisaged by this piece of legislation would be quite overpowering on councils, particularly on smaller councils.

It is an interesting submission from the South Australian branch of the Australian Industry Group, which is one of the submissions which really push the idea of third party access. I quote:

> The Australian Industry Group supports the provision of water moving away from the current monopoly situation with third party suppliers being envisaged in the structure of the bill. We do, however, believe that the implementation of a third party access regime could be more definitely articulated.

That is exactly what I was saying a few minutes ago. It goes on:

> For us it follows that the provision of a staple necessity, such as potable and other (high quality) water supply should be transparently and independently regulated and that the Essential Services Commission of South Australia is the appropriate body to assume that role and provide the price setting regulatory and licensing capability for the water sector into the future, and it seems appropriate that participants in this critical market be subject to rigorous licensing and regulatory regimes.

I read that particular quote out because one of the things that has certainly come to my attention as I have been talking to people in the industry about this piece of legislation is that it seems odd that we would apply the same regulatory regime—which, I think, most people agree is appropriate, as the Australian Industry Group says—to a critical market, that is, the supply of potable water.

Most people I have spoken to seem to think it odd that you would apply the same licensing and regulatory regime to non-potable water. I fully appreciate and understand that the bill specifically exempts irrigation trusts on the River Murray—and I think some irrigation schemes off the River Murray, and there are a number of those, obviously, in South Australia where water is supplied by pipeline to a number of users, and I understand that they will be exempt.

It seems to me odd that, for instance, organisations such as the Salisbury council would find itself bound up by the licensing and regulatory regime as envisaged under this act. Again, I appreciate that the act contemplates that the minister may, via regulation, provide exemptions. We have no information as to what is envisaged in that area.

I have great sympathy for non-potable water supplies being not part of this regime at all. I have had a range of amendments to the bill drafted, and one of them more than touches on that. One certainly addresses that, and, again, I will come to that shortly.

I have another specific submission here from the group of councils that are particularly interested in stormwater harvesting, recycling and reuse. I think that one of the key points made in this submission is that:

> The councils submit that they should be entitled to the rights and powers of water entities in relation to all of their water infrastructure, but, to the extent that their infrastructure is not related to a retail activity, they should not be obliged to comply with licence conditions or the technical regulations.

Those councils that are firmly in that space question also why you would put the heavy hand of regulation over what is, indeed, a non-essential service. This is an interesting one. The SA Water Customer Council submission states:

> At this stage some SA Water Customer Council members do not have confidence in the autonomy of ESCOSA to set prices. The council understands the regulator is required to consider government policy when setting prices. However, we have been advised that the regulator may deem that customers should not pay for government policy and require a community service obligation be made by the government.

It goes on:

> The council would like clarified who will establish priorities for pricing. In particular, how will ESCOSA identify and prioritise issues of interest and value to water customers?

I think that goes pretty close to what I was saying earlier about Treasury directing ESCOSA via the pricing order. That parallels what the SA Water Customer Council has submitted to the consultative draft.

Barossa Infrastructure Ltd put in a submission, and I am not sure whether it would be exempt under the act or would have to rely on the minister of the day to provide an exemption through a regulation. The last submission that I want to quote from is that of Blue Sky Water Partners, and they point out:

> Re the Water Industry Bill 2010.

Our company manages investments in water entitlements across Australia's surface and groundwater systems for long-term private and institutional investors. We sell the annual allocations derived from such water entitlements typically to irrigated agricultural producers. We do not use the water ourselves.

In principle, we support the thrust and terms of the bill and look forward to the development of section 27, Third Party Access Regime. We expect to be one of those customers that will seek access to bulk water supply infrastructure.

Again, that raises the issues that I talked about earlier concerning third-party access. As I said, I think in general there is a pretty common theme in the submissions about third-party access.

The water industry in South Australia is a fairly complex beast. We basically have a giant of an organisation that holds a monopoly, that is, SA Water. It provides potable reticulated water across much of South Australia. Certainly, its big market is in metropolitan Adelaide but in rural and regional areas it supplies most communities of any significance with a reticulated potable water supply. As I said earlier, I think it supplies non-potable water particularly to outback communities (places such as Yunta and Terowie). It also supplies sewerage services across the major communities in South Australia and, obviously, in metropolitan Adelaide. It is the giant—

The Hon. P. Caica: Wastewater. They provide wastewater to McLaren Vale.

Mr WILLIAMS: The minister rightly points out that it also supplies wastewater from its wastewater treatment plants both to the north and south of Adelaide. The scheme at Christies Beach provides the Willunga Basin Water Company via a pipeline down to the Willunga Basin that transfers treated wastewater from Christies Beach; and also at Bolivar there is a similar sort of scheme out to Virginia.

I am glad the minister reminded me of that. The Virginia pipeline system was set up when we were in government and we thought it was important that the water was utilised rather than being dumped into the sea—a fair bit of it still gets dumped into the sea. We deliberately set a very low price on that water and an amazing amount of that water does get utilised.

It overcame a couple of problems, not the least being what was seen as overuse of the groundwater in the Virginia area and a risk to the groundwater basin out there. That risk has been ameliorated because of that scheme, and the scheme has been successful on a number of fronts but largely because of the price set. I juxtapose that with the Glenelg to Adelaide Parklands waste water pipe, where the price of water has been set at, I think, 75 per cent of the potable water price. We have seen a very small level of uptake of water from that scheme.

Notwithstanding that the vast majority of the cost of that scheme was provided by the commonwealth government—I think it was about a $72.5 million scheme—the government of South Australia still chose to set the price of that water at 75 per cent of potable water. As a consequence, there is a huge amount of capacity in that scheme, in that pipeline, which is just not being utilised.

Why would an end user go to the cost of putting in their own infrastructure? That is what you have to do: you have to put in your own separate infrastructure on your property to deliver water around your property and to utilise that water because it is non-potable water. You have to make sure that you keep it separate from the potable water supply, and that all comes at a significant cost. There is a significant connection fee, and it takes you a fair while to pay back those costs of connecting.

It is really interesting to see the difference between the take-up of those two schemes: the Bolívar scheme, which delivered water at a very low cost to irrigators in the north, compared with what is known as the GAP, or the Glenelg-Adelaide Parklands scheme. The difference is largely about cost, and that is largely public policy. What we do see from the Glenelg Wastewater Treatment Plant is that most of the treated wastewater produced is just dumped into the sea, as it always has been, and that, again, contributes to those problems I referred to earlier in the day. So, that is SA Water.

We also have councils. I have talked about councils and where they fit in to the scheme. We have councils certainly in metropolitan Adelaide who are getting a toehold into the supply of non-potable water, particularly for parks and gardens. Some councils are starting to get to the point where they are wanting to deliver water to householders for non-drinking use. We have the council wastewater management schemes about which I will talk fairly extensively.

The other big issue for councils, of course, is that they are responsible for stormwater management. This comes right back to where I talked much earlier about the silo mentality towards

the management of water here in South Australia, where we have councils responsible for stormwater management and SA Water responsible for bulk potable water supply, and there seems to be no way of meshing the two together. As a consequence, we fail to make the best use of our resources.

We come to the bill. I have talked a bit about the bill and what it might do. I just want to talk about a couple of things that the bill does not do and things that I want to address—

The Hon. P. Caica interjecting:

Mr WILLIAMS: There are more things that the bill does not do. The bill does not set out how non-potable water entities—for want of a better term—will be treated. I would like to think that they would be exempt at the minister's discretion but, because no undertaking has been given, I will be moving amendments to exempt non-potable water supply. I see no reason and no rationale for treating non-potable water supply in the same way as potable water supply, and I see no rationale for treating non-potable water supply as an essential service.

It is just another commodity like any other commodity. It has nothing to do with your health needs, it has nothing to do with essential drinking water supplies, nothing to do with health needs for bathing and washing and toilet flushing. I think they are essential services and there is a good argument for having a very tight regulatory regime around those essential services. But to have non-potable supply treated the same way, I think, is nonsense.

I think it is nonsense to treat council wastewater management schemes in a heavy-handed regulatory manner, and I will be moving amendments to exempt them under the legislation. I would like to think that the minister will say when he sums up that, yes, we always intended to exempt them but we do not think that we need to apply all of this heavy-handed regulatory regime to them. In fact, what I propose to do in that area is to exempt all but essential services water entities under the act from part 4 and part 8 of the act. We will come to that in the third reading anyway. It is part 4, the licensing and then the enforcement sections of the act, and I do not think there is any rationale in applying those to non-essential services. I will be moving that way via amendment.

I will be filing a significant number of amendments later in the day; I am still consulting with some local government people. One of the things that I want to talk about very briefly now, before I conclude my remarks—and the minister may or may not be aware of this. I know that he is aware that SA Water not only supplies potable water for domestic uses, but in rural South Australia it supplies drinking water for livestock over vast areas of South Australia—all the way from Keith in the north of my electorate to Ceduna on the far west coast.

The farming community have been contacting my colleagues and me about what has happened with water price rises in recent years and they question how they are going to be able to continue to run livestock on their farming properties. This impacts on vast areas of land of South Australia, on most of the settled areas. What we could see if we get this policy wrong (and do nothing about getting the policy right) is vast areas of South Australia de-stocked. It will be no longer viable to run livestock. I have constituents in my electorate around Meningie who are paying well over $100,000 a year for water for livestock.

The government has indicated that the water price will rise dramatically again next year as it did this year, and this is getting to the point where it is no longer viable for some of that land to carry livestock simply because they cannot afford to provide the water for the stock to drink. One of the things I will be proposing—and I hope the government will give very serious consideration to it—is a third-party access regime, a special one. It would provide a regime whereby, and I know it will be fast tracking third party access, landholders—

The Hon. P. Caica: You're right, mate, keep going.

Mr WILLIAMS: I want you to hear this, Paul.

The Hon. P. Caica: I am listening to you. You were up to potable water supplies being used for stock and domestic. The policy, in your view, is not right—

Mr WILLIAMS: I want to be able to provide a reasonable cost of water for livestock.

The Hon. P. Caica: —and then you were going to go on to a solution to that.

Mr WILLIAMS: Yes, and providing reasonably priced water for livestock production. The way, I think, we can do that is to provide a completely different product to what is provided by SA Water now. I will argue that it can be done via a special third-party access regime whereby

farmers, individually or they could get together and actually purchase a water licence on the market, in the river, and then have SA Water provide a delivery service. So, they would actually own the water.

The reason I have put this proposition is that it is a completely different product. It is just a delivery service. I have talked to a lot of farmers about how we might overcome this and they are suggesting to me, 'Oh, we could just provide them with a separate price.'

The Hon. P. Caica interjecting:

Mr WILLIAMS: Well, I'm going to propose it, yes.

The Hon. P. Caica interjecting:

Mr WILLIAMS: Yes, I am foreshadowing that this is an amendment that I will be proposing. The minister may not be aware, but this issue for livestock producers is getting pretty dire and it is fairly urgent that we do something. It is not something that, I think, can wait for the minister to do his review into third-party access. I do not think it is something that can wait for another couple of years. I think it is something we need to address forthwith. So, I will certainly be proposing that SA Water provide this service, and so I will be sponsoring amendments to that effect. There are a number of other amendments. I am not going to go through them all here. There is a significant number of them and, as I said, I am still—

The Hon. P. Caica: You should give us an idea.

Mr WILLIAMS: When I have finished speaking, I have to make a phone call to the LGA—

The Hon. P. Caica interjecting:

Mr WILLIAMS: Well, we are still negotiating on a couple of points, then I am pretty well ready to file the amendments, Paul, and you will be able to have your people look at all of them. I am hoping you will support them all. They are all very sensible.

I have probably taken a little bit longer than I initially intended but that is not unusual for me, apparently. I think the bill has potential. I do not think it is the sort of regime we should be applying to non-potable water supply. That is one of the key points. But there are a number of minor issues that I want to raise in the bill which I think will improve the bill markedly and make it much more user-friendly. As I said, I will hopefully be able to file those amendments very shortly. You wanted to get on with this this evening?

The Hon. P. Caica: Tonight, yes.

Mr WILLIAMS: Okay. So, I am hoping that, with the dinner break, at least the minister can have an opportunity to have a look at those amendments and take some advice on them. I would certainly hope that the government takes the amendments seriously, like the one I have just talked about, about an access regime, basically to guarantee the continuation of livestock production in South Australia, because that is a significant part of the state's economy. In fact, I think livestock production, both through wool and meat, provides a significant portion of the gross state product.

The bill, obviously, repeals those current acts which give the powers to allow our water systems to work and to operate their infrastructure. This bill will replace that. I think it is time that we streamline some of the older legislation. I support that, but, as I said, I will be moving a range of amendments which I think will give those people in the industry a much better understanding of what is in and what is out, and they will not have to be reliant on making further submissions and getting regulations to define what is in and what is out.

There a number of other minor issues which I think will make the bill much more user-friendly, and I look forward to the committee debate on those individual matters. I will conclude my comments there, without making the comment I was going to, and I suspect that some of my colleagues will have a few comments to make as well.

Mr WHETSTONE (Chaffey) (17:10): I would also like to have some input into this Water Industry Bill, and I am sure the minister has been all ears for the last couple of hours, by the sounds of things, but I would like to make a short contribution. Regarding the state water demand and supply statements, I note that the bill makes mention of the extent of the security and reliability of the state's water supplies in the preparation of this statement but does not specifically mention water quality. I would like this statement to specifically refer to the quality of the water supplied particularly to small regional communities. I think the poor quality of water delivered to some of these communities needs some urgent attention.

I have met with the minister and his staff on, I think, two occasions, to discuss one particular issue, and that is the Ajax Achilles area at Lock 4 in the Riverland. I have met with the minister on a number of times relating to the water quality issues there and we noted that a white ibis rookery has been the hindrance for some reform in that backwater. I think the minister should acknowledge that there needs to be some reform up there.

I think there are two solutions, and it is quite simple. Treated water goes past that community. Twenty households live in that small community near Lock 4, and those households are sucking out of the Ajax Achilles. The water quality there at most times is totally unacceptable, and I think, to date, the minister has acknowledged that the pipe that passes nearby is out of the question.

It is a very expensive proposition to put in new piping and to pipe water to that small community, but the excuse I have been given as to why no earthworks will be performed in that area is the white ibis rookery. Whether it is a breeding colony or a large family of white ibis, to me it beggar beliefs that we are going to put birdlife ahead of potentially risking human life when it comes to the quality of water.

This has been happening for some time now. We have just had a high flow event—not a flood event—that the minister could have used to clean up the water quality in the Ajax Achilles, but he resisted any form of reform, and those people are still sucking black water out of that backwater. The water has been tested on a number of occasions, and I have been informed today that they have just completed another water test and the E. coli levels are increasing. They did not decrease over the high flow, they are increasing, and that is due to the lack of flow through that wetland.

In the meetings I have had with the minister and his department over this issue, it has been put on the backburner once to often, and it now needs to be addressed. The inlet and the outlet have been cleaned out once before and it improved the water quality; it needs to be done again. I think that using the bird life, using the rookery, using a breeding colony as an excuse is really putting that issue in the too hard basket and not actually dealing with what needs to be dealt with.

Looking around the region, it is great to see that we have five filtration plants that have been put in there between, I think, 1998 and 1999 and the early 2000s, with Renmark, Berri, Loxton, Cobdogla, Barmera and Waikerie. It really is about extending quality of water to these communities. I do not think people are asking too much. I have been over there, and people run water into their sinks and baths and you cannot stand the smell, not to mention that the water is absolutely black and putrid.

I would like to note that the irrigation trusts are not part of this industry bill amendment but, again, people in those communities, who have water supplied to them through irrigation infrastructure, also experience the black water events. I think that was fairly well noted in the media this year, when the black water event came down the river. We had the deoxygenated water; it smelt particularly bad and had a very bad colour. These people are living a life of danger, dealing with water that potentially has high bacteria, high E. coli levels, yet the small community over at Ajax Achilles has just been told, 'No, we are not prepared to do anything; we are not prepared to help. If you want water you have to pay for it yourself.'

Again, I think the minister and his department will be receiving a phone call from my office to perhaps further this. I am not looking to do anything more than find a solution for these people before there is, I guess you could say, a poison event, or an event of great disadvantage to a small community that could have been prevented by the simple cleaning out of both the inlet and outlet of the Ajax Achilles wetland.

The member for MacKillop touched on many issues in his lengthy contribution on this, I would like to particularly touch on the desal plant. Obviously that is one issue that has been an absolute nightmare for the incoming water minister. It was an initiative that was brought to the fore by the previous water minister, the same government. In its wisdom it agreed to put in a 50 gigalitre desal plant down at the old Port Stanvac site. I commend it for that; I thought that a 50 gigalitre desal plant was a great initiative. It was something that the state needed, and it was sold to the people of South Australia that the 50 gigalitre desal plant would take the pressure off the Murray, the reliance off the Murray.

As it has turned out, the trickery, through the craftsmanship of releasing something like this plan, was that it took no reliance off the river whatsoever. In doing that, it increased the 50 gigalitre plant to 100 gigalitres. The angst it created to every South Australian is just a head-shaker, it really is.

As I said, I commended a 50 gigalitre desal plant. Diversity of water supply into South Australia is what we are about, because it really is about looking at every way, every measure to put that diversity into the water supply. People had taken the water supply for granted for many years; they would turn on their tap and there was water there. They watered their gardens, and they were nice and lush and green. Irrigators had plenty of water to water their crops, to keep their businesses alive, and all of a sudden we have restrictions. We have water shortages, we have the threat that, with predictive water use through one particular year, there was not enough water in storage to accommodate the loss of water down the river system, but also the need for water for metropolitan and country towns of South Australia.

As I would like to put it, it was political, yes. I noticed the minister shook his head when the member for MacKillop mentioned that it was just a political exercise. It was a political exercise, yes, but it was policy on the run. It was policy that was developed on the run. The 50 gigalitre plant was put in place as that diversification mechanism, but the 100 gigalitre plant was almost like two scoops of ice cream rather than one. It was just something that was put there and they thought, 'Well, we'll go for the 100, and we will ensure that if Adelaide and the country towns need about 100 gigalitres a year, there's our water supply.'

Why did the blinkers come on all of a sudden? We looked at stormwater and re-use. 'No, we can't have stormwater re-use because that's not reliable, clean water.' Well, let me tell you that river water is stormwater. Every bit of water that is in that river is stormwater; it's run-off. Every bit of water that goes into the creek is stormwater; it's run-off, and it flows into the main channel. So, again, the denial of stormwater in the early days was simply something that cost every taxpayer in South Australia, because we had the increase from 50 to 100 gigalitres in the desal plant. And now the government has finally recognised that stormwater is something that needs to be recognised. It is a resource that, if managed and cleaned, can be used.

I would like to think that it could be used for drinking water. Perhaps it is considered a little risky to think that we will just reclaim stormwater, clean it, put it in our aquifers, or put it into storage, or put it into pipes, and put it in front of people so that they can make their choice as to whether they would consume that polished stormwater. Everyone here drinks river water. They drink treated river water, and the perception is that it is safe, it is clean, and there is no problem with it. What is the problem with polished stormwater? That is one of the pretty good questions that no one seems to answer. It is just a fear—

The Hon. M.J. Atkinson: Road water, diesel water?

Mr WHETSTONE: Yes; what's river water? Where does the river water come from? What runs into the river? The roads, the gutters, every little bit of catchment along the river comes from the roads into the river system, the main channel. Yes, it's stormwater. That's exactly right. Let me tell you—

Members interjecting:

The ACTING SPEAKER (Hon. M.J. Wright): Order!

Members interjecting:

Mr WHETSTONE: Well, you've come late to the talk, so you really need to have a bit of a listen. Every bit of water, whether it's run-off water off your roof—that's stormwater too. It is just that it does not run down the road before people get to capture it. That's exactly right. Getting back to the crux of the issue, again we look at the desal plant and the interconnection of the pipes. The $2.2 billion is really something that could have been avoided by leaving the 50 gigalitre desal plant and putting more resources, more expertise, into using that stormwater, using the reused grey water. There are applications for that water wherever you look. If people are scared to drink polished, reused water, polished stormwater—

The Hon. M.J. Atkinson: 'Polished'?

Mr WHETSTONE: That's what you drink every day, member for Croydon—polished water. Every South Australian is paying the price for the extended desal plant—every South Australian.

The Hon. K.O. Foley: Save the Murray.

Mr WHETSTONE: That's exactly right; but what reliance are we taking off the River Murray with this desal plant? Were not taking any reliance off the River Murray. All we are doing is putting in a desal plant that every South Australian is paying for just in case. The 50 gigalitre desal plant was a fantastic idea; I supported it 100 per cent. It is the extra 50 gigalitres that every

taxpayer is going to have to pay for. Now they are paying for the 100 gigalitre desal plant and they are paying for stormwater capture and polished stormwater, for what?

The Hon. K.O. Foley: You didn't govern during a drought, mate. It's a risk mitigation strategy.

Mr WHETSTONE: It is diversity—that is what we need to be looking at. Every South Australian is paying for a desal plant that takes no reliance off the River Murray.

The Hon. M.J. Atkinson interjecting:

The ACTING SPEAKER (Hon. M.J. Wright): Order!

Mr WHETSTONE: Again we are talking about trying to diversify Adelaide's, or South Australia's, water supply and people are in denial that the proper package could have been the 50 gigalitre desal plant and putting those extra resources into capturing the stormwater that is running out to sea, and capturing the stormwater that perhaps runs into the river.

The Hon. K.O. Foley: It is more expensive.

Mr WHETSTONE: Who is paying the price today? Every South Australian taxpayer is paying exorbitant amounts of money for their water.

The Hon. M.J. Atkinson: The Sultan of Brunei.

The ACTING SPEAKER: Order!

Mr WHETSTONE: Again, I would like to get back to exactly why the 50 gigalitre proposal for the desal plant was a much better proposal than the 100 gigalitre plant. Again, we look at what it is costing the South Australian taxpayers. Would we have had to put the dual system in if we had stayed with the 50 gigalitre plant? Would we have had to put that extra cost? The saline is running out into the gulf and science tells us that it is going to be okay, but then all of a sudden we have the proposed BHP desal plant running into another gulf, and science is going to tell us that that will be okay too. So we will have two desal plants running into two gulfs and science is saying that everything will be okay. It is a bit like science said that it will take 10 to 20 years to fix up the Murray-Darling Basin down at the Lower Lakes. It took four months to fix up the Lower Lakes.

The Hon. P. Caica interjecting:

Mr WHETSTONE: If you had moved and pulled those bunds out any earlier, it might have been a lot better off, I can assure you. It is all about politics. It is all about the lack of will to reform.

An honourable member interjecting:

Mr WHETSTONE: Yes it is. It is absolutely the lack of reform. As I see it today, the only scapegoat that the government has are the irrigators, because the irrigators give up the water for everyone else to have what they need.

The Hon. P. Caica interjecting:

Mr WHETSTONE: I can assure you it is not rubbish; it is absolutely true. Being an irrigator I have felt it right where it hurts, and the decisions of government—

The Hon. M.J. Atkinson interjecting:

The ACTING SPEAKER: Order!

Mr WHETSTONE: —being able to carry over, I am sure it is, 150 gigalitres of urban water. Where did that come from and what is that being used for? As I understand it, I think it is going onto the water market. Who is getting the benefit from that? It is another cash cow by this government. It is absolutely outrageous to think that—

The Hon. M.J. Atkinson: Everything is 'outrageous'.

Mr WHETSTONE: Well, you're the government—

The Hon. M.J. Atkinson interjecting:

Mr WHETSTONE: If I could just move along. I have spoken on the Ajax Achilles; we have spoken on the very, very touchy issue of the desal plant, that the member for Croydon seems to have a lot of knowledge about, particularly on stormwater and run-off.

The Hon. M.J. Atkinson interjecting:

The ACTING SPEAKER: Order, member for Croydon!

Mr WHETSTONE: So, again, we look at the saline product going into one gulf and then, all of a sudden, it will be going into both gulfs, and science will say that everything will be okay. That is one of the initiatives around the Water for Good water policy. Let me assure you, coming from the regions, it is not Water for Good, it is water for Adelaide; that's what it is. Every South Australian is paying for water for Adelaide.

The Hon. M.J. Atkinson: Oh, terrible—water for Adelaide.

Mr WHETSTONE: That's exactly right. Where are the incentives for every water user in this state to use less water? We are getting increased bills, higher costs and for what? We need incentives. We see small incentives to put drip irrigation into gardens. We see incentives to put in a partial rainwater tank. Where are the real incentives for people to keep streets clean so that it is cheaper to polish the stormwater, so that that water can be reused at a greatly reduced cost? Where is the initiative?

As I have one minute to go, I would like to touch on the Ombudsman opening up the water industry to competition. I think that SA Water has been proving that it is an outstanding cash cow for this state, and we must show that competition in the water industry will benefit all consumers and all taxpayers of South Australia.

We have the Save the River Murray levy. There needs to be greater transparency and accountability required for the collection of this money. Where is that money being spent? Where are the Save the River Murray levy contributions going? We look at levee banks up in the Riverland that are being disowned because, 'It's not my responsibility' or 'I'm not going to pay for it.' What is going on? Save the River Murray levy—they are the sort of contributions that should be underpinned by that fund.

Debate adjourned on motion of Mr Sibbons.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 18 October 2011.)

Clause 51.

The CHAIR: As I recall when we were last on clause 51, the member for Bragg accepted that as it was.

Ms CHAPMAN: Yes.

Clause passed.

Clauses 52 to 56 passed.

Clause 57.

Ms CHAPMAN: I move:

Page 20, lines 27 to 35 [clause 57(3) and (4)]—Delete subclauses (3) and (4)

This amendment seeks to delete subclauses (3) and (4). This will have the effect of the police continuing to access parole information in accordance with informal mutual exchange arrangements, and the second reading indicated the importance of that to occur.

The Hon. A. KOUTSANTONIS: We believe it is important that police officers do have this information, so we will not be supporting the amendment. I would also like to point out that, during the committee stage yesterday, I mistakenly referred to police officers issuing warrants. It is the government's intention that the chief executive have the power to issue warrants and that the police have the power to arrest a parolee without a warrant. I apologise if anyone was misled.

Amendment negatived; clause passed.

Clause 58.

Ms CHAPMAN: I move:

Page 21—

After line 13 [clause 58, inserted section 85CA]—After subsection (1) insert:

(1a) However, a Chief Executive is not required to disclose any such personal information unless the Chief Executive believes on the balance of probabilities that the information is correct.

Lines 17 and 18 [clause 58, inserted section 85CA(3)]—Delete ', whether true or not,'

I move these amendments to ensure that the prisoner information be disclosed only between the chief executives where the chief executive believes on the balance of probability that the information provided is true. This will, of course, be something that will ensure—we hope, but as best as possible and at least on the balance of probability—that information which is inaccurate, untruthful and unreliable is not used as the basis for the transfer of information. We leave it to the chief executive to make that observation and determination. We think that is a threshold that is both achievable and reaches a fair balance, and leaves at least the chief executive with the responsibility of forming an opinion as to whether or not the information is true.

The Hon. A. KOUTSANTONIS: The member's amendments seek to change the wording of the bill that refers to the sharing of health information with the chief executive of the Department for Correctional Services. The wording is based entirely on associated health legislation. Section 93(6) of the Health Care Act 2008 and section 106(5) of the Mental Health Act 2009 should remain as they are drafted. I do not support the amendment.

Amendments negatived; clause passed.

Clauses 59 to 62 passed.

Clause 63.

The Hon. I.F. EVANS: I move:

Page 22, after line 36—After subclause (2) insert:

(2a) Section 89(2)—after paragraph (ja) insert:

(jb) prescribing matters to be included in applications and notices under Part 7; and

This is consequential on the other amendments moved earlier in the debate which go to the principle of the prisoner compensation fund.

The Hon. A. KOUTSANTONIS: In the spirit of bipartisanship the government accepts this amendment. We will accept the amendment but can I ask the opposition for an indulgence? If this amendment is not a consequential amendment to the initial spirit of our agreement, will the opposition withdraw it in the upper house?

The Hon. I.F. EVANS: The answer to that is yes, because parliamentary counsel tell me that it is consequential to the scheme. It is as filed some weeks ago, so nothing has changed. It is the same as the amendments to schedule 1 that are coming up.

Amendment carried; clause as amended passed.

Schedule 1.

The Hon. I.F. EVANS: I move:

Heading, page 23, line 1—Delete 'amendments' and substitute:

amendment and transitional provision

New Part, page 23, after line 9—After Part 1 insert:

Part 2—Transitional provision

2—Transitional provision

(1) Part 7 of the Correctional Services Act 1982 (as inserted by section 51A of this Act) applies to an award of damages to a prisoner on or after the commencement of this clause in respect of a claim made by or on behalf of the prisoner against the State for a civil wrong regardless of when legal proceedings in respect of the civil wrong commenced.

(2) Words used in subclause (1) have the same meaning as in Part 7 of the Correctional Services Act 1982.

Again, these amendments are consequential and the same agreement with the minister applies regarding between the houses.

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (17:41): I move:

That this bill be now read a third time.

Ms CHAPMAN (Bragg) (17:41): In the conclusion of the debate on this matter, I want to say three things. First, I express my appreciation that the minister has accommodated reform in this bill to ensure that there is some access by victims of crime to compensation payments that are enjoyed by prisoners whilst in prison, an initiative of the member for Davenport which formed part of his private member's bill, which he has now withdrawn in light of the government's acquiescence to this being accommodated and forming part of the new law reform in this area.

I think it is always a little churlish for governments not to embrace private members' bills when they present good ideas and delay the passage of those to accommodate what can really only be their own egos.

From time to time a minister will say—and it is quite appropriate in some circumstances—that there are no other areas of comprehensive reform and that it needs to cover other issues to fully appreciate an aspect. The minister could have said in this instance, 'There are other aspects of compensation to victims of crime that we want to accommodate in respect of funds that are taken or accumulated by prisoners which have not been covered in your bill, member for Devonport, therefore we want to do a more comprehensive review.' However, this is a classic example of where a discrete issue has been presented in a bill and the government has not supported it as a bill but, ultimately, acquiesced to it being part of the amendments in this bill on issues which are actually quite different to that which have been raised by the member for Devonport. I think that sort of conduct by ministers is churlish at best.

There are, as I say, circumstances where the whole issue of compensation for victims of crime have been raised. There would be some merit in that argument. There have been situations in the house before where more comprehensive reform was needed, and we waited until the government had done an investigation and we dealt with it. Nevertheless, agreement to the amendments in this bill—whilst not supporting the private member's bill—has been accommodated, and I thank the minister for that. Additionally, I recognise and thank those in the department and from parliamentary counsel who have provided advice through this matter.

Secondly, the government have insisted on reform by the transfer of power to issue warrants from what is currently the purview of the Parole Board and to spread that responsibility/right or power to do so to an administrator and to law enforcers. As I have said during the course of this debate, I consider that, firstly, to be contrary to our doctrine of separation of powers and, secondly, that there had been no demonstrable need. Not one example during the course of the second reading had been presented by the minister to identify when access to leadership of the Parole Board had been denied. Not one single circumstance had been presented to justify that.

Nothing had been identified to show how that would have prevented the Shane Robinson siege and the tragic outcome or how to act as an effective measure in future cases. There has been no report to parliament, which I had asked for during the committee stage, for the minister to explain to us why there had been no report to the parliament, why there had been no explanation, no details provided during the debate.

No comfort is given that it will ever happen again in the future or what the outcome was of whatever inquiry they have done (if they have done one at all) or what the police are doing now that they were not doing before to make sure that it does not happen again. All of those basic fundamental questions about which promises were made to investigate, fix, ensure and protect in the future, none of that has been presented and we are now here at the end of the debate.

I am comforted at least by what I hear independent of this debate. There appear to be no outstanding warrants now. There seems to be some practice operating where the warrants are issued and that there is some priority given to the implementation of them; that is great. If that has

come as a result of the Shane Robinson siege, I am pleased to hear it, but I think it would have been of some comfort to South Australia to hear from the minister on that as to what has occurred.

I suppose this is the third issue I say in summary of this debate that is of great concern. The government has dismissed entirely any reform to ensure that there is responsible use of the power of the Executive Council. Yesterday we had the Premier, not in this debate but during question time, espouse the virtue of the conduct of his government (of executive) to keep eight convicted murderers behind bars. We had a long list of those and the tawdry detail of the alleged murder's circumstances on which they had been gaoled. What was curious was that unfortunately the Premier had not come into this debate and he explained why he had not mentioned at all the Michael Peter Webb case, also a murder case. I would suggest that it was conveniently left out during question time because of the inequity that had prevailed in one having access to the criminal justice system and the Parole Board recommendation and the other being overturned without any explanation.

It is not only the ignorance of the government in respect of the contempt for the people of South Australia who rely on a just and fair criminal justice system, but really I would describe the whole performance as an ignorant redneck, suggesting that the whole rehabilitation of anyone who commits a murder in some way is now some sort of dirty word.

We had the continued disregard of the safety of correctional services officers and where prisoners are given no hope ever of obtaining parole. We have the dismissive and wasteful conduct of the government in continuing to spend taxpayers' money to pay for Parole Board expertise and time. Ultimately, of course, we have the hypocrisy of a situation where governments use the legal system's independence when it suits them, when it is convenient, when they say that they cannot comment on something that might be embarrassing to them and yet use it to completely ignore that set of rules when they want to make a statement.

The classic example, I would say, is the Treasurer, when he made statements about the United Water/SA Water case. For three years, the South Australian public were kept in the dark. I just simply use it by way of illustration because, when it suits the ministers to do that, they make all sorts of statements on radio, in parliament and wherever it suits. When they are under scrutiny themselves they say, 'Well, that is a matter before the courts. We cannot possibly make any comment.'

I highlight the fact that both those ministers—the Minister for Police and the Premier—have had the opportunity during this debate to come in and say to us here in the parliament, 'These are the circumstances that prevailed. This is what happened in the Shane Robinson case. This is what we are doing to remedy it. This is what happened with the police and this is what happened with the Webb case.' But oh, no, we had the grandstanding, chest thumping Rambo and Robin performance during question time to deal with this issue.

So, minister, in the dying days of the administration under this Premier, I want you take note of one important thing. You will, I expect, continue to be a senior minister in the next Labor government—the Weatherill Labor government. Please remember two things. First, the members of the opposition will not stand for the people of South Australia to be compromised by an abusive use of Executive Council in respect of the rejecting of parole recommendations. We will not support that. We have offered a reasonable compromise.

Secondly, if you remain in the new cabinet as a member of the government, we expect, during the debate on these matters, some response and some answers. If you are not in a position to give it to us in your final contribution in this third reading debate, that will confirm my disappointment in you, minister, having made it very clear that the two senior other people on this matter, who have been privy to those Executive Council decisions, have continued to abuse those processes. In two days' time, we will be relieved of their contribution. We expect a better standard in the next administration.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (17:52): My first remarks are to thank all members opposite for their contributions. The opposition sees the value in many of the amendments contained in the bill and I thank members opposite for their support. I would like to take this opportunity to address some of the issues raised during the debate.

The opposition sought clarification about a proposal to include an optional condition of parole to require some offenders to provide a prospective employer with details of their criminal

history. While the opposition is right, that this is intended for child sex offenders, the amendment is worded more broadly as it will give the Parole Board an option to include the condition for any parolee if they deem it necessary.

This would be especially the case if the current offending did not include child sex offences, but that offender had a history of such offending. For this reason, the government believes it would be better if the wording was left as it was. I hope the opposition can see now the reasons for drafting in this manner.

In regards to warrants issued for the arrest of a parolee, I can strongly reiterate that the inclusion of the CE as being able to issue a warrant is intended as an additional body only and specifically for times that the presiding or deputy presiding members of the Parole Board are unavailable. It is expected that this authority would be used infrequently but would provide an avenue for an urgent emergency response that occurred out of hours, for example. I thank the member for Bragg for being concerned about the CE having an unfair dual responsibility, as that position is also responsible for prisons, but I remain convinced that the position of chief executive can manage this responsibly and adequately.

The member for Bragg has expressed opposition to police having powers of arrest of a parolee without a warrant and quoted existing powers under alternative legislation. She is right, there are certain powers of arrest under other legislation, but let me give you an example of why the Commissioner of Police wants this additional power.

A parolee with a serious history of family violence, with a condition of parole of abstinence from alcohol is seen in a licensed premises being unruly and creating mischief, and the police are called. Under the other legislation, the police may not have the power to arrest in this situation, but under the provision of this bill they do. They can arrest and hold in a police cell for up to 12 hours until the Parole Board can make a decision about the alleged breach of parole. The Commissioner of Police wanted this additional legislative power and, for public safety, so does the government.

I also want to address an issue raised by the member for Adelaide. Firstly, I thank her for her contribution and positive comments about the strengthened visiting procedures at the Adelaide Remand Centre. In line with this commitment, the bill contains a provision to raise penalties for attempting to introduce certain prohibited items to prisons. The member for Adelaide has suggested that enhancing the visitor procedures would be enough, that we should install machines and processes that stop contraband through visitors. Yes, we are doing that, but we want to do both.

As the member for Bragg pointed out in her contribution, members of the public attempt to introduce contraband to prisons by throwing it over prison fences. Improved screening procedures will not stop that type of behaviour. The Department for Correctional Services and this government are committed to stopping contraband entering our prison system, and provisions to help stop dangerous, prohibited items getting into our prisons, either through visitors or over prison fences by others is what we are aiming to do. The bill strengthens the scrutiny of visitors and provides higher penalties for those outsiders trying to get drugs and contraband into our prisons.

In regard to the member's question that Centrelink cut off payments for those who have breached parole and are in the community evading authorities, this would be a matter for Centrelink, but I think it is an unwise and rash suggestion. An offender may be more inclined to offend in order to finance themselves, putting property and, even worse, the community at risk of crime.

Finally, the member for Kavel raised some issues about rehabilitation and farming activities at Yatala. He is right. Farming activities did occur at that site many years ago, but that was when it was the main male prison of the state. We now have other facilities that provide such work opportunities for prisoners—Port Lincoln and, of course, Cadell.

I want to thank members opposite for their contributions to the bill, and I want to thank the staff of the Department for Correctional Services for their hard work, particularly Jacqui Casey. Jacqui Casey is a fine public servant who goes unrewarded and unthanked for all her services, and on behalf of the government and the parliament I would like to thank her for all her hard work, and also, of course, my Deputy Chief Executive, Greg Weir, for all his hard work and patience, and Sarah Cocking, my staff—

Ms Chapman: For putting up with you.

The Hon. A. KOUTSANTONIS: For putting up with me, yes. Jacqui, thank you for putting up with me for so long. I know it is difficult. I also want to thank all members, because I know that ultimately we all want the same thing, we just go about it a bit differently—although, probably not the member for Bragg and myself: we want different things. I want to make sure the criminal justice system works; she is a lawyer; so it is very different outcomes that we want. However, I do admire her passion on the issue, and I admire her advocacy on behalf of the Parole Board and Mrs Frances Nelson QC, for whom I do have a great deal of respect and admiration.

This bill would make it harder for people on parole to breach that privilege. I urge the house to support the third reading.

Bill read a third time and passed.

[Sitting suspended from 17:58 to 19:30]

WATER INDUSTRY BILL

Adjourned debate on second reading (resumed on motion).

Mr VAN HOLST PELLEKAAN (Stuart) (19:31): I will not take too long. The member for MacKillop certainly made a fulsome and substantial contribution and covered very well all of the issues that the opposition would like to put. I am also a little bit humbled to follow the member for Chaffey, who we all know is an expert on the River Murray. I would like to make a couple of points with regard to the electorate of Stuart and how that fits into this Water Industry Bill 2011.

The really broad issues that we are dealing with here are water planning, regulated industry, technical regulator and authorised officers. That is obviously very broad and, as I said, has been covered by the member for MacKillop. The electorate of Stuart, though, as I think most people would know, is very, very broad. There are no more voters, no more people in the electorate of Stuart than any other electorate, but I am pretty confident in saying that the electorate of Stuart encompasses the broadest range of communities and the broadest range of water needs of any electorate in the state.

Look at a country town like Kapunda, which is nearly metropolitan fringe, a large regional centre like Port Augusta, the Mid North area—Morgan, Blanchetown, Cadell, Murbko, right on the River Murray—and then moving all the way up through outback South Australia—Marree up to the Northern Territory/Queensland/South Australian borders. We need water for an enormously wide range of issues. Some of them are exactly the same as in metropolitan Adelaide, and some of them are vastly different, including irrigation in the River Murray, including stock needs, including very small communities, which we all understand need water just as much as any large communities do.

I thank the member for MacKillop for including in his list of amendments two that are very important to the electorate of Stuart. Amendment No. 13 in summary asks SA Water to continue to provide services within those areas of the state in which services are provided immediately before the commencement of subsection (2). That is vitally important, because I would hate to see a situation where it became inconvenient or became unattractive for whatever reason to SA Water, or to the government, to continue to supply water to some of the very, very small towns in the electorate of Stuart, or any other small towns for that matter anywhere else in the state.

I really do understand the economics, I understand the practical realities of trying to run a massive water business like SA Water does, but I also understand how important it is that people get their water supplied even if it is non-potable water. Of course, we would all like to have high quality drinking water supplied everywhere that people would like in every home in the state. I understand that is not going to be possible for SA Water to supply it to every sheep or cattle station around the place.

There are small towns that get drinking water and there are small towns that get non-potable water as well. While they have to catch water on their roofs to fill up the rainwater tanks, and while they have to sometimes pay to have water carted in because they need drinking water, the non-potable water is still extremely important for doing the dishes, for bathing, for boiling up, and using for a wide range of reasons. So, amendment No. 13 is very important to me, and I hope the government will see the merit in that, and I hope the government will see the fairness, equity and importance of that to many communities in the further afield parts of South Australia,

and how it applies to drinking water and also to non-potable water which is currently supplied by SA Water.

I would also like to talk briefly about amendment No. 23, which the member for MacKillop has included. In broad terms, this has regard to the principle that the prices charged to small customers for retail services should be the same rate for all small customers regardless of their location in the state. That, of course, is vital too, because we can all understand the economies of scale if you are trying to supply water into metropolitan Adelaide suburbs. That is one thing, and your economies of scale would be probably the best there of anywhere in the state. This does not relate to large customers necessarily. It is still possible to do deals with business and industry, and we are all looking, reading and learning about the indenture act for Roxby Downs at the moment.

There is a new example there of an agreement that has been done, outside of SA Water, of course, but there will always be reasons to do different deals with larger organisations. In much the same vein as I was discussing amendment No. 13, amendment No. 23 is really an issue of fairness. It would not be appropriate to charge excessively high rates for water in smaller towns throughout the state. Typically, of course, there are many of them in the electorate of Stuart.

I might point out that there are approximately 30 communities in the electorate of Stuart. The regional city of Port Augusta accounts for about half the population of the electorate, and another 25 to 30 communities make up the other half of the population. So you can imagine that there are a lot of very small places.

So, that amendment is vital, and it is in much the same vein as the electricity pricing that we have in this state, and I think that is vital, so I ask the minister and the government to take that into very serious consideration. It is absolutely critical for the people that I represent. It is absolutely critical for the people that I represent that they can have equity of pricing for SA Water supply. I will leave it at that. The member for MacKillop and the member for Chaffey have covered the issues on behalf of the opposition very well but, from a Stuart perspective, those two amendments are critical.

Mr PENGILLY (Finniss) (19:38): I rise to offer a few comments on the Water Industry Bill 2011. The shadow minister covered many of the points and indicated that the opposition has a series of amendments. I hope that the government listens to the opposition down here, because my view is that if some of these amendments (or all of them) do not get up here, they will get batted away in another place, and heavens knows where that will end up, with the collection of members up in that place.

However, I do have concerns about certain aspects any time the subject of water comes up. It is a very topical issue and it is not going to go away. I know that I have talked in this place before about the considerable number of people on fixed incomes in my electorate who are absolutely battling to meet the costs of water, electricity, council rates, fuel, gas, fruit and veg—the list goes on. But more particularly in relation to those things that they must have, such as water and electricity, and, if they own property, council rates, and despite the fact that they obviously have concessions (and I acknowledge that), they simply cannot pay over and above CPI. They do not have the money to pay these excess charges.

I suspect that they are probably coming through the doors of the electorate offices of government members as well, but I can tell members that, day after day, I have pensioners in despair coming through my office door. There is something inherently wrong here. We must have water. I have reticulated water across much of my electorate, on the mainland and on Kangaroo Island. In fact, I have the first desalination plant in the state on Kangaroo Island at Penneshaw, and I will come back to that in a minute.

Also, considerable areas of my electorate outside the town areas do not have a reticulated water supply supplied by SA Water. What they have to do is to manage their own water supplies through tanks and through dams. A number of members on this side would know all about that, so they actually know how to use water. Unfortunately, we are growing up with a generation of kids these days who think that, if you want milk, you get it in a carton out of the fridge, and if you want water you just turn on the tap. It is a bit more technical than that, I am afraid.

What does worry me in all of this is that there is just an expectation now that water is always there and that you are always going to have good water. Despite the lessons that are taught, many people still do not know how to look after their water supplies, they do not manage their water properly, yet we still have this enormous amount of money each year going into state Treasury—I think $300 million, approximately, last financial year.

Obviously, if you are in government you value that money, but I can tell you, Madam Deputy Speaker, that people are fed up to the back teeth with the state government ripping money off everywhere. Only today—and I raise this as an example—I had pensioners from Victor Harbor ring me up in despair. They were stopped by the police, I think, a couple of weeks ago, and the driver was issued with an expiation notice of $360 for not wearing a seatbelt.

I relate this just to charges and costs, but what happened was that he pulled out from the Esplanade around by the bowling club in Victor Harbor, and, as he pulled away, his seatbelt actually became unclipped and folded back, so he reached out and put it back on again. A police car going the other way saw him, stopped him and booked him and gave a pensioner a $360 fine. The point I am trying to make is that it has gone overboard in this crazy run for revenue.

We must have infrastructure. We have got this enormous desalination plant down at Port Stanvac, which was an initiative, as members may recall, of the Liberal Party under Iain Evans as leader, and it has gone on from there. This side of the house supported that. The Rudd government, I think it was, came in and doubled the size of it, yet even the other day we find that there is a $25 million bonus going to AdelaideAqua for the construction of this desalination plant.

Mr Williams: It's $46 million.

Mr PENGILLY: Sorry, $46 million, I beg your pardon. If members on the other side wonder why they are on the nose out in the electorate, they want to have a good look at where they are going. They really want to have a good look. Of course, this water industry bill has to go through the parliament; of course we have to have change. South Australians, and probably Australians generally, do not like change. However, we must change, but it has to be sensible change. The shadow minister has put forward a great list of amendments, and I sincerely hope, again, that the government sees fit to put them through.

Just returning to the Penneshaw desalination plant and to show members just how clever some of those in SA Water are, for months and months they have been losing water at Penneshaw. Members will love this. They have been losing it. So, what do they do? They have sent SA Water staff running around with water divines, or whatever they are called (I do not know, some sort of meter), looking for the location of the leaking water because they assumed that people were taking water illegally.

So what do they find? They find half a dozen or so houses in the township of Penneshaw, a tiny little town, with the odd leak. So they had to revisit their own infrastructure. So what do they find? They find the dam at the top of the hill that takes the water out of the desalination plant with a hole in the bottom of the bladder and it is all going straight out the bottom. Blind Freddie knows the first place you would have looked is in your own storage. How much other waste is going on around the place with examples like that? I really don't know.

I can also tell members that, on top of the cost of the water, people in my electorate have been fed up to the back teeth with paying the River Murray levy. The doomsayers said after the drought that it would take six or seven years to bring it back to health and I think the River Murray was filled up again in six months. Nature looked after that for us, and a few other things besides. However, the towns of Yankalilla, Normanville, Victor Harbor, Port Elliot and, going into the electorate of Hammond, Goolwa are all supplied from the Myponga reservoir with no connection whatsoever to the River Murray.

On Kangaroo Island, unless someone has done something that I have not learned about, there is no pipeline. There is a power cable that is stuffed across there but there is no pipeline, yet the islanders have paid the River Murray levy for years. It is a case of getting back to basics on this whole water thing.

We have to have the infrastructure. I heard the member for Stuart a while ago talking about the vast infrastructure and the large industry that is SA Water—it formerly went under other names such as E&WS—but it is worth remembering that a lot of that infrastructure was put in 60, 70 or 80 years ago. The Morgan-Whyalla pipeline and the pipelines that go here, there and everywhere to Adelaide were all put in a long time ago now. I do not know what the contingency is in the forward estimates to replace or add to a lot of that infrastructure, but I would suggest a lot of it has been well and truly paid for time and again, yet we still have hundreds of millions of dollars a year going into the Treasury providing revenue for a government on the slide.

I welcome visits from ministers and members on the other side in my electorate because my people down there leave me in no doubt as to what they think. They leave me in no doubt

whatsoever as to what they think. But, in fairness, I will say the minister for agriculture has been down at my invitation and, indeed, the minister for the environment has been down at my invitation. We have done tours down there and I welcome them: it is good for them to see what is going on on the ground.

In relation to this Water Industry Bill, I sincerely hope, once again, that the government does take note of the opposition's amendments because, if it gets up in that other place with the collection of Independents and heavens knows what else they have there, anything can happen to it, and anything might happen to it, not only with this bill but with—

Mr Pederick interjecting:

Mr PENGILLY: Now, now, calm down and relax—not only with this bill but a host of others. This bill is won: this is fairly simple.

Mr Williams interjecting:

Mr PENGILLY: You can have your turn in a minute. The Roxby Downs indenture bill, anything can happen. The only person or persons who are going to make any mileage out of this Roxby Downs indenture bill are in the upper house. There is no suggestion that we will not support it and it is total nonsense to suggest otherwise. You can hardly wait for the Hon. Mark Parnell and the Hon. Tammy Franks to waffle on for about three months trying to delay the thing and put amendments in it. They will be grandstanding in the media and you will see them all over the TV. There are people in that other place who are going to save the world on a regular basis. That is exactly what is going to happen to the Roxby Downs indenture bill when the Greens get hold of it up there.

Let us be sensible about this water bill, minister, and take on board seriously the opposition's amendments and see if we cannot work through them in a manner that is in the best interests of the people of South Australia. At the risk of repeating myself, I say—

The Hon. P. Caica: Don't do it, then.

Mr Pederick: You've got 10 minutes. Repeat yourself.

Mr PENGILLY: I might start again. I am starting to get warmed up now. I once again draw to the house's attention the pressure on fixed income families and pensioners and their ability to get through these tough economic circumstances, when rates, water prices, power, etc., are all thrust upon them. So, I will watch with interest what happens to this bill and I will listen with interest to the next speaker.

Mr TRELOAR (Flinders) (19:50): I take this opportunity to speak on this bill and relate it particularly back to the situation on the Eyre Peninsula. It is probably no surprise to the minister, and I thank him at the outset for coming to visit earlier this year at our invitation and inspecting the Tod Reservoir which, of course, has been a feature of the Eyre Peninsula water supply over many years. In fact, it was the initial water supply for the entire Eyre Peninsula and was quite a feat of engineering in its early days. Unfortunately, it has seen increased salinity over the years and has been taken off-line as recently as the mid-2000s, I understand.

I would regard it as an asset still, but an asset that has been let go. I do not believe that it has been held with any regard by SA Water. It is supposedly held as water security for the Eyre Peninsula, but certainly the asset, the inflows, the pumping stations and the creek lines have all been let go to a point where it is almost irreparable. I think that is a sad thing because it has meant that we are now almost totally reliant upon the southern basins.

The southern basins are a series of underground lenses which exist to the west and south of Port Lincoln, and 85 per cent of Eyre Peninsula's water comes from those lenses. My belief is that we do not have a full knowledge and understanding of the geology and the function of those lenses. There are gaps in our knowledge, and I think they are gaps that need to be filled in the very near future, otherwise we will potentially be extracting a finite resource at a rate which is not able to be sustained.

More recently we have seen a spur line built from Iron Knob to Kimba, and that has allowed a small amount of water from the River Murray to extend as far west as Ceduna. The one good thing about this particular adjunct to our water supply is that it has improved the quality of the water to the area out west, as the minister would be aware. There have been water quality issues, particularly on Upper Eyre Peninsula, in our reticulated scheme due to high levels of calcium, and it has caused particular problems in smaller spur lines to farm troughs and farm watering points.

The River Murray water has actually improved the quality of the water heading west, and that has been a bonus. Eventually, because of this additional supply, the government was able to justify charging Eyre Peninsula residents the River Murray levy.

I put to the minister that, at this point in time, it may be an opportunity for some of the River Murray levy to come back on to the Eyre Peninsula and maybe be put in to the water reticulation scheme there. It may be that we use some of that money to investigate and rehabilitate the Tod Reservoir because, despite what I said earlier, it is still an asset and I think that, with some engineering, some effort, there is a possibility to bring it back on as a useful resource.

In recent times there has been a lot of mining exploration done on Eyre Peninsula and, lo and behold, the drilling that those mining companies have undertaken has actually added to our knowledge base. Lincoln Minerals are drilling west of Port Lincoln at a prescribed wells area. They have a tenement there and certainly have an iron ore deposit with some potential. They have discovered through their exploratory drilling what could best be described as basement water. Good quality basement water was a resource that we were aware of but still there are gaps in our knowledge about this particular body of water: how big it is, the rock structure that it exists in, where it comes from, where it goes to, and the potential of the water supply to be an adjunct to Eyre Peninsula's water.

There will be increasing demand on water on Eyre Peninsula—certainly an increase in industry and an increase in population—and, quite likely, mining companies will be requiring increased water. I understand that mining companies at this point in time are required to source their own water and they can do that in a variety of ways. It may well be that mining companies on Eyre Peninsula enter into a commercial agreement with SA Water. It may be that they establish their own desal plants or they may use groundwater that they find on their tenement should it be of suitable quality. There is no doubt that demand will increase, and I think that SA Water need to be aware of that.

In 2002, my predecessor, Liz Penfold, had been raising the issue of water security on Eyre Peninsula for some years. Then minister Conlon indicated to this house that the government would be intending to build a desal plant on the west coast of Eyre Peninsula to supplement water supply and add to water security. There is certainly no indication that that desal plant is any closer at this point in time. I do know that SA Water have investigated some four sites and are still undergoing investigations, but my feeling is that they are actually sweating off on this investment. Given the fact that we have had three years of reasonable recharge, security is reasonably well placed at the moment but who knows what might happen in the future.

My thinking has changed a little bit on desal plants. I think the opportunity now is for small coastal towns—and I have mentioned it before in this place—to set up their own small desalinating units to supply relatively small populations. It does not require the investment of a big plant and you certainly do not have the infrastructure requirements or the electricity requirements, and you do not have the issue of the outflow either with the small localised plants. But crucial in that scenario is third party access, and I understand this bill certainly indicates that third-party access is part of the government's agenda and I would encourage the government to proceed with this with some haste because there are commercial opportunities for other companies to get involved with the supply of water. BHP may well be part of that; a mining company may well be a part of that.

I have listened closely to the contributions of all the members on this and I am pleased with the amendments that the shadow minister has put forward. We have all taken the opportunity to highlight issues around water as we see them. It is our most precious resource; I do not think anybody could deny that. In closing, I commend the amendments that we have put forward. I concur with the member for Finniss. It would be nice for the government to consider these quite seriously because once it goes to the other place anything could happen, and I quite agree with that.

With those few comments, I am pleased to have the opportunity to talk once again about the water situation on Eyre Peninsula. We have not heard the last of it, minister, and I ask you to seriously consider once again the Tod reservoir and its future and that it could hold a place for Eyre Peninsula water.

Mr PEDERICK (Hammond) (19:59): I rise to speak to the Water Industry Bill 2011 which, in the introductory note, says it is:

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.

Currently, the supply of reticulated water in South Australia is regulated under the Water Conservation Act 1936 and it can also be under the Waterworks Act 1932. These acts confer the powers to enable the construction and maintenance of the necessary infrastructure associated with water supply, over both private and public land. They also provide for water rating and, in the case of the Waterworks Act, establishes the Save the River Murray Fund and imposes the levy. The Sewerage Act 1929 provides similar powers in relation to sewerage systems.

The government has published Water for Good in response to the ongoing drought, in June 2009, which proposed a number of reforms for the water industry, including an independent pricing regime and third-party access to water infrastructure.

The bill repeals the above mentioned acts and has established a new regime for the supply of water and sewerage services. The new initiatives include: firstly, water planning, which obliges the minister to prepare and maintain a state water demand and supply statement, which is to be comprehensively reviewed each five years with a progress report being tabled each year.

The regulated industry is part two. The water industry is declared to constitute a regulated industry under the Essential Services Commission Act 2002, thus providing ESCOSA the function of regulating and setting water and sewerage prices.

Part three is the technical regulator, which sets out the requirement of a technical regulator to develop, monitor and regulate technological standards. Part four is about authorised officers, which enables the appointment of authorised officers and establishes their functions and powers.

The bill also transfers many of the powers from the repealed acts relating to land access, the establishment of infrastructure and protection of infrastructure equipment and water supplies, and establishes the Save the River Murray levy and fund.

I note that the government has been promoting the policy of third-party access. The bill simply initiates a process to move towards third-party access. I note that we will be putting forward amendments to oblige SA Water to provide a transport service to farmers for stock water, where the farmer has acquired their own River Murray water entitlement. This is to reduce costs and to protect livestock production across much of South Australia.

I just want to talk about some of the issues that we have had with accessing water, especially in the previous five or six years with the drought that engulfed the River Murray and Darling River—the River Murray system. It has been shocking, to say the least, for many people the length and breadth of the River Murray, but I do not think more so than for the people who live, reside and try to operate businesses at the lower end of the river and around Lake Albert and Lake Alexandrina.

These fine people of this state took the biggest hit, I believe, in what happened with this drought. The people who live around Goolwa were engulfed in sand blowing off the dry lake bed into their homes, which were devalued by hundreds of thousands of dollars because of the lack of water. The people on dairy farms had to spend up to $5,000 a week to truck water in to keep stock going.

Many people, especially around the Narrung Peninsula and around both lakes—Lake Albert and Lake Alexandrina—had to lease water in when they could access good water, and then it got to the stage where the water was not useable. There were private desalination plants put in at a cost of many hundreds of thousands of dollars and people were doing what they could to keep their farms going.

Some people simply gave up attempting to irrigate and basically ran their properties as a dryland venture. Some could say it was an opportunity, but what some of these people then had to do was sell their water and perhaps buy or lease some more country so that they could grow their feed and run their dry stock, or their sheep and cattle, on another part of the area.

It has been tough—it has been darn tough. We still have high salinities in Lake Albert, and a lot of this is because of the poor policies that went in place during the drought. I still do not believe that the negotiators we had working for the state government were good enough to negotiate enough water for this state, and I think we could have done a much better job. I have been told that Victoria had a couple of red-hot negotiators that outdid us every time, and we were

left partly at the will of nature, partly at the will of upstream people, and partly at the lack of action by the government.

We have seen tens of millions of dollars worth of infrastructure put in with bunds at Narrung, Currency Creek and Clayton. In regard to the Narrung and Clayton bunds, something like 25 per cent of those bunds will be left in the river that the government will not get out. The government said that it would get all of the material out, but it certainly will not get it out. The government has said, in the case of Currency Creek, 'It's underwater; it's too hard to get out.' How do they think the river was dredged? How do they think people dredged channels below Lock 1 when they had to try to get boats through? There are barges on which you can put long-arm excavators to do the job. It has been very, very tough.

This government hired a water commissioner, Robyn McLeod. I note she has not been with the government for quite a while, but I remember going to a meeting on a Thursday night after a sitting week with Mitch Williams (member for MacKillop).The meeting had been going for a while by the time we arrived, and there was a group of luminaries up the front, including Robyn McLeod, and she stood up in front of the crowd and started to talk about climate change.

When these people have seen the results of over-allocation and over-extraction from the river, and they have some bureaucrat from Victoria come in and start to tell them, 'This is the effect of climate change,' let me say that it caused quite a ruckus in the room. These are people who have suffered and who will not see a lot of the money that they have had to spend to survive. We have seen issues of salinisation right throughout the area and, because of government inaction, it will be a long, long time before Lake Albert is back to what it used to be.

I want to talk about some of the other policies that this state Labor government has had. Several years ago, they came out with a broad policy to increase the Mount Bold dam by 200 gigalitres from the 45 gigalitres it is at present. I remember having a meeting with then minister Maywald, and I asked, 'How are you going to fill it up? Ninety-five per cent of that water will have to be pumped from the River Murray,' and she assured me that it would not, and said, 'I'll get you another briefing.' Sadly, I am still waiting for that briefing, and I will not get it from that minister.

Thankfully, someone saw some sense and killed that policy. I remember it went halfway back in the previous budget, and then it just disappeared off the stream. I believe it certainly would have been $850 million of wasted infrastructure. Why build another storage into which you are only going to pump water from a resource that is climate reliant? It just did not add up. Do not get me wrong, I have no problem if dams are built and people can say to me that 95 per cent of SA Water will be caught in the catchment and stored in a dam. We certainly did not get that assurance with that proposal.

I note that many members on this side have talked about desalination. Certainly, after many of us visited the first desalination plant in Perth where for under $400 million they built a 50 gigalitre plant in a very good location at Kwinana. It basically had a hydraulic inflow. The water essentially fell into the plant. Only 250 metres down the way the outflow pipe went about another 250 metres out into the sea, and then it went quite a way in with a lot of diffusers, so that the brine was controlled. That was monitored 24 hours a day to monitor the effects on local sea life and that kind of thing.

What they found there was that, essentially, water diffused back to normal seawater counts of salt within 50 metres. So it shows that it can be done, and it shows that it can be done cheaply. We said in our water policy (I think it was early 2007) that we would build a 50 gigalitre plant. It would have cost, yes, more than $400 million, but I would assume somewhere in the scope of $100 million to $200 million more.

What we see in this state now is a $1.8 billion monolith, a 100 gigalitre plant, which is 50 gigalitres oversize, built south of the city so that water has to be piped through the city to the north. They have not even spread the risk by having two locations where, if another plant had to be built, it could have been built north of the city and just piped around those northern suburbs and areas. On top of that we see an over $400 million expenditure in the piping for this work to deliver this water.

There is always talk about something in the order of $130 million of commonwealth money that was going to come in, and we have been told that it is coming in to help fund it; but there was supposed to be some exchange of River Murray licence, but that has not happened. What will happen when there is plenty of water in the River Murray, as there is now? Maybe in the next decade the plant will get up to full steam. It is taking a while; it is certainly well over time. They will

just turn it down and they will just turn it off. We will have this massive infrastructure, which, if the states can ever agree and Craig Knowles gets the appropriate water plan in place, we may never have to use at full capacity. I would be very surprised if we ever have to. Like I said, we have to wait for it to reach full capacity.

I certainly want to speak about the River Murray levy, which affects constituents right throughout my electorate. We have seen in former budgets many millions of dollars of this levy not even expended for the River Murray works like salt interception schemes and other ways that can improve the health of the river. This is just another levy that impacts on all of my constituents. I have a large retirement sector right throughout my electorate, especially down at Goolwa and throughout Murray Bridge and other towns. It is just another cost that these people have to pay. They have had to put up with the drought and put up with the worst quality water in the system.

We also need to look at agricultural viability in this state and the water delivery to producers. We now have River Murray water piped across to the Far West Coast of Eyre Peninsula, right over to Ceduna and, yes, that helps those producers with water supply but why could the proposals of the former member for Flinders to build local desalination plants, which were all rejected by the government, not have happened? No, we will just pipe a bit more water from the stressed River Murray.

People who live on the Keith pipeline that my farms feeds from have to pay ever-increasing costs for water. Water from that pipe also goes to the emergency pipe to Meningie and the Narrung Peninsula. Time and time again, whenever I am at the football or a local event, people say to me, 'Adrian, how are we going to survive? How are we going to water our sheep? How are we going to water our cattle?' It is costing people with large feedlot operations, or even a few hundred head of beef or dairy cattle out in the paddock, tens and tens of thousands of dollars extra to run their operations. We run the very real risk of turning a large part of South Australia into a desert because there are far more areas than those I have indicated near the Keith pipeline—it is right around the state. About 90 per cent of the state is reliant on River Murray water and these people, apart from the Barossa Infrastructure Ltd scheme, all pay the top industrial rate to get access to that water.

Piggeries with thousands of pigs in eco shelters are suffering this cost. It is true, and I have mentioned it here before, that farmers are price takers, not price makers. A lot of this extra cost has to be absorbed into their production, and it makes it ever harder for these people to produce good quality pastures and good quality stock for market. Last year we saw how this government denigrates agriculture when it announced an $80 million cut in spending over four years. At least 300 department staff disappeared to fund up to $9 billion of infrastructure projects in the city.

What help is that for people in regional areas, who are working in the one sector that provided the biggest individual boost for this state, still well above mining, and that was the agricultural sector? Part of that was because we had good rains, but we must remember that South Australian cropping families have not had good returns from cropping for nearly a decade. Most of them have scraped through pretty well but they have been tough times. It is nice to see that a lot of them had good returns last year albeit I believe a lot of people did not get more money because of poor classification at a lot of sites throughout the state but, thankfully, due to some late rains, most people throughout the state will get a reasonable harvest.

In closing, I would like to applaud the people of this state, the people of my electorate and the ones down at the bottom end of the river system, around Lake Albert and Lake Alexandrina, who really had to fight to get their case heard, and who took to the government proposals to get water delivered in the potable pipeline that went to Meningie and Narrung, and also The Creeks Pipeline Company that worked with the government. It took the government a long time to get there, and the bureaucracy took a long time to get through. However, they got these projects away, and most of it was federally funded, but I must admit that the state government helped to control these operations. When Leighton Contractors, I think it was, and someone will correct me if I am wrong, got in there to get these projects in place, they did it in record time and I commend them for their work.

Ms CHAPMAN (Bragg) (20:20): It is with pleasure that I stand this evening to speak on the Water Industry Bill 2011. A number of pieces of legislation in respect of water have come before us in the relatively short time that I have been in the parliament. They have included legislation to establish the stormwater authority, which the opposition generally supported. I did not, and I think that probably the lack of action on behalf of this authority since its establishment is one which bears out the concerns that I raised at the time.

Others, on the other hand, have had the comprehensive support of the opposition, including the safe drinking legislation. The government felt it necessary that we have a process to ensure that water that is for human consumption is kept and maintained at a safe level and that we have the regulations tightened to support it.

We have had various pieces of legislation which have had the comprehensive support of the opposition and others for which there has been some resistance. There was legislation to introduce a River Murray levy, which I can remember debating late at night with the soon to be late, great former treasurer, Mr Foley. He explained to us the need to protect the River Murray and that all South Australians needed to contribute towards the cost of protecting it.

I can tell members that, when I first came into the parliament, I put out a survey as to important issues, and the single biggest issue of concern to people in my constituency was the future life, protection and health of the River Murray, even above other water issues at the time. I think that, with the support of the opposition, we said to the then treasurer that we would not oppose this legislation but that we wanted an assurance (and we put it into the legislation late at night here) that the money would be spent, and that there would be no reduction in recurrent expenditure for projects that would otherwise be for the health of the River Murray and its infrastructure, maintenance, etc., and that it would not be diminished by the application of money from this levy—in other words, that it would just use this lump of money to reduce its responsibility to continue its existing liability as a government, and we had that put in the legislation.

Here we are tonight, nearly five, six, seven years since the fund was established and there is a healthy surplus in it. We have got millions and millions of dollars sitting in that fund. So, it does concern me when, again, the government comes to us and says that we need to look at legislation essentially to facilitate the planning so that other players come into the market for the private production, I suppose, of water, and for other industry people to be able to come in and use the system, use the infrastructure, that is, the access to it; but also to be able to meet certain standards to be able to come into the scheme, and to ask also in this legislation that we set up a licensing regime for the regulation of not just the provision of pricing and customer service standards (and all the other things for the new players) but that there would be a whole regulatory regime established for that.

I say this: first, I do not think that it is necessary for the government to put its nose into the planning in respect of facilitating access to water. That is not necessary. I that think it is premature for the government to ask the parliament to embrace a costly regulatory regime to manage the approval process of the industry. The most significant concern I have is that in this bill it is proposed that SA Water—the corporation as it now is, sitting with the responsibility to a minister and ultimately accountable to the parliament—is going to be in charge of it. Why do I say that? First, it has shown a history of resistance to embrace private enterprise in the establishment of the water industry, even without the regulatory licensing scheme. It does not like competition and it does not like people having access to water through other services.

The reason is very simple: its charter is to make money for the government and provide services. It has outsourced to a number of agencies for a number of years—I think for 16 years or so that has been done through United Water, a consortium. It has now been taken over by a contract with All Water to provide the plumbing services. It outsourced some of those services but, essentially, it loves being a monopoly. It is not in its interests to have that competition.

Why do I say that it is already resistant to that? I will just use an example of my colleague in the Barossa Valley in the electorate of Schubert who has constituents who have to pay thousands and thousands of dollars to SA Water when they purchase water to use the infrastructure and pipes and have that water delivered to them. So they have to pay for the water but they have to pay thousands of dollars to SA Water to be able to enjoy that service.

Some members would be old enough to remember Telecom. When the telecommunications industry was going to be opened up to other players, there would be access to the infrastructure. I want to remind members, because I saw a very impressive DVD, or video, as it was at the time—I think it was actually made into a DVD—of the history of the water and engineering services in South Australia. The Waterworks Act 1932, for example—

The DEPUTY SPEAKER: Was it a Beta or a VHS?

Ms CHAPMAN: No, VHS. It may have been available in Beta but I think that ended up being a rather superfluous piece of technology at the time. It was not really very accessible to

transmission. In any event, there was a requirement that there be access to infrastructure under the telecommunications movement into the marketplace.

Here we have a situation, a proud history of engineering and water supply infrastructure development in this state, built up and paid for by South Australian taxpayers over the last 175 years. We have very impressive dams and infrastructure of which they can be rightly proud. The current configuration of that, of course, is the SA Water Corporation. It has inherited a very proud history, but I think it is time somebody reminded SA Water that, not only has it been paid for by the taxpayers of South Australia, but, if we are genuine about opening up the market to other players to allow them to come into the marketplace for the provision of water, they need to understand that this is not just their asset.

These are the assets of the people of South Australia and it is about time SA Water understood—notwithstanding the obligation for its profits to go off to government coffers to bolster the taxpayer-funded expenses of this government—that it has an obligation to make sure that it provides a healthy supply of potable water to South Australians; and, of course, it has other projects, some of which are supplemented by River Murray water. It has an obligation, in opening this up, to be fair, and I am not confident it will be either fair or responsible in its management. Let me give some examples.

This is a corporation that made a decision—at a time when South Australia was suffering a very severe drought—at a cost of nearly $50 million to move its people into Victoria Square into a refitted new office. Their current accommodation was not big enough, the then treasurer told us, and they needed new premises. The corporation needed to bring in some other people. It had to bring in the EPA. I do not know why, because that is a totally separate organisation, but the EPA has a floor down there in the new building. They wanted to bring their people together.

Of course, SA Water has people all over the state and in other commercial buildings in South Australia, because they soon ran out of space down there. Nevertheless, that was their excuse at the time. It was not good enough that they be housed in Pirie Street. That, of course, is now the new accommodation for the transport department because they have flogged off their Walkerville property.

Here is a decision made by an apparently responsible corporation. That they would spend that sort of money under minister Maywald's guidance at the time—whom I note is now on the board—when people in the Riverland were pulling up orange trees, when stock was dying, when we had a desperate situation even here in the metropolitan area where people were losing trees, their stock and infrastructure in gardening and the like, is just incomprehensible to me. There is a lot more. Let us look at the next aspect.

They entered into negotiations to borrow an enormous amount of money to develop a desal plant. Of course, we are not allowed to know what is in the contract because the government signed up the desal contract to borrow funds and to have a confidentiality clause. So, even though the ombudsman here in South Australia determined in a decision he made on the disclosure of that contract that it would be in the public interest for us to see it, the government has still refused. The government goes on blindly signing contracts with these confidentiality clauses—'All you mugs out there in the taxpayer world can keep on paying for these things, but you're not allowed to know how it's going to be spent.'

I was interested to read in the press that the desal plant has other costs coming out. I think there was a $46 million fee that was identified in the last few days that was to be paid for, notwithstanding that it is behind budget. People have already died on-site and everything else, but they have got all this extra money. The government's direct answer is, 'We can't discuss the detail of these things because, of course, the contract is confidential.' So, hundreds of millions of dollars are being spent. We still have no clue about the commonwealth government's $200 million-odd contribution and whether it will depend on whether we use less, more, the same, etc., of River Murray water, and so on.

The reason I raise this matter is this: this is an organisation which has gone from $144 million in borrowing costs—that is their annual borrowing costs, that is the money they pay to service the debt they had last year, that is, in the 2009-10 year and then the 2010-11 year—to now $206 million, and they are only halfway through the desal plant. We still have another financial year of development to complete that. The cost of the borrowings alone is exploding, and that should be of great concern to taxpayers and to people in this debate because the government is asking us to

give SA Water the next charter, and that is to be in charge of the licensing and regulation of a new water industry.

We have their total bungling of the United Water contract. This was a company which was ultimately determined in the courts to have to pay back tens of millions of dollars to South Australia by final settlement terms in the Supreme Court while under the watch of SA Water. Where have these people been? This is a multimillion dollar contract which, again, the former treasurer came into the parliament to tell us when this whole stuff-up had been exposed that they had been negotiating it for three years. Again, taxpayers kept completely silent but, in any event, it finally settled. It was clearly exposed as a complete disaster.

In any event, we clawed back some of that money from United Water before the consortium disbanded. So we again have a management capacity which surely brings into question the proposal in this legislation. They have gone on to now be responsible for the management of the All Water contract, which is the new consortium in charge of the plumbing and distribution of water in this state.

These people in the new consortium may be very good people. I am not casting any reflection on them individually, or the players in that consortium, or, indeed, the second consortium that is now taking up a maintenance and small projects role. I cannot remember the full title of it now, but there is another consortium that that has been outsourced to. But what I do say is this: the taxpayers are relying on SA Water, and in particular SA Water's own audit committee, to keep an eye on these things, and it is clearly not.

If ever there was an exposure of a deficiency in the management of these important areas, one only has to look at this year's Auditor-General's Report to see their apparently hapless (I will give them the credit of that so as not to assert that it is deliberate) repeated ignorance and refusal to comply with advice given in respect of their own procedures, not just procurement of multimillion dollar contracts but of the management generally of their big projects.

Nothing could be more clear than their conduct over the operation of the north-south interconnector system project, which is a pipeline being built from the south to the north along existing pipelines. An extra pipeline was going in apparently to move all the water that we are going to be paying for coming out of the desal plant from the Happy Valley reservoir to move it up to the Hope Valley reservoir so that we can distribute it for the population growth in the north.

We have had the debate about how the government kept that whole project secret and we have had the debate about whether it should go ahead and they should be spending $403 million to do that, but it alarms me to find that this is a project that is now represented on pages of comment made by the Auditor-General in its very first year of development. It has screaming all over it issues of concern that are raised by the Auditor-General.

I place on the record again how it raised our concern that when SA Water first prepared a budget of a proposed direct pipeline, which was going to cost $300 million, they abandoned it later because when they went back to do the detail it was actually going to cost $1 billion, so that was one of the reasons they abandoned that project and they came up with this one. I am not confident that this is not going to blow out as well.

If I ever have any reason to corroborate that it is the fact that I see the people in my electorate busily working on this project. I have reports to me of days and days of work lost for things such as ordering the wrong equipment and so everyone goes home, or 'it's too wet, too cold, too this, or the truck has not turned up' and I have had issues raised with me about this many times. Why? Because my householders were given promises about the length of time that they would be inconvenienced and not have access to their properties or their own street during the course of construction. They were given all the assurances at public meetings, etc. and when they do not transpire, of course, they ring up their local member and they complain about it. They do find out what is happening there.

So, I am very concerned—in fact, I am so concerned that I have written to the chair of the Public Works Committee about this matter to ensure that this project is kept under scrutiny both in scope and in cost because this is exactly the sort of example that I say is concerning, and it is particularly when the Auditor-General this year said:

> These issues have again been evident in the audit review of the NSISP procurement during 2010-11.

So, it was not just last year, but they are all showing up again—promises to remedy it, it does not happen and we bumble along with these multimillion dollar projects which the government have

continued to leave under the responsible management, in this case of SA Water, only to find that we have cost blowouts and that we have a massive call on the people of South Australia.

If ever there was another telling statistic that raises great concern to me and I am sure to other members, it is in the information that is provided from the analysis of SA Water's income over the last five years. Just from last year to this year the money that has been brought in—this is as at 30 June 2011—from rates and charges was $799 million, and that is part of a significant portion of the income of SA Water. That is what you and I pay when we use its water service.

Last year, it was $689 million and, members, we have not even got the desal water happening yet. The desal plant is another year away before we even start to get access to it. That is the level of price increase that has occurred and been approved by this government. They are raking in the millions of dollars, in this case from $689 million up to $799 million; that is over $100 million extra in one year. So, minister, be aware that I do not trust SA Water to look after the water in my bathtub, let alone this project.

The SPEAKER: Order! The member's time has expired—well and truly expired. If the minister speaks, he closes the debate.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (20:40): I thank members for their contribution. I will be brief on the basis that the significant part of the contribution of the opposition had precious little to do with the bill, so there is not too much to necessarily respond to.

Mr Williams interjecting:

The Hon. P. CAICA: That's the truth. I will be very quick and, in doing so, I again thank honourable members for, at the very least, making a contribution to this very important bill. With respect to the comments of the deputy leader that this state has failed in water management with respect to integrated systems and a lack of management—I think they were the terms he used—I say that is bollocks, for want of a better term. Quite simply, this bill will go a long way to ensuring that we do have reliable water supplies underpinned by sound legislation for the future benefit of South Australia's citizens.

One of the comments that I would make—and I am deviating from the content of the bill as well—is that, on any assessment, it is clear that South Australia is a leader nationally in the area of stormwater recycling, re-use and wastewater. It seems to me that the opposition is in denial about that. You only need to check the reports that come out at the national level about South Australia being a leader in those areas. Of course, what this bill is going to do, amongst other things, is to ensure that we stay at the forefront nationally in the way in which we manage our water here in South Australia.

I very much enjoyed the lecture of the member for Bragg. We always get a lecture from the member for Bragg but, I guess, one of the points I would make when she talks about the relationship with United Water is, quite simply, the reason we were able to challenge some anomalies with respect to that contract was by virtue of the fact that we understood, and SA Water understood, what the contract was. It was only you people who kept the contractual arrangements away from SA Water. When you were in government, that information was never provided. On my best advice, that information was never provided to—

Mr Pengilly: You might have to retract that one, Paul.

The Hon. P. CAICA: No. On my best advice, it was never ever provided by the opposition, when they were in government, to SA Water.

I am getting onto some of the issues that were actually raised in the debate, as opposed to focusing on those issues that have nothing to do with the bill. With respect to ESCOSA, we are committed to independent pricing. The deputy leader shows concerns about the pricing order through the Treasurer's Instruction. We make no bones about that being a very important component of this particular bill.

I notice in the contribution, if not in the amendments, that the deputy leader wants the Treasurer's pricing order to have a component contained within it that relates to pricing for stock. You cannot have it both ways. You cannot say, 'We would not have a pricing order' and then say, 'Well, what we really mean is we want this particular component included in the pricing order.' You cannot have it both ways and we think it is appropriate for the government to provide, as is the

case with energy, appropriate direction, if you like, and advice to ESCOSA for matters to be taken into account when it sets its pricing of water in this state.

Mr Williams interjecting:

The Hon. P. CAICA: Well, it still is independent pricing. There were several other issues raised, but I do not intent to dwell on those, and we can deal with those that related to the bill in committee. Quite simply, we would also say that this government is committed to third party access, and, of course, what is contained within this bill is the process and the mechanism by which we will eventually have a proper regime to third party access in this state.

The deputy leader talked about legislation that exists in New South Wales that does contain third party provisions but, in legislation, it has not worked. We want to make sure that we get it working effectively here in South Australia, and the best way of doing that is by talking to industry and getting it right. What this bill provides for is a provision for us to advance it in such a way that we do get it right.

I acknowledge the concerns that have been expressed by councils and the LGA with respect to easement and their request for exemptions, and we will deal with that matter in debate during the committee stage.

I very much welcome the thoughtful contributions from the member for Stuart and the member for Flinders, and his comments on the Tod reservoir. Presumably, those comments were in relation to—as much as anything else—the planning processes that need to be put in place to make sure that in regional South Australia and, indeed, across the state, we do have a proper plan to address supply and demand in those areas. I have chatted with the member for Flinders on numerous occasions about the Tod reservoir and desalination on Eyre Peninsula.

With respect to the comments from the member for Hammond on Robyn McLeod, I would say that Robyn McLeod had an important role to play in this state during her time as commissioner with respect to Water for Good, which is our blueprint that takes and ensures that we do have, from that blueprint, a road map to 2050 to secure water supplies in South Australia and diversify our water supplies and, in doing so ensure that, through that diversification, we quite simply are able to ease the load on what has traditionally been our potable water supplies.

I also say that the desal plant was a sound decision, to increase it from 50 gigalitres to 100 gigalitres. I also agree with the member for Hammond's comments on Mount Bold. The extension of Mount Bold was to extend an area for extra supply that was still totally dependent upon climatic and traditional water supplies that fall out of the sky; hence the reason to utilise the desal plant, and increase the size of the desal plant, to make sure that we do have climatically independent and secure water supplies.

I am going to leave it there, Madam Speaker. I could keep on talking for a very long while—I do notice that there seems to be a contest at the moment. I know they are a bit fragile over there, but there is a contest between the member for Bragg and the member for Davenport about future leadership and who is going to outdo whom in talking to this house. We will wait and see. We saw you filibuster yesterday, and I am sure you are going to do again tonight during the next bill—

Members interjecting:

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

Mr PENGILLY: Madam Speaker—

Members interjecting:

The SPEAKER: Order! I can't hear the point of order.

Mr PENGILLY: The issue is relevance: I think the minister has been sucking lemons.

The SPEAKER: Thank you for your contribution, member for Finniss. I am sure the minister will go back to the debate.

The Hon. P. CAICA: Madam Speaker, I guess the point I would make is that, having regard to contributions that were made by the opposition with respect to this bill that had no relevance whatsoever to the bill, I then, in winding up, have the opportunity to talk about issues that might not be relevant to this bill as well.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Madam Speaker, I commend this bill to the house. I look forward to its passage through the committee stage and, as was mentioned by many speakers over there, they hope that the government takes seriously the amendments put forward by the opposition. I take all amendments put forward in this house seriously, and I hope that we can deal with those particular matters in a sound way. Indeed, if they do make the legislation better than it is currently presented, then why wouldn't we talk turkey with the opposition?

An honourable member interjecting:

The Hon. P. CAICA: I don't know—I have not seen them yet, because you have only just filed them, and I need to digest them, but what I am saying is that if they make sense then why wouldn't we consider them? Madam Speaker, I commend this bill to the house.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

The Hon. I.F. Evans interjecting:

The Hon. P. CAICA: Just to give you the opportunity to filibuster, Iain.

WORK HEALTH AND SAFETY BILL

Adjourned debate on second reading (resumed on motion).

The Hon. I.F. EVANS (Davenport) (20:52): I took the opportunity to seek leave to continue my remarks, so I will continue my remarks. It is upsetting that the Minister for Water suggests that I am filibustering about worker safety. It is a pity that as the Minister for Water he could not run a bath and, being the Minister for Water, that is sad. That is why he will not be the Minister for Water after Saturday or Sunday. No doubt he will be moved sideways into another position under the new regime. So we have probably seen the last act of the member for Colton as the Minister for Water.

I was listing for the Treasurer a series of questions given to me by an industry association so that, rather than having to deal with them in the committee stage, we could shorten the debate by allowing the minister to respond to them at the end of the second reading contribution. Rather than trying to lengthen the debate, I am actually trying to shorten the debate. But I do say to the government that it is very hard to coordinate the debate when it contacts the opposition this morning to say that this bill will not be debated this week. We were told this morning that this bill would not be debated this week. So everything was sent away, and then this afternoon we were notified that it was back on. So we had to go and get the information and bring it back. That is the reality of it. I was up to question 18:

- The managing director of an accounting firm sends the office junior to the tax office to file documents. This is a regular practice, done day after day. Is it true that under the new laws, the owner of the business must identify the journey/path that the office junior will take and identify any safety risks associated with where the worker is likely to be?

The next questions are:

- Every morning the personal assistant to the CEO walks to the local cafe to buy coffees. (This sounds very much like my electorate office.) Is it true that under the new Bill the CEO must determine the path which the personal assistant walks and identify any potential hazards and take the steps to ensure that the personal assistant does not suffer any injury by buying the coffee?
- What if the junior takes an unauthorised detour?
- Does the government agree that the task of the OHS legislation is to make work safe?
- Does the government agree that the safe work is dependent upon behaviours of each person at work every day?
- Does the government agree that work safety is the responsibility of everyone at work?

In relation to the workplace, the industry group raised this issue:

The panel recommended in the first report, recommendation 28 (p 67) that domestic premises be excluded from the definition of workplace unless included by regulation. We note that the government did not agree with this

recommendation and specifically stated in the WRMC response paper, that OHS inspectors should also have right of entry to domestic premises for OHS purposes (p 8). The right to enter premises used for residential purposes is qualified in clause 170 of the WHS Bill. Further, at clause 176 of the proposed OHS bill, enables an inspector to seize a workplace if an inspector reasonably believes that the workplace is defective or hazardous.

The next questions are:

- Would the government please explain how the power to seize an individual's real property, whether it be commercial or residential premises, can be consistent with the rights to exclusive possession under the Real Property Act?
- Would the government please explain how a person conducting a business, is going to be able to discharge its duty of care with respect to workers who either travel for work in a private vehicle or otherwise, travel for work on a commercial aircraft, walk on a pedestrian footpath in order to get to one place or another, enter premises owned and operated by another i.e. a library a court or a coffee shop?
- Does the government concede that in order to discharge its duty of care in the above examples that a PCBU will be required to conduct a risk assessment of each of the above scenarios to ensure that its worker is not exposed to the risk of injury?
- Would the government please explain how a PCBU can get access to a Qantas aircraft so that it can conduct a risk assessment before its workers enter the aircraft for work purposes? Would the government please confirm that a PCBU must undertake a risk assessment of a footpath that a worker walks across, and of a building that a worker enters for work purposes, in order to discharge their duty of care?

In relation to consultation, the second report recommendation 96, page 88, stated that:

[The] model Act should include a broad obligation for the persons conducting the business or undertaking most directly involved in the engagement or direction of the affected workers to consult with those workers (and their representatives) as far as reasonably necessary about matters affecting, or likely to affect, their health and safety.

The WRMC rejected that proposal and stated that:

[The] concept of reasonably necessary should be replaced with reasonably practical (p 23). The consequence of the WRMC's rejection of the recommendation is that all PCBUs are required to consult, even in circumstances where they are not directly involved in the engagement or direction of work. (See clause 46 of the WHS Bill).

The next questions are:

- Would the government please explain the reasoning behind their rejection of the Panel's recommendation and provide an explanation as to how in practical terms a PCBU will be in a position to consult over matters for which he or she has no direct influence?
- Would the government please provide us with the detail of any cost-benefit analysis it has undertaken which demonstrates that requiring all PCBUs to consult, provides a greater return on safety?
- Would the government please explain how this obligation for all PCBUs to consult will not lead to an increase in costs associated with constructing residential buildings?

The industry group raised the right to silence:

Clause 172 of the WHS Bill abrogates an individual's common law right of privilege against self-incrimination. At recommendations 179 and 180 in the Second Report, (p 281), the Panel discussed at length whether an individual's right to exercise a privilege against self incrimination should be removed. The panel suggested that an individual should be compelled to answer questions regarding the enforcement of ongoing safety issues but that an individual should be entitled to rely upon the privilege against self-incrimination in circumstances where an inspector is investigating a suspected breach. The WRMC did not support this recommendation [page 45] and as such, individuals face massive penalties if they refuse to answer questions—despite the fact that the answers to those questions may incriminate them. The consequences of being forced to provide answers to questions may result in an individual facing a gaol term.

The questions are:

- Would the government please explain why it can, in all good conscience, remove what has been for hundreds of years one of the fundamental human rights that underpin a democratic society, without having first put this question to the voters?
- Would the government please explain by reference to statistical evidence what basis the government has to abolish the right to silence—and how the abolition of that right will result in a greater return on safety?

In the South Australian government's submission to the panel at page 45, it appears to have supported the existing South Australian provisions with respect to powers, functions, protections and accountability which can be found at sections 38, 39 and 40 of the current legislation. It is noted that the current South Australian Occupational Health, Safety and Welfare Act does not abrogate an individual's right to silence.

Would the government please explain its apparent about face with respect to the right to silence?

In relation to the codes of practice, the industry association makes this point:

The panel in its second report, recommendations 229, 230 and 231, stated that, 'The model act should provide for codes to be developed through a tripartite process, with expert involvement, and approved by the relevant minister.'

Importantly, at recommendation 231, the panel stated that 'The model act should make it clear that a duty holder may achieve and demonstrate compliance with relevant provisions of the act and regulations by ways other than the ways set out by the approved code of practice.'

The government has rejected this recommendation and has drafted clause 275 in this particular bill, which requires a PCBU to demonstrate compliance by reference to a standard that is higher or equivalent to the codes.

The questions are:

- Would the government please explain what steps it has taken to engage appropriate experts to develop the codes of practice?
- Would the government please explain why the codes of practice have not been finalised before it moves to pass this particular bill?
- Would the government please explain how a PCBU will be able to comply with codes of practice, which are so onerously prescriptive, without suffering a dramatic increase in costs associated with running a business?
- Would the government please explain how forced compliance with these codes of practice will result in a greater return on safety?

Rights of entry, Madam Speaker:

Part 7 of the WHS bill entitles a union official to obtain a WHS entry permit and enter a workplace where it does not have any members.

The questions are:

- Would the government please explain how granting a union official a right to enter a workplace where they have no members will enable a greater return on safety?
- Would the government please explain why it is necessary to have a WHS entry permit holders when inspectors already have such broad powers?
- Unions have a vested interest in quashing small business and workplace safety bureaucrats, have a vested interest in creating more regulations to police—

Industry association words, not mine, Madam Speaker—

- Does your advice and policy rely on unions and the bureaucrats?
- Is this a wolf in sheep's clothing? Is it a pretext for a union membership drive in the guise of workplace safety?
- Why is the government choosing to do the bidding of the unions?
- What steps will the government take to ensure that the union right of entry is not abused?
- If a mum and dad is undertaking an addition to their home and they are self-managing the project [as owner/builders], will the WHS permit holder have a right of entry to their property and dictate what happens on site?

Workplace injury trends. This is a point I made for another group yesterday:

According to the WorkCover SA annual report for the year 2009-10, total claims incurred by the injury year for registered employers has been steadily decreasing since 2001.

- Would the government please explain how the introduction of the new laws will enable a further reduction in overall claims?

Cost benefit analysis. The questions are:

- Are you aware of recently released SafeWork Australia's latest publication, Decision Regulation Impact Statement for National Harmonisation of Work Health and Safety Regulations and Codes of Practice (12 September, 2011)?
- Are you aware that the report contains a community benefit cost assessment of implementing the regulations and codes of practice?
- Who have you consulted regarding the report and its contents?
- Which government agencies have provided comments on the report?
- Has external advice been sought on the cost benefit assessment

- Who provided that advice?
- Is the national benefit cost conclusion statistically valid, having been based on only 30 completed surveys? (That is 30 for the nation.)
- Are the benefits of general workplace management statistically valid, having been based on only 10 completed surveys?
- Do you know the details of the 30 companies surveyed? How many of those were in South Australia? Will you please supply the details of the 30 companies surveyed?
- Has an independent cost evaluation been undertaken to ensure that there is a positive benefit cost to the South Australian community and economy?
- Are you aware that the report itself states that the outcomes of introducing the legislation are not clear, especially for single state businesses?
- Given the significant impacts on the community and economy, do you consider that a more comprehensive and statistically valid cost benefit analysis is warranted?
- In the light of Australia and South Australia already being better than the world's best-performing countries in terms of safety, is there any evidence that the introduction of this bill will further reduce workplace injuries to the extent claimed in the report?
- Do you think a high-risk impost on South Australian businesses should be implemented in the absence of any definitive or demonstrated benefit cost to business and the community?
- Has the government undertaken an independent cost analysis of this bill?
- Why does the government want a bill when it has no idea how it will impact the housing industry, and South Australians more generally?
- How does asking a subcontractor to fill out a form each and every time he or she needs to move a piece of equipment make sites safer? Who will be paying for this paperwork?
- The government is continually telling the public it is committed to cutting red tape. This particular bill is at odds with the government's policy and commitment to business, and particularly small business.

I am nearly through all the questions for the association. The next question is:

- The housing industry is experiencing one of the worst downturns in recent memory. What measures will be put in place to ensure no builder or subcontractor will be sent to the wall with the increased expenses associated with this bill?
- Have you spoken to the residents of the construction industry? Have you spoken and asked subcontractors and workers themselves?
- Job losses. Subcontractors will find it difficult to be employers. Where are the government's projections on how many people will lose their jobs, and what measurement will the government put in place to prevent job losses?
- Has this more to do with low union membership in the housing construction industry when compared to the commercial sector?

They then raise a couple of examples. Matt the cladder uses a ladder as part of his everyday work—I could nearly do a limerick here—on residential building sites. Is it true that, under the new rules, each and every time he moves the ladder he will need to write a SafeWork method statement?

Brian the handyman is engaged by the Housing Trust to perform repairs to the gutters on Housing Trust accommodation. As Brian is performing the work more than two metres high, he will be performing high risk construction work. Will he be required to use scaffolding to do the work? What will happen to the tenants if the scaffolding prevents entry to and exit from the property? Will the tenants be locked out of their own homes while he performs the work? I suggest the answer to the latter is, obviously: yes.

Lightsview is a joint venture project between the Land Management Corporation and Canberra Investment Corporation. Lightsview estate features Australia's smallest blocks, including 132 square metres, which is 4.8 metres by 27.5 metres. In addition, construction encumbrances require boundary to boundary building. Due to the circumstances on the land, builders are encouraged to build three-storey residential dwellings. The code of practice for working at heights requires complete scaffolding for heavy work such as bricklaying. The questions are:

- How does the government propose that the requirement to comply with regulation codes of practice actually make the workplace safer in these circumstances?

- How does the government propose that a PCBU will be able to provide workplace facilities as required by the regulations when there is boundary to boundary building?
- How does the government propose that a PCBU and workers will be able to work on the development safely if they are required to fence across the front of the property as required by regulation 298?
- How does the government propose that a PCBU will be able to secure the site when he is required to build boundary to boundary and will not even have access to the adjoining property to erect a fence?

Falls, Madam Speaker, and I must say that I have had experience in construction falls. I was lucky enough to fall 28 feet off a roof one day when doing some building work, and it is not a pleasant experience.

Mrs Vlahos: That explains it.

The Hon. I.F. EVANS: That explains it. Regarding falls, regulation 78 requires the PCBU to manage a work site where a person could fall, yet no height has been prescribed into regulation. This means that a fall of six inches, or 150 millimetres, would need to be controlled. This is to be contrasted with regulation 291 that prescribes that work at heights greater than two metres is a high risk activity. The questions are:

- How does the government explain why these regulations are in direct conflict with the Building Code of Australia, which does not require a handrail or balustrade around an opening, land or balcony unless the height exceeds one metre?
- How can the government justify requiring protection from falls on building sites at heights of, say, 150 millimetres when there is no requirement for such protection once the house has been completed and possession given to the homeowner?

If a homeowner puts a deck up that is less than 600 millimetres off the ground, or two feet in the old language, you do not actually have to put a balustrade on it at all. The reason I put those questions on notice is so that I do not unduly delay the committee stage of the bill, because that would be regrettable.

One of the government's lines on this particular matter is that we have to harmonise this particular bill because the government will lose $33 million in payments from the federal government. Marie Boland, Director of Policy and Strategy from SafeWork SA, sent an email to Rob Lucas. It states:

> The introduction of the national model WHS Act [this bill] is also linked to the National Partnership Agreement to Deliver a Seamless National Economy. Under the agreement, South Australia will receive a total of $33.041 million in facilitation payments over 2011-13. This payment is for achieving all 27 deregulation priorities identified by COAG in March 2008. The deregulation priorities include a raft of reform areas including uniform occupational health and safety laws.

So, the question I would like the minister to answer is: how much of the $33 million is at risk for this piece of legislation? How much of the $33 million is at risk for this particular piece of legislation becomes the issue.

I was very disappointed that the Minister for Water savaged me in his contribution about filibustering. On behalf of the asbestos industry, I want to raise their concerns with the bill. I know the asbestos industry is of great interest to the government; it has many members who are associated through the various injury and disease associations that have had an interest in asbestos and the resulting disease.

In fact, I am still waiting for those bureaucrats who might be sitting up at night listening to this speech or reading the *Hansard* tomorrow with great enthusiasm. I am still waiting for answers to my estimates questions to the minister, and, if the minister is within earshot, it would be good for him to take this on board. I am still waiting for my estimates answers regarding the exposure that workers received at the Inverbrackie detention centre because of the lack of an appropriate plan. I have not yet received an answer to that from the minister or the government or, indeed, SafeWork SA.

This side of the house does take asbestos issues seriously. The asbestos industry has written to the opposition in the last few days—this is on 10 October—saying that there are a number of problems with the proposed code and the regulations for the industry association. In particular, I have received submissions from Adelaide Air Monitoring of Bowden which talks about this particular provision. He writes:

I am writing to you in regard and with concern about the proposed National Harmonization of the Legislature relating to Workplace Health and Safety. In particular: the section of the proposed legislation relating to asbestos products and the documenting, monitoring and safe removal there-of.

My interest in this issue arises because my involvement in the asbestos management industry and also because of a natural and wise concern for the safety of the general populace and workers who regularly come into contact with asbestos products.

These following comments are made as an Asbestos Industry Insider.

I am a partner in an air fibre monitoring business, have personally monitored and inspected several thousand asbestos removal jobs...Mostly in South Australia but also [in a series of other states].

So this guy is experienced. This gentleman raises a number of issues, including that the proposed legislation is a disaster for the South Australian asbestos industry and the citizens of South Australia.

South Australia has the most regulated asbestos industry in Australia, and that industry is arguing strongly and reasonably for improved legislation and not oversight. The legislation relating to asbestos removal that is about to be introduced into the South Australian parliament is a national initiative that will possibly improve safety in some states, but it will definitely lower the bar in South Australia. This is a very important issue which has united the South Australian asbestos industry. They ask with respect that you read the facts presented here and decide the proposed national legislation is unacceptable in its current form and must be modified as is easily achieved through the parliament.

What I will do so that the minister does not accuse me of filibustering is I will touch on the broad topics and then I will give a copy of the submission to the minister because I am sure that his agency would have consulted with the asbestos industry and I would like him to confirm that when he gives his second reading contribution response.

The first problem is asbestos removal and airborne fibre monitoring. Currently New South Wales, the great doyen of 'let's harmonise everything to be like Sydney', does not require air monitoring to be carried out on non-friable or bonded asbestos-containing materials during the removal programs. Rather, this requirement is determined by the removalists through job-by-job assessment. This model is to be replicated across all states.

Legislation has been active in South Australia since 1991, requiring air monitoring for all work. There is also existing regulation dealing with exposure standards 'as measured in accordance with the guidance note on the membrane filter method for estimating airborne asbestos fibres published by NOHSC'. In other words, air monitoring is required to obtain a measurement of whether national exposure levels are exceeded.

The new draft management and control of the asbestos code is set to reiterate this in section 2.5 where it states that a person conducting a business or undertaking must ensure the exposed standard is not exceeded at the workplace. The proposed model regulation undermines this by not requiring air monitoring to determine if asbestos exposure standard is compromised for non-friable work. I am sure the Minister for Water, who is listening, would be very concerned about that.

The problem is with not utilising air monitoring to determine risk. It is that there is no scientific or measurable way of assessing if there are asbestos fibre concentrations above the national exposure standards. Without air monitoring, there is no tangible way to know if asbestos removal is being carried out safely or to assess whether employees, occupants or public are put at risk. So, that is the first issue on behalf of the asbestos industry. He actually goes on and there is another page and a half on that particular problem where he sets out, from an industry's perspective, how this government is planning to weaken the asbestos laws, all in the name of harmonisation.

He then goes across the issue of cross-border licensing. What he illustrates here is how it is so expensive to do business in South Australia compared to other states. He says, 'If you are going to have harmonised laws, then harmonise the fees.' I did not even realise this. This fee difference is quite staggering.

In South Australia, the fee for a class A licence, which is for friable, is $8,105, which is for a two-year licence. The Queensland fee? Take a guess. The Queensland fee for a two-year licence, exactly the same, is $58. So, South Australia is charging $8,105; Queensland is charging $58. Victoria is charging $507. The Northern Territory—

Mrs Geraghty: You've got to compare apples with apples, Iain, and you know that.

The Hon. I.F. EVANS: The member for Torrens says we should be comparing apples with apples. I just remind the member for Torrens that these are not my figures. These are given to me by a highly respected industry association. They are saying to me that, having surveyed their members Australia-wide, this is the fee structure. These are not the opposition's figures. So, if you want to criticise those who work in the asbestos industry, member for Torrens, go right ahead.

The Northern Territory's figure is $50; Tasmania's is $752. If you go to a class B licence, the non-friable, which is again a two-year licence, the South Australian fee is $1,234. Again, in Queensland it is $58; New South Wales, $100; Northern Territory, $50. So, the simple point is: if you are going to uniform the laws, uniform the fees.

The next problem they raise is that the existing advance notification period prior to a licensed asbestos removal project is two days to advise SafeWork of upcoming removal work. Currently, SafeWork SA also provides approval documentation with this time. Is this a question of bureaucratic red tape over efficiency by introducing a five-day period? They are wondering, if SafeWork have been doing this in two-day notification, why, all of a sudden, we are going to a five-day notification—for what purpose?

The next problem they raise is the asbestos register information and annual inspection update. The point they raise here is that Safe Work Australia recognise a failure for the asbestos register to be utilised properly in the Eastern States. Why would we take on an ineffective model when South Australia already has a far better model working? They are actually saying the model of asbestos registers we are about to pick up under this national scheme is indeed a weaker model than already exists in South Australia.

Then they talk about the gap analysis on training. They set out three pages of information about weaknesses in the gap analysis in training. So, the training regime being proposed will not be as good as currently exists in South Australia.

Another problem they raise is work under 10 square metres for non-friable work. There is a change in the regulations in relation to this. They say that the incidence of asbestos-related disease as a consequence of exposure for builders, carpenters, electricians, labourers and plumbers alike is high. These people have died due to exposure, some of whom, particularly carpenters, have only worked with non-friable material.

The third wave of disease is predicted to affect this exact group of people, plus the do-it-yourself renovators, when disturbing asbestos-containing material in existing buildings. There is increasing evidence of a low dose exposure causing asbestos-related disease and they set out some areas where the government can go and get some statistics on that.

They then set out a whole range of concerns about the notification of whether you have to notify above or below an area of 10 square metres. They are saying the system being proposed actually weakens the system that exists in South Australia. So, I raise that on behalf of the asbestos industry because I know that that is a very serious issue for those who are concerned about people's safety.

The other issue I raise is at what point do the new laws kick in? I want the minister to explain this to me. I think the house is well aware that one of my family members is a plumber, and they are already tendering on work that will take them past 1 January 2012. The start date for this legislation is 1 January 2012. The new obligations will kick in on 1 January 2012, if you believe the government's rhetoric.

If a contract is signed now (say, the last week of October), is it the intention of the government that the new laws will apply to the existing contract even though it was signed before the commencement date? In other words, halfway through the project, will there be a totally different set of rules applied to occupational health and safety? If that is to occur, a whole range of people—little tradesmen in particular—have absolutely no idea about these laws, and they are out tendering on projects. If the new laws do come in halfway through, they are going to inherit all that cost, and there is no way to claim that back.

There has been a total lack of communication to anything outside of the main industry groups in relation to this legislation. All of these little electricians, painters, plasterers, bricklayers and roofers will all be hit with new height restrictions and scaffolding requirements, and if they have not put that in their tenders—which they will not have, because no-one has seen them, and the codes are not even finished as they are only draft codes—they are going to be ambushed by a

claim that they will not be able to claim as a variation under the standard MBA or HIA contract. They are going to be ambushed. The government should have been out there promoting a qualification on tenders so that those little blokes do not actually get caught by this.

At what point does the legislation apply to contracts that are already in place and halfway through? That is a key point for the Housing Industry Association, the Plumbing Industry Association, the air conditioning association, the Master Painters Association, and a whole range of other associations.

Last night I was speaking about a consultant's report out of Queensland that raised a whole range of issues in relation to volunteers, etc. I declare an interest here, Madam Speaker: my family, through my partner—my good wife—occasionally brings cleaners in to assist with the house. I am just interested—

Mr Sibbons interjecting:

The Hon. I.F. EVANS: I missed that.

Mr Sibbons: How many times?

The Hon. I.F. EVANS: Ah, the member for Mitchell asks, 'How many times?' Regularly.

Mrs Geraghty: Weekly?

The Hon. I.F. EVANS: Weekly, and this becomes the issue. I am glad the member for Mitchell raises the same concerns.

Mrs Geraghty: Don't be naughty.

The Hon. I.F. EVANS: Sorry?

Mrs Geraghty: Don't be naughty; he doesn't know if he has raised the same concerns.

The Hon. I.F. EVANS: Yes, the member for Mitchell and I are on the same page for this one, because—

Mrs Geraghty: You don't know that.

The Hon. I.F. EVANS: To all those people out there who have gardeners and cleaners coming into your home, has this government got a deal for you! This law is about to place some extra liabilities on those people who are lucky enough, or need to bring in, regular cleaners or gardeners to their property, because they will be deemed employees, and they will be deemed to be doing an undertaking.

I will be interested to tease this out in the committee stage. There is a new concept being introduced to South Australia: if you are running a business or an undertaking—what is an undertaking? If someone comes in and does cleaning in my house, are they undertaking anything? Are they doing an undertaking? The problem is that there is no test. This has not been in South Australia; there is no test. So what you are going to see is a whole range of mums and dads exposed to issues that they have not been exposed to before.

They will have to decide whether they think the person they have got coming into their home is conducting business or an undertaking. At what point do you become a one-off contractor, come in to cut down one tree and go? At what point you become an employee, a cleaner who comes in every Wednesday, or a gardener who comes in once every two months on a regular basis?

I have a brother who is a plumber who has contracts to clean out septic tanks in the Hills during the winter on a regular basis. At what point does the householder become responsible for individuals or entities that attend their property and undertake activity on a regular basis? I look forward to someone explaining that to me in very simple English so that I can let people know in my electorate whether or not they are at greater risk.

It is not necessarily the liability that changes in the sense of the occupational health and safety liability about the risk; it is all the other things they have to do if they are undertaking a business or activity, so the owner having to warrant that they have a safe work site, having work plans and safety plans for your own house. What happens? I will explore this in the community—and the member for Torrens laughs; that's fine—

Mrs GERAGHTY: Point of order—

The Hon. I.F. EVANS: Oh, sorry, she was smiling. The member for Torrens is obviously enjoying the speech, Madam Speaker. The issue becomes that there are people who now work at home. You have got all these people running one-person businesses working from home. Does that become a workplace? Under this legislation does that then inherit a different set of rules, a different set of obligations, than currently exist?

I will be interested to hear what the committee stage actually develops. I think they will ultimately—and I am sure the government is going to deny it does not—inherit any other new risk. I am sure that we will find as the time goes on that in actual fact they will.

I spoke at length yesterday on behalf of the housing industry and the building industry generally. The Australian Hotels Association wrote to us saying they did not want it. Business SA wrote to us asking us to amend it significantly. The Motor Trade Association also has raised significant concerns about the bill. Actually, I am not quite sure which industry association is saying pass the bill unamended. Other than the union movement, who, of course, get right of entry under this, I cannot find an industry association that says, 'Just whack it through because we love it.'

Only a month ago, on 13 September, the Motor Trade Association wrote to Mr Lucas, who is handling this bill in another place, and they say thank you for consulting us. They essentially say there has been consultation and discussion with other organisations revealing a number of commonly held industry concerns and the following matters are of particular interest to them: that in the event the bill is passed on 1 January 2012, the date of operation be delayed to 1 January 2013. They want it put off for a year. An absolute compromise would be 1 July 2012. This would enable stakeholders to address unintended consequences, drafting errors, impractical application of the regulations and codes of practice. The letter continues:

2. That Parliament recognise the 'right to silence' by amending the bill to disallow self-incrimination provisions which prevent the right to refuse to answer questions or provide information prior to the ability to seek leave or other advice.

3. That Parliament recognise the primary role of prohibition and improvement notices as the key preventative and correction measure used by Safe Work SA. Infringement notices should be enshrined within legislation as a secondary measure and their issue restricted to 14 days subsequent to the issue of a prohibition order or improvement notice.

4. That s 68(2)—

the member for Torrens' favourite section of the bill—

be amended to redefine 'any person' such that it be confined to personnel with specific safety, health or inspectoral background, with the power to call them in restricted situations of 'imminent danger'. The import of this amendment is that a Health and Safety representative may only call in such personnel as opposed to media and other personnel.

5. Restriction of the proposed right of entry to union personnel with a minimum certificate of three levels of recognised Health and Safety qualifications.

6. The amendment of the enforceable undertakings provision, ss 216-222, such that it is fair and equitable in the application to employers and regulators, such that it binds Safe Work SA with the same three-month period imposed upon employers.

The current provision forces the employer to assess its position in the very short time, to propose a potentially costly agreement whilst at the same time providing the regulator with a period of up to two years to accept, reject or return the terms of the agreement.

7. A primary focus on the new concept, Persons Controlling the Business Unit and not a return to the broad control test. A focus on the latter could result in the shifting of responsibility of the site manager to a more remote chairman or managing director whose primary role may be strategic management.

So, they are essentially arguing for the control test to remain. In the second reading contribution of the minister, there is an explanation of clauses, which is standard practice, and I want to raise this issue. I talked about volunteers yesterday—

Ms Chapman: You like volunteers.

The Hon. I.F. EVANS: I do like volunteers. They say that the term 'volunteer' is defined to mean a person who acts on a voluntary basis irrespective of whether the person received out of pocket expenses. Whether an individual is a volunteer for the purpose of the act, is a question of fact that will depend on the circumstances of the case. Then it goes on to define 'out of pocket expenses', and this is interesting from my point of view:

Out of pocket expenses are not defined but should be read to cover expenses an individual incurs directly in carrying out volunteer work; e.g. reimbursement for direct outlays of cash for travel, meals and incidentals, but not any loss of remuneration.

Now, this is the important bit:

> Any payment over and above this amount.

So, any payment over and above reimbursement for direct outlays would mean that the person was not a volunteer for the purposes of the act. Now, that is clear.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: I will not respond to the member for Torrens' interjection, because I think it is unreasonable, and let me explain why. There are lots of volunteer organisations that pay an honorarium.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: This does not say that the payment has to be once a year, six months a year, three months a year or weekly. This says that you are not a volunteer if you get any payment over and above expenses—the community hall committee that says to Mrs Jones, 'We'll give you $300 a year honorarium.' She has not expended a damn thing.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: It could be $2,000.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: No, it says that if you receive any money over and above direct expenses, you are not a volunteer. Some smart lawyer will go in and argue, 'Okay, Mrs Jones, you got a $5,000 honorarium to be the secretary of the local footy club, so, how much of that was direct expenses?' Answer, 'None. They paid the postage, they paid the mail, they gave me the car to run.' I know football clubs are given free cars as part of the sponsorship deal.

Mr Sibbons interjecting:

The Hon. I.F. EVANS: Absolutely. They gave her a $2,000 honorarium. All of a sudden she is not a volunteer. Really? I am not sure about that. The issue of honorariums becomes a live issue, because I can tell you that, all through the country community, there are little groups that pay honorariums that are over and above expenses.

Mrs Geraghty: They are about $200, $300.

The Hon. I.F. EVANS: No, there are some bigger honorariums than that. You should get involved in more volunteer groups, member for Torrens. There are a lot more honorariums than that.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: I can come out and introduce you to some, if you want. There are lots more honorarium groups than that. I could speak a lot longer on this, but I will not.

Members interjecting:

The Hon. I.F. EVANS: No. I know that the other side knows that they are going to get this legislation through this house unamended, but just as there have been unintended consequences with the nationalisation of industrial relations laws, do not worry, there will be South Australian businesses done over by this legislation—absolutely, there will be South Australian businesses done over by this legislation.

I will just reinforce the point I made yesterday. The reality is that this government has not done an assessment of the cost of this legislation on the single state business. It certainly has not done that particular assessment of the costs. They are the businesses that are going to pay the penalty, because this introduces a whole range of different obligations on a whole range of different people who are simply not ready for it.

The opposition is going to move a number of amendments and, essentially, the principle is that, on these five or six key issues, we want to take the legislation back to where it currently is, which we might recall is the government's legislation from when the member for Lee was the minister and we had the debate about SafeWork and all those laws.

The government cannot really complain about the amendments because they have been in place for a long period and it is the government's own model. We are saying, 'Take it back in these five or six key areas to what it currently is,' that is, on the issue to do with volunteers, on the issue

of right to entry, on the issue of the health and safety reps being restricted as they currently are rather than just being just anyone, the issue of self-incrimination, the issue of codes of practice (which I think may be a new issue) being disallowable and the issue of control. That is all about the person who inherits the liability who has the control. It is far broader than that in this current legislation.

I know the minister might want to adjourn the debate to answer all those questions I raised on behalf of the industry groups, because I do want the answers, and I am quite happy to go into committee if the minister wants but, if he wants to adjourn it until tomorrow, there are only five principal amendments to be dealt with and we can quite easily deal with it tomorrow afternoon if he so wishes. I do have a fair few questions in the committee stage.

Mr VAN HOLST PELLEKAAN (Stuart) (21:46): It is a pleasure to follow the exceptionally thorough work of the member for Davenport and I, too, am sure that I will get a smile from the member for Torrens because I will be very brief. I will be very brief because so many issues have been covered so capably by the member for Davenport.

I would just like to put on the record my concern and desire for clarification in one main area, and that is how this legislation would affect volunteer organisations. The member for Davenport touched on that just a minute ago, and he also touched on it yesterday just before he finished the first part of his contribution.

As I understand it, the implications of this legislation would affect any organisation or person conducting a business or undertaking. We do not expect that to be volunteer organisations. However, I believe that it would affect any volunteer organisation that employs a person even just for a very short period of time. I thank the Hon. Rob Lucas in the other place for the work that he has done investigating this, and I believe that parliamentary counsel have confirmed that this fear is justified.

It is fair to say also that the Hon. Russell Wortley, the minister in the other place, is on record as having said that he does not think it is justified. Therefore, my main purpose is to ask that that be made very clear one way or the other, because we have a minister with one opinion and parliamentary counsel with another.

My concern is that if a legitimate volunteer organisation—and, as this house knows, there are far too many to count in the electorate of Stuart—employs somebody (and that might be employing somebody as a player, umpire, coach, barman, cleaner, cook, waiter or waitress, as a seamstress, potentially, for a calisthenics organisation, or something like that, as a bus driver, potentially, and the list goes on) would that organisation, even though they might just pay somebody for a few hours from time to time, and everything that that organisation does, come under this legislation?

I do not ask this question because I want any loopholes for these small groups but I know that there are small volunteer organisations in my electorate—and all over the state, city and country—who have operated very safely for decades and will continue to do absolutely everything they possibly can to do so. To burden them with an enormous amount of extra red tape I do not think is going to make them operate more safely but it is very likely to discourage their volunteers from wanting to continue or discourage more volunteers from coming on board.

Everybody in this house, regardless of what part of the state they represent, knows that it is harder and harder to get volunteers to come on board. There was an article in *The Advertiser* earlier this week saying that young people do want to volunteer but they do not want to do it in a structured committed way. Whether these are sporting groups, exercise groups, play groups, drama groups, any type of organisation, they do need volunteers in a structured way. We need people to get involved; we need people to commit their time, and we need younger people to get involved. They are already under pressure; they are already doing too much, and they are not going to get other people to come and lighten the load if the red tape is going to grow.

The house knows very well from the brief comments I made earlier today with regard to the 2010-11 annual report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation that I take workplace safety—whether for volunteers or professional people—extremely seriously. However, again, I do not want volunteer organisations to be lumbered with all this extra red tape, certainly not ones that are already operating safely and have done so for decades. So, I ask the minister handling this legislation here to perhaps confer with the minister from the other place and clarify this, because I see the minister and parliamentary counsel having

two completely contrary views on this particular issue, and I think it is very important that it is clarified.

[Sitting extended beyond 22:00 on motion of Hon. J.J. Snelling]

Mr VENNING (Schubert) (21:51): I think this bill will certainly cause a fair bit of angst on our side of the house, particularly amongst the business sector, and more so than we thought when we first looked at it. I want to congratulate very much the member for Davenport on his fine contribution. It was long. I do not know how long he was on his feet.

The Hon. I.F. Evans: An hour.

Mr VENNING: At least an hour; but it was not a long, ranting, boring speech because I listened to most of it and I was pretty—

The Hon. J.J. Snelling: Yes, it was.

Mr VENNING: No, honestly, the member for Davenport speaks with some experience on matters like this because he comes from the small business sector and is actually a practitioner. As we know, this bill relates to the COAG decision to harmonise work safety laws across the country. We will generally support the concept and the intention, but there are many aspects of this bill, like I said, that we will seek to have amended. This bill will allow the unions a right of entry to a worksite—same old chestnut. We have heard this before; it goes on and on. When are we ever going to learn? Why should unions have the right of entry to a worksite? I ask: what evidence is there that union involvement will improve workplace safety?

Mrs Vlahos interjecting:

The SPEAKER: Order! Do you need the protection of the chair, member for Schubert?

Mr VENNING: I stand in silence before you, Madam Speaker, when the member for Taylor laughs. Can I say that most workplaces are safety conscious and, where it is reasonable, all reasonable measures will be made, because businesses are lost without their employees. If you have a claim, if somebody gets hurt, and you are seen to have not done the right thing, you will get in trouble. So, most businesses do the right thing.

Another extremely concerning aspect of this bill relates to volunteer organisations. Volunteer organisations—service clubs, sporting organisations (as the member for Davenport has said, too) community associations, environmental groups, any volunteer organisations—will face a hugely increased risk of fines and penalties under this bill.

I have first-hand information. A few days ago I attended at the Crystal Brook Community Progress Association—not in my electorate, in the member for Frome's electorate. They were very concerned that the Crystal Brook Caravan Park has had a rebirth. It was making a loss and they were going to shut it down. They decided to put volunteers in charge of it and, in the last two years, it has been trading beautifully and making a profit. They have upgraded it and it is all good. Now this has come along and they are all very concerned. As volunteers, if they hire a tradesman to come in and do a job in the ablutions block, they are all responsible. All of a sudden, nobody wants to be involved. Have you thought this through, minister? You are going to clean out all your volunteers and you wonder why things are going so badly. You wonder why we cannot compete in the world trading place. It is just ridiculous.

I was sitting there in this meeting with about 25 people present, and they said, 'Is this true?' I said, 'There must be an explanation for this.' But as the member for Davenport has just told you, there is not. You are saying that any organisation (volunteer or otherwise) that employs a tradesperson is responsible. They take on the full responsibility of this.

Do you think you are going to stay there as a volunteer? Of course, you are not. So, who is going to run it? We will shut the caravan park. That is what you want; that is what you will get, and there will not be one. Is this a story you have heard before? Of course, you have. It has happened right across. It has happened to St John Ambulance. All those volunteer organisations are the same. Crystal Brook St John Ambulance used to have a huge brigade; now they are not there. Gone. Now the same thing is happening in the Barossa Valley. We cannot get St John to rock up to the football matches on a Saturday afternoon because the volunteers are not there because they are being held responsible. The maximum penalties can be as high as $600,000 or five years' imprisonment or both. You have got to be kidding.

In the past I have been a bit critical of the upper house, but all I can say is I hope they can fix this up because it could have huge ramifications if they do not. It really gets up my nose. If a volunteer organisation employs one person for a few hours to assist with some paperwork, running the bar at a sporting club, anything, the organisation will no longer be classified as a volunteer organisation under this bill. This is true. The minister when he stands up in a minute and closes this bill down, can he answer this? If he is, he is living in cuckoo land, if he cannot refute this argument.

This bill contains 600 regulations. How is any volunteer organisation going to manage compliance? This will significantly increase the responsibilities of volunteer organisations' management committees, usually unpaid volunteers—well, they are all unpaid—to ensure their part-time employees are complying.

Some of the maximum penalties in this bill are proposed to be $600,000, as I said, or five years' imprisonment or both. The legal responsibility this bill seeks to implement for volunteers does not currently exist. If enacted in this bill, it will increase the possibility the hardworking volunteer committee members who give their time and expect nothing in return facing litigation if a fellow volunteer is injured.

As I said, the Crystal Brook Caravan Park is just one example. Surely, any sound thinking, half smart person would oppose this. This is totally out of control, worse than a nanny state—and that is what it is. People are just sick of this; they cannot believe it. When you cannot use a step ladder to change a light bulb over two metres from the floor and you have to go and get a scaffold, there is only one word for that, and it is not parliamentary: it is bullshit.

The SPEAKER: Order, member for Schubert!

The Hon. J.J. Snelling: Have you been on the sherbets, mate?

Mr VENNING: No.

The Hon. J.J. Snelling: Are you sure?

The SPEAKER: Order!

Mr VENNING: It really annoys me. I retract the statement, Madam Speaker. I just despair.

The Hon. I.F. Evans: It is beef excrement.

Mr VENNING: Beef excrement, thank you, member for Davenport. I just despair. You must hear this; as I go around, I hear this. I get it in the neck. I cannot stand in this house and accept a bill like this. Fancy having to go and get a scaffold to change a light bulb seven feet from the floor (two metres). It is a load of shingles really. These measures are going right across everything that we do.

Harvest started this evening, two hours ago. We are now reaping our grain here and, if you go near the silo, you have got to have the hard hat, the vest and the glasses on and a certificate saying you have been trained in safety. Sorry, Madam Speaker, I am inclined to say that same word again but I can't and I won't. This is ridiculous. Everybody is paranoid about being liable, so they go to these ridiculous extremes and this is what we are getting. It is just adding huge costs to everything we do.

I just want to comment briefly on the member for Davenport's contribution because I listened intently to it. I just say, look, why does the government not release the figures about the businesses that trade within one state? Why? Fancy bringing in legislation like this without these figures already there. How can you bring in legislation without knowing this? It is critical.

The extra cost of $30,000 is just ridiculous and what will those extra costs be? All the small businesses, already burdened by the highest taxes in Australia, will cop this and they will not know, until 2015, how it will affect them. Why does the government not have the capacity now to bring these figures forward?

I am not the Hon. Mr Gunn, the ex-member for Stuart, but like him I am just a common person. I am an ordinary laid-back person. This is common-sense stuff. This is not Rhodes scholar information. Why is this information not available? Minister, I will be very interested to hear what your response is to that. How does Australia having a set of work health and safety laws across all states make it better? Why do we have to have the 'harmonisation', which is the word that is used in this bill? How is that going to benefit single-state businesses? This is legislation we do not really need or want.

Business in South Australia is under severe stress. I do not believe that is under any question at all. You only need to go into Bunnings and buy a few articles. You can buy a sack truck with rubber tyres and tubes for $25. How do you think any Australian manufacturer is going to keep up with that, when you go and buy the tube for one of the wheels for about $18?

So, what are we up against here? How business can exist, survive, stay viable, I do not know. This is just yet another impost you are going to put in their way. How do they compete against the overseas imports where nothing like this would exist?

It is about time we woke up. The nanny state is certainly alive and well. I had a lunch with a business person just last week. Twenty years ago, 30 per cent of South Australians were involved with manufacturing. Today it is 6 per cent and falling. Why, you ask? It is laws and imposts like this. Are we going to legislate to protect people from any risk they take? We have heard the nanny-state criticism over many years. Well, this is right on the money. This really is nanny-state legislation.

One of the first comments I made when I came here 20-odd years ago is a thing I had about legislation for the sake of legislation. I have not made the comment much since, but can I say that I believe this is totally unwarranted, useless legislation. Why are we doing this? Purely because we have been told we have got to harmonise with every other state—what a lot of rubbish. More bureaucracy, more regulation, more red tape—how can you survive in this business environment?

Houses are already unaffordable, as the member for Davenport has said, to most people. What will this do? For those on the edge, their own home will now be more and more out of reach. Put this on top of our grossly inefficient WorkCover regime—and we heard about that today—which also puts costs on business. Our record here in South Australia is also the worst in Australia. Top that up with our unemployment which is the worst in Australia as well. It is not good, and so we bring this out and put it on top.

Health and safety laws are not working in South Australia, so what will this do? All I can say is that I look forward to what the minister will have to say in a few moments. I cannot believe we are sucked in by saying we have got to harmonise this with every other state. If it is blatantly wrong, and it is, it is high time we said, 'Hang on, enough of this nonsense.' The people out there just will not accept it.

They want to go back to common sense. If they want to get a light bulb that is three metres from the floor and they fall off the ladder, it is their fault. If you have a rickety ladder and it breaks, it is your fault. Who has a scaffold at home to change a light bulb? The member opposite raises her hand. You must have a handyman to be able to put it together, because it would be difficult to get it through the door.

Mrs Vlahos: It collapses.

Mr VENNING: It collapses. Anyway, enough from me. I again congratulate the member for Davenport and look forward to what the minister has to say. I will rely on my good friends in the Legislative Council to tidy this up.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education, Minister for Workers Rehabilitation) (22:05): I would like to thank members for their wide-ranging contributions on this bill. I will cover as many of the matters raised by honourable members as I can, and I will deal with any other matters in the third reading debate.

This bill gives effect to South Australia's commitment to the national agreement to enact consistent occupational health and safety laws across all Australian jurisdictions to be operational by 1 July 2012. The bill adopts the model Work Health and Safety Act, which has been developed nationally through extensive public consultation and endorsed by the Workplace Relations Ministers' Council and SafeWork Australia.

National harmonisation of occupational health and safety laws has been on the agenda of successive governments for over 20 years. The bill represents the culmination of many years of multilateral and tripartite engagement and discussion between the commonwealth, state and territory governments, business, union and employer groups.

Compromises were made by all parties involved to ensure the overall objective of enacting harmonised laws by 2012 could be achieved. The government developed the bill over the past three years through the productive working relationship it has with South Australian employer and

employee groups and the advisory committee, who have been actively involved in each stage of the harmonisation process.

I would like to thank everyone who participated in the consultation process, which further highlights the importance of a collaborative approach in the development of work health and safety legislation. I would also like to address some of the concerns that have been raised in the course of the debate of the bill so far.

The member for Davenport would like us to think this is not nationally harmonised legislation, but in fact it is. Every state and territory has consistently supported and maintained the substantive principles of the model legislation to ensure that the same progressive standards of safety apply to all workers and businesses in Australia.

The member for Davenport suggests that no other state is going to be commencing the model legislation on 1 January 2012. I assure members that the majority of jurisdictions remain committed to the 1 January 2012 commencement date, as does the South Australian government.

The member for Bragg suggests that this legislation will add a burdensome requirement for employers to take responsibility for the condition of their employees' home environments when they are working in their home. This criticism of the bill is completely unjustified. The provisions of the bill on this matter are exactly the same as those of the current Occupational Health, Safety and Welfare Act 1986 which has been in operation, obviously, for many years.

The member for Waite questioned the timing and introduction of this bill, given that the establishment of the federal modern awards system in the industrial relations jurisdiction was introduced over a five-year period. In contrast to the award modernisation process, which created a completely new national award system, the proposed bill is largely consistent with our current legislation.

This means that businesses that currently comply with occupational health and safety requirements will continue to comply after the passage of the bill. Where particular aspects of the bill do justify transitional provisions, they are specified in schedule 6, part 9 of the bill. The model regulations will also contain appropriate transitional arrangements.

The model Work Health and Safety Bill 2011 is legislation that is, for the most part, directly compatible with our current legislation. If a business is complying with the current occupational health and safety requirements, it will comply with the requirements of this piece of legislation.

Most of the other concerns raised by members are largely irrelevant to the harmonisation process—only a few minor parts—as they relate to matters that are currently regulated or available under our current health and safety legislation. Concerns regarding regulatory authorities being able to seize business and property in the process of investigation and prosecution, for example, fail to consider that this already the case under existing laws. The opposition is somewhat grasping at straws in its resistance to this legislation.

A fair reading of the bill would note that the provisions on seizure (which occurs in situations where evidence is required relating to a breach of the act) contained in the bill provide improved legislative protections for businesses that have items seized for evidence. Legislative protections for provision of receipts for seized items, return, access to, and compensation are provided by the bill where they do not currently exist.

The member for Davenport in his contribution made many statements about the costs that would be imposed on the community by the bill. All these comments are rejected by the government as being completely without foundation. In particular, the member for Davenport raised concerns about the cost impact on the housing industry. While the matters raised by the member relate to the regulations and not to this bill, it is relevant to address the cost issue now.

Based on the Housing Industry Association's cost estimates, he suggests that the cost of domestic dwellings will increase by over $15,000 for a single-storey dwelling and $21,000 for a double-storey dwelling. These cost estimates are grossly exaggerated. HIA have included costs for control measures that are already required under the current legislation. Independent costing provided by Bryan Bottomley and Associates indicates a fraction of the costs announced by the HIA—approximately $1,000 for volume builders, perhaps rising to $2,000 for small builders. The independent costing was further reviewed by Paul Ogden, formerly of Housing SA. This second review confirmed that the HIA costings were inaccurate.

The measures opposed by the HIA are already in place in all other states and territories. The HIA has expressed concerns about implementing measures to prevent falls from heights. This position is rejected by the Roof Tilers Association, which has long argued for improved safety standards in South Australia. The HIA claims about fencing construction sites are misplaced. Good builders install fencing now; this is as much about protecting the site as it is about managing risks. Furthermore, the proposed regulations provide flexibility on controlling unauthorised access to construction sites. The HIA is regrettably out of touch with this requirement.

Support for the HIA position is support for lower standards of safety in South Australia compared with every other state in the country. Claims of a cost blowout are a smokescreen which places dollars ahead of improving safety. This legislation is about improving safety, not preserving financial advantage.

However, what was most interesting was the member for Davenport's view of the South Australian economy. It appears to be the member's view that should a modern updated health and safety bill be passed, it will undermine the ability of South Australia to compete with other states and we will lose competitive advantage. The government has a different view on how competitive advantage should be achieved. It should be achieved by striving for the best, and striving for innovation in our economy. Harmonised health and safety legislation that applies the same protections to all workers across Australia and imposes the same duties on all employers across Australia, including in South Australia, provides a sound foundation for such a dynamic economy.

The member for Davenport raised issues in relation to the regulatory impact statement prepared by the federal government. I presume he is referring to the RIS for the model WHS regulations and not the RIS for the model WHS act. I can confirm that the information used to develop the RIS involved an online questionnaire and focus groups. Two focus groups were held in Adelaide in February 2011.

The employer/industry focus group involved representatives from the SafeWork SA Advisory Committee, Business SA, the Housing Industry Association, the SA Wine Industry Association, the Australian Hotels Association, the Civil Contractors Association, the Australian Industry Group, the Master Builders Association, and the Motor Trade Association, as well as SAPOL, the Department of Health, and the Department of Education and Children's Services. The second focus group involved employee associations.

The RIS indicates that a range of changes were made to the draft regulations as a result of these focus groups, comment received during the public comment phase of the process, and the responses to the internet survey. The RIS also drew on regulatory impact statements and reviews conducted over the past 10 years for specific matters.

In relation to the member for Davenport's rather selective quotes from the RIS executive summary in relation to the impact of the model legislation on single state business, I would like to turn his attention to page two of the executive summary, which confirms that 'on balance the outcome is probably neutral for single state firms'. The member for Davenport requested I provide details about whether there was a single national SIG meeting to provide an exemption from the new national regime for the residential building sector. I can confirm that the last meeting of SIG was held on 25 August 2011. There was no discussion at this meeting to remove the residential construction sector from the new work health and safety system. I can also confirm that I am advised that no such discussion took place at meetings in June, July or August.

In response to concerns raised about volunteer associations, I am confident that when volunteer associations look at the model WHS act it will be clear that it is a genuine improvement over current legislation and that there is no reason for anxiety. In summary, the critical points are: firstly, the model WHS act only applies if a volunteer association employs a worker; secondly, the current confusing responsible office provisions will no longer exist; and, thirdly, if a volunteer organisation employs a worker and is brought within the scope of the act, a volunteer officer of that association will not be liable for prosecution under any of the officer offence provisions.

The member for Davenport referred to correspondence in raising a number of issues, particularly around the issues of control and PCBUs. These issues have continuously being addressed through direct consultation with stakeholders. The concept of a PCBU is important in that it recognises the changing nature of employment relationships in modern workplaces. To achieve the highest safety standards possible, it is critical that any business or undertaking that influences how work is carried out has a duty to ensure, so far as is reasonably practicable, that work is carried out safely.

In response to issues raised regarding union right of entry, I draw members' attention to the already existing right of entry available to unions under current industrial relations legislation. This bill includes protections for any misuse of a right of entry permit, but I have been advised that this provision has operated successfully in several other states for many years with no major concerns. An additional source of advice on occupational health and safety issues in our workplaces will only benefit South Australians.

The member for Davenport expressed concern about the removal of the right to silence in this bill. This is a matter of balancing the public good against the individual's right to silence, and similar provisions exist in other acts. The bill adequately provides for use immunity to ensure that information an individual may provide to the regulator is not admissible against that individual as evidence in civil or criminal proceedings. The only intention of this provision is to ensure that the regulator has access to any information needed to investigate breaches of occupational health and safety legislation so as to ensure the safety of workplaces.

Members have raised concerns about the definition of any person in regard to the kind of person who a health and safety representative may look to for assistance in carrying out their obligations. This provision should be read in the context of the other specific provisions relating to the powers and functions of health and safety representatives which ensure that access to a workplace is not given to inappropriate persons, such as a journalist.

The members of Davenport mentioned some of the advantages that South Australia has, including our lower cost of living and industrial relations record. These will continue and will be built on. What the people of South Australia do not deserve is to have their workplace health and safety protections eroded, to have their health and the welfare of their families endangered in a retrograde drive to sell South Australia as a low cost state where you can ignore the safety rules apply in other states.

This bill will be supplemented by nationally harmonised regulations and codes of practice. The model work health and safety regulations (the model regulations) and codes of practice are close to finalisation and are expected to be formally endorsed by workplace relations ministers soon. Although it would not be evident from the comments of members opposite, the current bill is part of the national effort to harmonise health and safety legislation so that businesses that operate across state boundaries will only have to operate with one set of laws. Achieving this is important for our national and South Australian economy.

Members of the opposition spoke freely about their meetings with employer organisations. Representatives from the same employer organisations have sat at the negotiating table with union and jurisdictional representatives where everyone in good faith made compromises in the spirit of achieving a nationally harmonised occupational health and safety system. All of these representatives, including the employer representatives, signed up to the provisions of this bill two years ago. All the other parties to this agreement have kept their side of the bargain. South Australian employer organisations, with the assistance of the members of the opposition, now want to renege on that bargain and set the cause of a single set of occupational health and safety laws potentially back for years.

South Australia should be proud of the fact that it has reduced workplace injury compared to other states. This bill will allow us to continue to build on that impressive safety record by including progressive provisions that will continue to reduce the occurrence and seriousness of workplace injuries and fatalities. This is an opportunity for historic reform and I commend the bill to the house. If there are other matters raised by members that I have missed, I will cover them in the third reading speech.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

At 22:20 the house adjourned until Thursday 20 October 2011 at 10:30.