LEGISLATIVE COUNCIL

Tuesday 30 May 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.17 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

- Determination and Report of the Remuneration Tribunal—4WD Vehicle Request—Mount Gambier Resident Magistrate
- Regulations under the following Acts—
  - Listening and Surveillance Devices Act 1972—Records Authority
  - Superannuation Act 1988—Elections
  - Superannuation Funds Management Corporation of South Australia Act 1995—Votes
  - Terrorism (Police Powers) Act 2005—Special Powers Authorisation
- Rules of Court—
  - Supreme Court—Supreme Court Act 1935—Criminal Assets Confiscation Summons
- Third Party Premiums Committee Determination March 2006 Statement of Reasons

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

- Removal of a Significant Tree at Wandana School, Cowra Avenue, Gilles Plains—Report to Parliament pursuant to Section 49(15) of the Development Act 1993

By the Minister for Emergency Services (Hon. C. Zollo)—

- Reports, 2004-05—
  - Adelaide Hills Wine Industry Fund
  - Independent Living Centre
  - Langhorne Creek Wine Industry Fund
  - McLaren Vale Wine Industry Fund
  - Riverland Wine Industry Fund
  - South Australian Apiary Industry Fund
  - South Australian Cattle Industry Fund
  - South Australian Deer Industry Fund
  - South Australian Pig Industry Fund
  - South Australian Sheep Industry Fund
- Julia Farr Services—Report, 2005
- Regulations under the following Acts—
  - Fisheries Act 1982—Goolwa Cockles
  - Primary Produce (Food Safety Schemes) Act 2004
  - Retirement Villages Act 1987—General
- Education Adelaide Charter 2004-05

By the Minister for Environment and Conservation (Hon. G.E. Gago)—

- South Australian Council on Reproductive Technology—Report, 2005
- Health Professionals (Special Events Exemption) Act 2000—Report
- Regulations under the following Acts—
  - Liquor Licensing Act 1997—Dry Areas—Long Term—
    - Ceduna
    - Goolwa Skate Park
    - Hahndorf
    - Mannum
    - Riverton and Districts High School
- By-laws—District Council—Flinders Ranges—
  - No. 3—Dogs
- Rules under Acts—
  - Local Government Act 1999—
    - Special Account
    - Withdrawal Conditions.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. I.K. HUNTER: I bring up the report of the committee on the impact of international education activities in South Australia.

Report received and ordered to be published.

NUCLEAR POWER

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a ministerial statement on nuclear power made today by the Premier.

QUESTION TIME

DNA TESTING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation prior to asking the Minister for Police a question about the DNA database.

Leave granted.

The Hon. R.I. LUCAS: In the past 36 hours there has been significant media and community interest in a recent court case and the issue of the DNA database. I refer to an interview given by Police Commissioner Hyde back on 1 December last year, when he was asked on ABC morning radio by Mr Bevan:

> Do you think that the DNA legislation needs to be streamlined and simplified?

He replied:

> There is absolutely no doubt in the world with respect to that and we've made requests to the Attorney-General's office to change a whole raft of things. It is the most complicated piece of legislation I have had anything to do with.

Mr Abraham said:

> Is it to the point of being unworkable?

Mr Hyde stated:

> It's right around the country too. Some states and territories are a little bit better off than others. For example, there is supposed to be a national DNA database in place. It's not operating. It's been quite a number of years since people started working on putting it into place. It's the legislation that's really, really bad.

Mr Abraham asked:

> Is it unworkable?

Mr Hyde replied:

> It's not unworkable, it's very, very complicated.

He then goes on to canvass other issues. The opposition has been advised that the Police Commissioner has been raising with the Rann government, both the Minister for Police and the Attorney-General and possibly others, for quite some time his concerns about significant problems with the legislation, calling on the Rann government to make changes. My question to the Minister for Police, given that this has been an issue of public interest for some 36 hours, is: can he advise this council when the Police Commissioner first raised with former minister for police Foley, and first raised with Attorney-General Atkinson, his concerns about the DNA legislation and his recommendations that significant changes be made to it?

The Hon. P. HOLLOWAY (Minister for Police): The Leader of the Opposition refers to the media interest in the past 36 hours: obviously he was not listening when his colleague the Hon. Robert Lawson asked me a question in

this place on the subject back on 3 May, when I agreed with the Police Commissioner's comments and referred in that answer to the then preliminary comments that related to the so-called Dean case by Judge Shaw. The Leader of the Opposition might have just caught up with this issue, but it is scarcely new. My understanding is that the Commissioner of Police wrote to my predecessor on 31 January this year.

In that minute the commissioner advised that a submission was being prepared and he sought the then minister's support in obtaining legislative reform to both simplify the legislation in its operation and overcome legislative difficulties. I received that submission on 10 May last, but given the answer I gave on 3 May the Police Commissioner had discussed the whole issue of DNA with me. If one looks at the extensive comments made by the Police Commissioner over the past few days, one will see that he became aware of this issue when the Auditor-General raised it towards the end of 2005.

On 10 May I received the submission from the Commissioner of Police, and the government is now working with the Commissioner of Police and the Attorney-General, who has carriage of the Criminal Law (Forensic Procedures) Amendment Bill, and with other relevant parties with a view to simplifying this legislation to make this very important crime-effective tool even more effective.

The Hon. R.I. LUCAS: By way of supplementary question, is the minister indicating to the council that the first time the issue was raised with the former minister for police was in January this year? Will he also take on notice the other part of the question, as to when the Attorney-General was advised by the Police Commissioner of his concerns?

The Hon. P. HOLLOWAY: As I said, my understanding is that 31 January was the first formal advice. Whether it had been raised officially—

Members interjecting:

The Hon. P. HOLLOWAY: It is one thing to hear from departmental heads (and the Leader of the Opposition has been a minister of a department) that there may be a problem. It is another thing, of course, to receive the formal submission that details those concerns. If one is to act on it as a minister, one needs to obtain the details. As I said, even though the first formal advice, on my understanding, was given at the end of January, I did not receive the submission until 10 May. That should not in any way be taken as being critical of anyone, because this is such a complex matter and there are a number of issues in relation to DNA testing.

One of the things I did was to look at the procedures for myself. It is all very well for the Leader of the Opposition to imply that there is a lack of activity here on behalf of the government. Let me remind the council that this government has increased the number of police by almost 300—between 200 and 300—over the level when we came to government. So, let it not be said that there was any question of resourcing in relation to this matter.

The point has been raised about complex issues being involved, and I think those issues were well covered in the lengthy article in *The Advertiser* this morning. It is not only about procedures: there are also issues of civil liberties, privacy, and so on, that ultimately will be up to this council and to this parliament. This parliament first passed the law, I believe, in 1998. There were amendments several years ago but, ultimately, it is this council that will determine the conditions under which DNA testing is conducted.

I agree with the points that the Police Commissioner has, quite rightly, made: there are many complexities in relation to the destruction of DNA. It makes it very difficult for those police officers who work in this area and I am sure that, as a result of the meeting in which I was involved with the Attorney-General and the Police Commissioner, we will produce some legislation later this year in this parliament that will provide a very workable outcome to those problems.

The Hon. R.I. LUCAS: Sir, I have a supplementary question arising out of the answer. When was the issue first raised informally with the former minister for police (not the written submission), and will the minister take on notice the question of when the Attorney-General was first advised of these concerns?

The Hon. P. HOLLOWAY: It is not up to me to know when informal discussions took place. If it is possible to obtain that information, I will do so. The relevant information is that the—

The Hon. R.I. Lucas: Unless you've got something to hide.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Leader of the Opposition is trying to divert attention.

The PRESIDENT: The Leader of the Opposition is out of order.

The Hon. P. HOLLOWAY: The fact is that the Police Commissioner—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Everyone knew this: it was in the Auditor-General's Report. The Auditor-General raised this issue in his report in 2005. As soon as he became aware of it, the Police Commissioner did something about it. He increased the resource, with the extra 200 to 300 police officers—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order, the Hon. Mr Lucas!

The Hon. P. HOLLOWAY: The Police Commissioner directed some of those resources towards dealing with this problem. All that information was covered perfectly adequately by the Police Commissioner yesterday. This was never a question of resources; rather, it is a question of the extremely complex procedures involving the destruction of DNA. That is the issue.

The PRESIDENT: Order! It is nice to see the Hon. Mr Gilfillan in the gallery, still wielding a big stick in the council. He has just had a hip replacement.

HONEYMOON URANIUM MINE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Honeymoon uranium mine.

Leave granted.

The Hon. D.W. RIDGWAY: I refer to a press release that was issued—interestingly—on 1 April 2006 (April Fools' Day), which is titled 'Evans' big blunder on uranium mine'. The Leader of the Government in this council, the Minister for Mineral Resources Development, stated:

> Honeymoon is NOT a new mine, in the context of ALP's 'no new mines' policy.

The press release continued:

'Mr Evans has apparently told journalists today that Honeymoon can't proceed under the current Rann government's policy', says Mr Holloway. Sadly for the new opposition leader, he has got this very badly wrong. In fact, the mining licences for Honeymoon were approved before the Rann government was elected. This seems to have escaped Mr Evans. The only reason mining wasn't started at the time was low world uranium prices, not the lack of licences. Further, if the Rann government was to try to stop Honeymoon from proceeding, the owner could seek damages against the government—something else the new Liberal leader has failed to check.

This was the whole point of changing the ALP's policy from three mines to no new mines. Again, for Mr Evans' benefit, Honeymoon is not a new mine in the context of the policy. It has all the necessary mining licences—approved by Mr Evans' own party. It's astonishing that Mr Evans—who would have been environment minister at the time the Honeymoon mining licences were approved—seems to have completely forgotten this.

That quote is from the Hon. Mr Holloway. The transcript from a program on ABC radio 891 today, entitled 'Honeymoon uranium operator applies for mining and milling licence', states:

The operator of the Honeymoon uranium deposit in South Australia's far north has applied for a licence that is the final hurdle to start mining. Southern Cross Resources has the government licences it needs to operate the mine and is now applying for a mining and milling licence from the Environment Protection Authority.

The Chairman of the EPA (Dr Paul Vogel) said:

The company will need to meet a stringent national code for mining and milling radioactive ores.

My questions to the minister are:

1. Will he concede that he has made a blunder and apologise to the Leader of the Opposition?

2. Why did he mislead the South Australian public by saying that this mining licence was in place when in fact it was not?

3. There is a public process which the EPA is not required to undertake by law but which this company will have to go through now. Is this a new process for all new mining applications in South Australia?

The PRESIDENT: Order! The question is full of opinion and explanation.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): That is right. The answer to the first question is: absolutely not. The fact is—

Members interjecting:

The Hon. P. HOLLOWAY: Let me repeat for the benefit of the Hon. David Ridgway that, in terms of Australian Labor Party policy, Honeymoon is not a new mine because it was issued a 21-year licence to mine on, I think, 8 February 2002, just before the election was held in that year. That was the threshold test.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway might want to listen to the answer.

The Hon. P. HOLLOWAY: Of course, there are a number of annual licences that all mines need to take up to operate.

The Hon. J.M.A. Lensink interjecting:

The Hon. P. HOLLOWAY: Yes. To operate any mine there is the need to get a number of licences. For example, this operation would also need a licence in relation to water extraction from DWLBC, and so on. However, the point is that, in terms of Australian Labor Party policy, it was the issue of the mining lease (which, if you like, was the threshold) which determines whether or not it is a new mine. That is the point where sovereign risk would come into play in relation to that licence. That was made clear.

The federal opposition leader, Kim Beazley, has recognised that in terms of the federal policy; and the Premier has recognised that. It has been made clear on numerous occasions. If opposition members choose to ignore that, that is their problem. However, I repeat that, in terms of ALP policy, Honeymoon is not a new mine because it was issued that lease and the export approvals to mine prior to the Labor government's coming to office. These other operating licences (which are really secondary and which relate to other parts of the process) are essentially peripheral to the question of a mining lease.

I suggest that the honourable member read the Premier's statement today in relation to nuclear energy, which makes quite clear the position of the Australian Labor Party on this matter. It will be the members of the Australian Labor Party who will determine their own policy and not the Leader of the Opposition.

The Hon. D.W. RIDGWAY: I have a supplementary question. In relation to Honeymoon, in his press release the minister said:

It has all the necessary mining licences approved by Mr Evans' own party.

Why did the minister say that?

The Hon. P. HOLLOWAY: It was given the mining lease. The mining lease was in fact issued. It does need some other secondary licences in relation to the EPA, but it has the mining licence. The mining licence, which is the key threshold licence, was in place.

GLENSIDE HOSPITAL, SPECIAL SERVICES UNIT

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Mental Health and Substance Abuse a question about the special services unit at Glenside.

Leave granted.

The Hon. J.M.A. LENSINK: The Palmer report into the circumstances of the immigration detention of Cornelia Rau made a number of comments and recommendations relating to the lack of leadership within departments, poor communication protocols, lack of clinical pathways between the Baxter detention facility and Glenside, Glenside's reluctance to take detainees, the operation of the Mental Health Act and the number of beds provided through the Rural and Remote Mental Health Service. I will cite some of the extracts which are germane to this question. At page 133 of the report Palmer said:

The Inquiry is not persuaded by claims by DIMIA, GSL and the South Australian Health Department that, although a formal memorandum of understanding had not been signed, the clinical pathways and arrangements were clearly outlined, understood and working effectively. Obviously, they were not. This situation should not have been allowed to arise but, having arisen, should have been quickly and effectively resolved at an escalated management level.

Further, at page 138 Palmer said:

It is obvious to the Inquiry that in South Australia two systems operate to the detriment of the potential patient. . . In using the word 'systems', the Inquiry refers to the integrity of clinical pathways, the alignment between systems, protocols, procedures and MOUs, and the availability of services to meet the assessed needs of a patient.

At pages 150-151 Palmer said:

Glenside has 23 in-patient beds available for country patients . . . Baxter falls into the 'country' category. . . Given these small numbers, there is an obvious need to husband valuable resources.

Glenside has found that, when immigration detainees are referred to it, they are already in an advanced state of illness. As a result, they

need to occupy beds for longer than other mentally ill patients and require lengthier rehabilitation. . . To cope with the problem of scarce resources, Glenside had a preferred operational principle of having only one bed available for immigration detainees at any one time.

Members will be aware of the *7.30 Report* piece last week. My questions are:

1. Has the government sought a review of practices at Glenside, including clinical arrangements and the consultative machinery, as recommended by the Palmer review?

2. Will the minister assure the parliament that the decision to discharge the detainees from Glenside over the period of March and April was a clinical decision, rather than an 'operational principle'?

3. Does the commonwealth government have confidence in Glenside's capacity to provide appropriate services to detainees?

4. Will the minister assure the chamber that none of the terms of the MOU have been breached?

5. Is the special services unit still operating and, if so, how many detainees are receiving treatment?

6. What has happened to the staff who were working in the special services unit?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): I believe that in April this year we had six in-patients remaining within the special stay unit located at Glenside. Each were determined by senior clinicians as no longer requiring acute in-patient care. What is really important to note is that it is not the level or the quality of care that the detainees have received at the special stay unit that is in question. The quality of their care in the unit has never been questioned. However, there has been some concern about the location of discharge to detention facilities, rather than into the general community.

It is important to note that, because of their legal status, the placement of immigration detainees is the responsibility of the commonwealth government. The special stay unit currently contains no immigration detainees, but should any detainees require the services of this unit it will be reopened. It is important to note that the unit remains available. I am advised that some immigration detainees are being treated at a Queensland hospital on a voluntary basis.

Since 2001, the Glenside campus has provided a range of services to commonwealth immigration detainees, including distance consultation and mental health in-patient care where appropriate. As a result of increased demand for immigration detainee mental health services, an unused six-bed unit on the Glenside campus was reopened. This unit is now known as the special stay unit, and it has been clinically led in line with principles contained in the National Mental Health Strategy. The role of the special stay unit is to provide acute care for patients and, clearly, to try to get them well again.

The memorandum of understanding (MOU) referred to by the honourable member, which was entered into between the Commonwealth of Australia (represented by DIMA) and the State Government of South Australia (represented by the Department of Health) for the provision of identified areas of service to some immigration detainees, was signed by DIMA on 18 October 2005 and by the Department of Health on 17 November 2005. South Australia is the first jurisdiction to develop agreed protocols with the Department of Immigration and Multicultural and Indigenous Affairs for immigration detainees. It should be noted that this is an important leadership initiative of the government. The protocols prescribe that services to immigration detainees should be of the same quality and standard as those provided to the general community and that prevention and early intervention should be the focus of care.

Ultimately, the duty of care for immigration detainees rests with DIMA (as stated in the MOU) and the discharge of clients from that unit is made on a clinical basis. Staff who are placed in the special stay unit continue to be employed at Glenside and are simply relocated to other wards and units where needed. As members would know, agency staff are occasionally used to help with peak-time rostering arrangements, moving from workplace to workplace and ward to ward on an as needs basis. To my knowledge, there has been no known breach of the MOU.

The Hon. J.M.A. LENSINK: I ask a supplementary question. Is the minister aware of any particular reason why two detainees from Baxter are now being treated at Toowong in Queensland rather than at Glenside; is she aware of the recommendations that Palmer made to Mental Health Services in South Australia; and is she confident that they were all implemented?

The PRESIDENT: Order! I do not recall any reference in the minister's answer to the two people mentioned by the honourable member in her supplementary question. The minister can answer the question if she wishes.

The Hon. G.E. GAGO: I have already answered that question. I said that, to the best of my knowledge, those clients who were discharged are being treated in Queensland on a voluntary basis. I am not exactly sure to which client she is referring, but the information that I have on clients who have relocated to Queensland is that they did so on a voluntary basis.

The Hon. SANDRA KANCK: I have a supplementary question. In regard to the special stay unit, what commonwealth funding has been provided, first, in the setting up of that unit and also to assist in the operating costs of that unit?

The Hon. G.E. GAGO: I thank the honourable member for her supplementary question. The commonwealth is involved in the funding arrangements, but as to the details of that I would need to bring back a response.

RESCUE HELICOPTER SERVICE

The Hon. R.P. WORTLEY: I seek leave to make a brief explanation before asking the Minister for Police a question about the new rescue helicopter based at Adelaide Airport.

Leave granted.

The Hon. R.P. WORTLEY: The Adelaide Bank Rescue Helicopter Service has a vital role in the community, from emergency service recoveries to search and rescue operations, to assisting in the fighting of bushfires. Can the minister provide details of the new Adelaide Airport base for the helicopter rescue service?

The Hon. P. HOLLOWAY (Minister for Police): I thank the honourable member for his question. As many honourable members are aware, Australian Helicopters was recently awarded the $52 million seven-year state government contract to provide the Adelaide Bank Rescue Helicopter Service. Australian Helicopters is the largest Australian-owned helicopter operator in the country. It has 20 helicopters operating from eight bases throughout Australia, and it supplies operational services to customers, including the federal government, the Queensland government, Telstra and BHP.

South Australia's rescue helicopter service was introduced in 1979 by the Dunstan government, and since then it has grown to the point where it now performs around 700 missions a year, comprising mostly medical retrieval and SAPOL operations. The Department of Health, SAPOL, the Country Fire Service and the SA Ambulance Service principally use this service. There is no doubt the rescue helicopter service has become a pivotal part of the South Australian community.

Whether for emergency medical retrievals, tracking down offenders, or helping to control bushfires, many South Australians owe their lives to the work of the Adelaide Bank Rescue Helicopter Service and to the dedication and skills of the helicopter crews. The new seven-year deal with Australian Helicopters, which began operations in December, is a significant improvement on the previous service. The service now has three helicopters which can provide a range of operational services.

The Augusta Bell 412 can provide medical retrieval; it has winch rescue capability; it can carry a big bucket for water bombing bushfires; it can be used for passenger or SAPOL Star Group transport; and it can operate in poor weather. The EC-130 is ideal for surveillance and search operations; it can provide CFS command and control services, and also medical retrieval back-up. Last but by no means least is the BK-117, which is also winch equipped for rescues and which can be used for medical retrieval, for providing police with high-speed chase capability, and it can perform in poor weather conditions. I am sure that the Hon. Mr Lucas, who attended last week's official opening of the rescue chopper base, would agree that all three machines and their capabilities are very impressive.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, I would like to share that with others. I know that the Leader of the Opposition would appreciate it, having been down there.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes; but there are some other independent members here also, Mr President, who I am sure would like to hear about this very important development. In another boost for the Rescue Helicopter Service, Australian Helicopters has developed a new base at Adelaide Airport. I was delighted to be given the opportunity to officially open that new facility last week. Australian Helicopters proudly believes it is the best facility of its type in Australia, boasting an unequalled emergency response capability with up-to-the-minute emergency rescue equipment and advanced systems together in one location. Up to four helicopters can now be housed in the hangar out of the weather; however, within seconds the doors can open for the helicopters to respond to an emergency.

The fully integrated hangar has been designed to be completely self-sufficient, and to reduce response times by having its own fuel capacity and on-site crew quarters. It was also a pleasure at the hangar opening to be able to announce that very soon all helicopters will be fitted with night vision goggles. This equipment will provide much improved vision for pilots in dark and difficult conditions, further enhancing the capabilities of the rescue service. South Australia's Adelaide Bank Rescue Helicopter Service will be the first such rescue helicopter service in Australia with this capacity. Previously, the equipment has been available only to the military.

The success of this service depends on a high level of cooperation between Australian Helicopters and our police, health and emergency services agencies. There is no doubt that they all work together closely to ensure the smooth operation of the service. The government has been impressed with the way the company has introduced this contract and with the first months of operation. The operation is very professional and well regarded, and the willingness of the pilots, crews and support staff to assist our emergency agencies to provide the best possible service for South Australia is worthy of high praise. Again, I thank the honourable member for his question.

HOMELESS SINGLE MOTHERS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question about the funding of services for homeless single mothers.

Leave granted.

The Hon. A.L. EVANS: After nine years the Salvation Army of Ingle Farm has lost its funding for support programs to specifically assist young, homeless mothers. The program was established due to the lack of such a service in the north and north-eastern suburbs. The organisation ran a monthly support group for young women and worked to try to get them into emergency and long-term accommodation. It offered employment and basic life skills training, addressing the health needs of the women and their babies.

The state manager for Mission Australia, an organisation which did receive funding, was reported in the *Leader Messenger* as stating that Mission Australia would try to meet the needs of all young people from the north who were homeless or at risk of becoming homeless. However, there would be no specific focus on young women from the north-eastern suburbs. There is, therefore, concern that the decision to split the funding among other organisations will lead to a fragmented and weaker service for the women in need.

My questions are: what has the minister done to ensure that young, single, homeless mothers who utilise, or would have utilised, the services once provided by the Salvation Army at Ingle Farm will be given holistic and ongoing support; and will the minister consider allocating ongoing funding to the Salvation Army at Ingle Farm, to provide holistic support and services for young, single, homeless mothers in the north and north-eastern suburbs?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question in relation to the funding of services for homeless single mothers delivered by the Salvation Army at Ingle Farm. I will refer those questions to the Minister for Families and Communities in the other place and bring back a response.

HEAVY VEHICLES, ACCIDENTS

The Hon. B.V. FINNIGAN: I seek leave to make a brief explanation before asking the Minister for Road Safety a question regarding a reduction in the number of truck crashes in South Australia.

Leave granted.

The Hon. B.V. FINNIGAN: Truck drivers are an important part of industry in South Australia; however, it seems that they are often reported as being involved in serious crashes on the state's roads. Is the number of truck crashes in South Australia on the decline?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his important question. Trucks travel more than 1 billion kilometres per year in South Australia and, although they make up around 3 per cent of vehicles registered in South Australia, trucks represent 7 per cent of the kilometres travelled in the state and are involved on average in 15 per cent of fatal crashes and 7 per cent of serious crashes. I realise, as I am speaking, Mr President, that you are probably quite interested in this response.

I am very pleased to report that the number of serious casualty crashes—that is, crashes resulting in death or serious injury involving trucks—has reduced considerably in recent years. The number of serious casualty crashes has decreased by over 30 per cent, from around 112 per year, which was the 2001-03 average, to 77 in 2005. Because of the nature of the heavy truck industry, particularly the cross-border nature of the industry, a coordinated national approach is needed for road safety issues to be effective.

As members would be aware, there is a national heavy vehicle road safety strategy, and South Australia is involved in the implementation of the strategy. The strategy covers road based, vehicle based and behavioural measures to address safety issues for all heavy vehicles, including buses. South Australia has also introduced Safe-T-Cam, a camera system connected to New South Wales, which monitors trucks on long hauls across South Australia and from other states into South Australia to ensure that driving hours regulations are followed. Safe-T-Cam was first tried at Globe Derby in May 2004, and an overall network of 11 cameras commenced last September. The cameras are located across the state from Globe Derby to Marla. There are also cameras in Gawler, Crafers, Keith, Bordertown, Pinnaroo, Yamba, Yunta, Port Augusta and Border Village.

I am pleased to inform members that Safe-T-Cam preliminary figures since September 2005 to April 2006 reveal a very high level of compliance. In that time, over 775 225 heavy vehicles have passed under the cameras, resulting in 160 expiation notices being issued to drivers and/or operators so far. I am sure everybody would agree that 160 breaches is 160 too many, but 160 out of 775 225 equates to 0.02 per cent. I am sure this figure is unmatched by any other road user group.

While talking about the importance of trucking safety, I also personally congratulate John Simmons, who won the 2006 Jim Crawford Memorial Driver of the Year Award at the recently held South Australian Road Transport Association annual dinner. Mr Simmons has travelled more than 3.5 million kilometres in his 23 years of truck driving and has never received an expiation notice or speeding fine. He is an exemplary example for all South Australian drivers.

I am very pleased to see the reduction in serious casualty crashes involving trucks, and I hope there will be further improvement over the coming months and years as this is an important element in the plan to reduce the road toll overall.

DNA TESTING

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Police a question on forensic procedures.

Leave granted.

The Hon. R.D. LAWSON: On 1 December last year the Police Commissioner, Mal Hyde, appeared on the Abraham and Bevan show on ABC 891. Mr Abraham asked him the following question:

> Just another issue raised by the Auditor-General, Ken MacPherson, that is, the security and safety of DNA profiles. Under the law once a person is acquitted or not charged, we understand their DNA profile must be removed from the computer system. However, the Auditor-General has found there are back-up systems in the computer database and, when it's fired back up after maintenance or whatever, those old DNA profiles are restored.

A little later on in the program Mr Bevan interjected:

> We've got a message here from Tim and he asked, 'Do police destroy fingerprints if the charge against them is dismissed. If not, why should DNA be any different?'

The Police Commissioner answered, 'No, we don't'. In other words, they do not destroy fingerprints. He went on to say:

> What has happened in the past with fingerprints is there hasn't been legislation to create a database. The legislation allows you to take fingerprints in certain circumstances and then it's been an administrative process to put them on a database and that's worked quite well.

In 1985 the Summary Offences Act of South Australia was amended to insert provisions that allowed police to take, amongst other things, fingerprints from persons taken into custody. Section 81 of the Summary Offences Act was amended by the inclusion of a new provision, subsection (4f), which provides that, where fingerprints or other samples are taken and the charge is subsequently withdrawn or dismissed, all photographs, prints, recordings, etc., must be destroyed. The Criminal Law (Forensic Procedures) Act (which is currently the DNA legislation) does not apply to fingerprints that are taken under the authorisation of other legislation. My questions to the minister are:

1. Can he assure the parliament that fingerprints are destroyed in accordance with section 81(4f) of the Summary Offences Act after charges are dismissed or withdrawn?

2. What steps exist to ensure that the destruction requirements of those provisions are, in fact, satisfied?

The Hon. P. HOLLOWAY (Minister for Police): I will refer that question to the Police Commissioner and provide the honourable member with an answer to his question.

LAW AND ORDER

The Hon. A.M. BRESSINGTON: I seek leave to make a brief explanation before asking the Minister for Police questions about the approach with respect to law and order enforcement to guarantee public safety.

Leave granted.

The Hon. A.M. BRESSINGTON: Mr President, you may recall that I raised the issue of violence and abuse at the North Haven Primary School in a question to the Minister for Police on 11 May last, when I indicated that a person described by other parents as being 'out of control' had perpetrated abuse and physical violence against parents and children at that school. Since asking that question, I have met with a detective at the Port Adelaide Police Complaints Department and the constituent who brought the matter to my attention. The detective was aware of the issues at North Haven Primary School and was also made aware of other complaints that had been made to the police by others regarding the same abusive parent.

The parent who attended the meeting with me was instructed by the detective to try to access a video recorder and a voice recorder so that she could record any incident that occurred and provide it to the police as evidence that she was being either verbally or physically assaulted. The detective

went on to explain how this parent may conceal the video recorder in her handbag and have the voice recorder in her pocket for ready access when a threatening situation was about to occur. The parent was also warned that the sighting of the video or voice recorder could infuriate the perpetrator, and was advised to exercise extreme caution.

At no time was the parent advised by the detective to seek a restraining order, and it was not until I asked him a question about how a restraining order could be obtained and how it would work and whether it was an option to consider that the parent then received that kind of information. The parent obtained the restraining order within three days. I have also been informed by a number of parents that the abusive person is known to be a heavy user of methamphetamine and a drug dealer in the Port Adelaide area who has used her alliance with the Finks motorcycle gang as a form of intimidation. My questions to the Minister for Police are as follows:

1. Can the minister indicate whose responsibility it is to gather evidence of anti-social or criminal behaviour? If it is not the responsibility of the victim, who is responsible for the directions that the police officer gave to the parent at that time?

2. What investigatory procedures are to be followed by the police when numerous complaints are made by different parties about the same person regarding violent behaviour, and where the person is known to the community as a drug dealer and a heavy drug user?

3. When a constituent follows the directions of police and records abuse and violence and the situation becomes worse and the innocent party incurs injury, what compensation is available to the victim for that injury and the replacement of expensive equipment?

4. Does the police budget allow for the provision of such items to constituents who cannot afford to buy expensive electronic equipment as a way of the police enforcing law and order and protecting the community?

The Hon. P. HOLLOWAY (Minister for Police): If the police receive a complaint they will investigate it, I am sure, to the best of their ability. If the honourable member has a complaint about the way in which the police are conducting themselves, we have the Police Complaints Authority, which can investigate those matters. If the honourable member is suggesting that the police are not doing their job in some way, that can be investigated through that area.

I would have thought that, from the conversation that appears to have taken place, the police were trying to be helpful to the individual constituent concerned. The police cannot be on every street corner, notwithstanding that this government has increased the number of police significantly. I am sure that our lower house colleagues, who have people coming through their offices all the time in relation to neighbourhood disputes, would be well aware of the difficulties and complexities of proving those cases. It is not easy to get evidence that stands up in court. As I said, I am quite certain that if an allegation is made the police will investigate it; but, of course, whether they can take that investigation to court and get a conviction is another matter.

Obviously, we have a presumption of innocence in this state, and the magistrates who are dealing with such cases will require sufficient evidence, as indeed they ought. I would have thought that the police suggestions—if they were as the honourable member indicates—would be an attempt to assist the person to try to get an outcome in the case. As I said, the police cannot be present at every situation. Obviously, if someone is creating trouble with other people and a police car turns up, as soon as they see that police car presumably they would stop behaving in that manner. Obviously that makes getting evidence in such cases difficult.

If the honourable member believes that the police have not behaved in an appropriate manner then, as I said, we can have that investigated by the Police Complaints Authority. However, in my experience, the police of this state do an excellent job, sometimes in difficult circumstances, particularly with neighbourhood disputes, because it is sometimes very difficult to get the level of evidence that would be necessary to get a conviction in those cases.

The Hon. A.M. BRESSINGTON: As a supplementary question: will the minister please explain clearly whether it is the responsibility of constituents who are at the hands of an abusive and violent person to record information for the police; and, when it is recorded, is that evidence able to be used in court?

The Hon. P. HOLLOWAY: The latter part of the question is really a question for the Attorney-General. If there is some dispute between neighbours, obviously there is some sort of threshold in terms of at what point that behaviour becomes a breach of the law. That is really a matter for judgment which ultimately the courts will determine. The police will investigate such matters. Certainly, when I was a member of the House of Assembly a number of cases were brought to me in relation to neighbourhood disputes, and I am well aware from that experience how complex these matters can be in terms of not only the police dealing with them but also getting a conviction.

Notwithstanding that, I am also well aware that the police do their best in these difficult cases. Really, it is up to the people concerned to do everything they can to assist the police to get a conviction.

The Hon. NICK XENOPHON: As a supplementary question: will the minister provide advice that, in circumstances where a police officer recommends that there be a taped recording of a conversation, there will not be a prosecution of that person who records the conversation under the listening and surveillance devices legislation, particularly section 7?

The Hon. P. HOLLOWAY: What is going on? Is the honourable member suggesting that the police behaved improperly—gave improper advice? On the one hand, the Hon. Ann Bressington seems to be suggesting that the police are not diligent enough. On the other hand (and I do not know what the police officer said; we have only the allegation in here), the Hon. Mr Xenophon appears to be suggesting that the police are advising people to behave illegally.

I do not know what advice was given. I will ask the Police Commissioner to investigate the matter and see whether that is the sort of advice that police would give in these cases and what the consequences of that might be. I do wonder what point is being made in relation to these sorts of matters. The best thing that we can do is to let the police get on with their job of trying to deal with crime in our community. When it comes to some of these neighbourhood type disputes, they can be very complex to deal with.

The Hon. A.M. BRESSINGTON: I have a supplementary question. Is the minister saying that a drug-affected person who is perpetrating physical violence against nine-year-old children is nothing more than a community dispute?

The PRESIDENT: Order! The minister does not have to answer that. The minister is clearly not saying that.

RED-TAILED BLACK COCKATOO

The Hon. I.K. HUNTER: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the red-tailed black cockatoo.

Leave granted.

The Hon. I.K. HUNTER: Australians are personally showing an increasing willingness to work to preserve our environment. All over the country, people are volunteering to plant trees, remove weeds and help endangered species come back from the brink of extinction. People working with Birds Australia have contributed an enormous amount to the preservation of bird species and their habitat, including the protection of Glue Pot Reserve which is owned and run by the organisation. Glue Pot Reserve is a semi-arid 50 000 hectare area of mallee scrub in South Australia which is home to six nationally endangered bird species—its unique flora and fauna adapted to harsh conditions.

Birds Australia purchased this reserve in 1997. It is renowned as a birdwatching centre and a drawcard for international tourists wanting to see rare Australian birds in their native habitat. Birds Australia is also committed to working with governments on endangered bird recovery programs and monitoring bird numbers. I understand that one of its major efforts is directed to the recovery of the red-tailed black cockatoo. What is the status of the south-eastern subspecies of the red-tailed black cockatoo?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question and his ongoing interest in these really important areas. The south-eastern subspecies of the red-tailed black cockatoo is found only in a small area of the country. In Victoria, the south-eastern red-tailed black cockatoo occurs from Portland in the south-east to just north of the Little Desert, while in South Australia it is found from Bangham-Frances to Mount Gambier. I am informed that its former distribution may never have been much greater than this, but the extent of occurrence within this range has been reduced due to habitat loss. I am alarmed to say that approximately 60 per cent of habitat in Victoria and 80 per cent in South Australia has been destroyed.

In April this year, volunteers organised by Birds Australia counted a record number of birds in relation to the endangered red-tailed black cockatoo in the state's South-East. The count has been conducted annually for the past 10 years and relies on the efforts of local land-holders and other volunteers, some travelling from as far as Mildura, Langhorne Creek, and even Melbourne, to join in this survey. The volunteers and Birds Australia take this matter very seriously, unlike some of my colleagues across the chamber. In fact, 155 volunteers covered an area of more than 2, 500 kms—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —of stringy-bark forest tracks and successfully counted 1 078 birds. The figure supports a population estimate of around 1 000 birds. The count is akin to a census. The number counted is likely to be very close to the total number of red-tailed black cockatoos in the South-East. The tally included a flock of 221 birds at Lower Glenelg National Park and 214 at Chetwynd (both in Victoria), and 110 at Wandilo Native Forest Reserve near Mount Gambier. I am pleased to report to the council that the total count is regarded by experts as encouraging and confirms that the population had a good breeding season in 2005. What is essential is that this figure demonstrates that the species is holding its own. We were concerned that it might be diminishing, but this count demonstrates that it is holding its own.

Although endangered, it is quite clear that the species is being maintained. Red-tailed black cockatoos feed on the seeds of brown stringy-barks and buloke trees. For nesting, cockatoos require old river red gums or yellow gums containing large hollows. Most nest trees are within two kilometres of suitable feeding habitat, and much of the feeding habitat used by these birds is protected in state forests; however, nesting habitats on private land are disappearing rapidly. Tree dieback, the felling of potential nest trees for firewood and the general intensification of farming have had an adverse effect on these birds. We are always interested to hear where these birds are, and that can be done simply by contacting us on a freecall number (1800 262 062) and providing valuable information on sightings. This year we have had great support from farmers who help us to locate these birds.

The program's success hinges on the cooperation between South Australian and Victorian agencies, including the Department of Sustainability and Environment. The story of the red-tailed black cockatoo contains many lessons, one of which is the importance of restrictions on native vegetation clearance, and another that is worth emphasising is just how reliant our wildlife is on volunteers and their goodwill and willingness to work hard to protect endangered wildlife and their habitat.

JUVENILE OFFENDER

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police questions about a juvenile repeat offender who was granted weekend release from the Magill Youth Training Centre.

Leave granted.

The Hon. T.J. STEPHENS: It was recently reported in the media that a 17-year-old male, who has been arrested 36 times since 2001, was released from detention so that he could attend an 18th birthday party. The youth had previously been involved in crimes such as ram-raids and house breaks and has reportedly breached bail 15 times—hardly an ideal candidate for weekend release. A police officer was quoted in this article as saying:

> I hardly feel that someone who has been arrested 36 times, including 15 counts of breach of bail, should be let out. It's disgusting.

Police were alerted that the youth was a target of Operation Mandrake, an operation which targets the perpetrators of car thefts, high-speed chases and ram-raids. The police were asked to monitor the youth's home over the weekend of his release. My questions are:

1. Will the minister explain why our already under-resourced police were given the task of monitoring this youth when clearly he should not have been released in the first place?

2. Why was this youth allowed to enjoy weekend release given his record of crime, and is this an indication of the Rann government's tough on law and order regime?

The Hon. P. HOLLOWAY (Minister for Police): Questions relating to the Youth Training Centre are the responsibility of my colleague the Minister for Families and

Communities. I will refer those questions to him and bring back a response.

TRANSPORT PROJECTS

The Hon. P. HOLLOWAY (Minister for Police): I table a ministerial statement in relation to transport projects made by the Minister for Transport today.

WHALES

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about threats to migratory whales on the West Coast of South Australia.

Leave granted.

The Hon. SANDRA KANCK: The current and proposed aquaculture leases for Anxious Bay lie in the migratory path of whales, especially baleen whales. Baleen whales, which include southern right whales, humpback whales, blue whales and pygmy right whales, do not have the sensory ability to echolocate and consequently could have great difficulty navigating through the maze of anchor points in the current trial and proposed abalone aquaculture operations at Anxious Bay. This raises the question of the potential for injury to or death of whales from the aquaculture operations at Anxious Bay. My questions are:

1. Does the minister believe that the current and proposed aquaculture leases at Anxious Bay pose a risk to baleen whales; and on what basis has the minister formed her opinion?

2. Will the minister direct a recognised whale expert to assess the potential dangers posed by the current and proposed aquaculture leases?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I will take those questions on notice and bring back a response for the honourable member.

DISABILITY SERVICES

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Families and Communities, a question in relation to the government's proposal to amalgamate the Intellectual Disability Services Council, Julia Farr Services and the Independent Living Centre.

Leave granted.

The Hon. S.G. WADE: In the amalgamation of the metropolitan health boards and the transfer of option coordination services from IDSC to Julia Farr, the government and the boards involved undertook significant due diligence processes in each case. The ministerial statement announcing the amalgamation of the IDSC, Julia Farr and the Independent Living Centre was made in another place on 2 May 2006, yet the departmental website states that the changes (including the governance changes) will be implemented from 1 June 2006; that is, two days from today and merely a month from the announcement.

Given that this time frame is so short, can the minister advise the council what due diligence processes have been undertaken in relation to the amalgamation, and can he assure the council that the due diligence processes are no less than those undertaken in relation to other recent reorganisations?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his questions in relation to IDSC, Julia Far Services and the Independent Living Centre. I will refer those questions to the Minister for Families and Communities in the other place and bring back a response.

REPLY TO QUESTION

HINDLEY STREET

In reply to: **Hon T.J. STEPHENS** (27 April).

The Hon. P. HOLLOWAY: The Commissioner of Police advises that there are currently 7 security cameras that monitor Hindley Street. These cameras are located from West Terrace through to King William Street with the most concentrated coverage between Morphett Street and King William Street.

There are a further eight cameras that provide vision along North Terrace, from West Terrace, through the Skate Park, past the Casino to King William Street. These cameras, whilst not in Hindley Street, also provide valuable coverage to monitor issues impacting on public safety and public order in the entertainment precinct.

Other cameras are housed within the Adelaide Railway Station and have assisted police in monitoring behavioural activity on a number of occasions.

The Officer in Charge of the Adelaide LSA, Superintendent Paul Schramm, chairs the Strategic CCTV Committee between the Adelaide City Council and SAPOL. This committee has a number of roles including recommending any expansion of the surveillance camera network. The most recent camera addition was the surveillance of Heaven nightclub in response to a police request regarding public order and criminal offences—although under ongoing review, there are no other immediate current expansion plans specifically for Hindley Street.

Assistant Commissioner Graeme Barton is currently chairing a multi agency *Review of CCTV in Public Places Working Group* to examine the broader strategic direction of CCTV in the CBD. This Review flows from the Capital City Committee. Part of the Working Group charter is to enhance the effectiveness of the total CCTV environment for security as well as public safety purposes.

Surveillance cameras that monitor North Terrace and Hindley Street (and other parts of the CBD), are maintained by the Adelaide City Council and are monitored by SAPOL through the Police Security Services Branch (PSSB). Surveillance cameras are monitored by the PSSB and Hindley Street Police Station and are digitally recorded 24 hours a day.

The Commissioner of Police has advised that there are sufficient PSSB resources to monitor the Hindley Street surveillance cameras during their hours of operation.

The Commissioner for Police has advised that whilst the peaks and troughs are in some respects seasonal, and the resources dedicated to Operation Hindley Safe 3 would not be justified on a continuous basis, there is some scope to warrant consideration for additional policing resources to be injected into Hindley Street on a permanent basis. This will be subject to close review as the organisational priorities flow out of our Recruit 400 corporate strategy.

In the mean time, there are sufficient resources to respond to policing issues identified through surveillance cameras and Operation Hindley Safe 3 will continue to operate until we are satisfied that crime is reduced to a level that would give reassurance to the public.

CITIZEN'S RIGHT OF REPLY

Adjourned debate on motion of Hon. P. Holloway:

That, during the present session, the council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into *Hansard*-

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—

(a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and

(b) requesting that his or her response be incorporated into Hansard.

2. The President shall consider the submission as soon as practicable.

3. The President shall reject any submission that is not made within a reasonable time.

4. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the member who referred in the Council to the person who has made the submission.

5. In considering the submission, the President—

(a) may confer with the person who made the submission;

(b) may confer with any member;

(c) must confer with the member who referred in the Council to the person who has made the submission at least one clear sitting day prior to the publication of the response;

but

(d) may not take any evidence;

(e) may not judge the truth of any statement made in the council or the submission.

6. If the President is of the opinion that—

(a) the submission is trivial, frivolous, vexatious or offensive in character; or

(b) the submission is not made in good faith; or

(c) the submission has not been made within a reasonable time; or

(d) the submission misrepresents the statements made by the member; or

(e) there is some other good reason not to grant the request to incorporate a response into *Hansard*,

the President shall refuse the request and inform the person who made it of the President's decision.

7. The President shall not be obliged to inform the council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.

8. Unless the President refuses the request on one or more of the grounds set out in paragraph V of this resolution, the President shall report to the council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.

9. A response—

(a) must be succinct and strictly relevant to the question in issue;

(b) must not contain anything offensive in character;

(c) must not contain any matter the publication of which would have the effect of—

(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or

(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or

(iii) unreasonably aggravating any situation or circumstance,

and

(d) must not contain any matter the publication of which might prejudice

(i) the investigation of any alleged criminal offence,

(ii) the fair trial of any current or pending criminal proceedings, or

(iii) any civil proceedings in any court or tribunal.

10. In this resolution

(a) 'person' includes a corporation of any type and an unincorporated association;

(b) 'member' includes a former member of the Legislative Council.

to which the Hon. R.D. Lawson had moved the following amendment:

Paragraph V(c)—After the word 'submission' insert 'and provide to that member a copy of any proposed response'.

(Continued from 9 May. Page 141.)

The Hon. R.D. LAWSON: When I first made a contribution in relation to the minister's motion for a sessional order allowing for a citizen's right of reply, I indicated that the Liberal Party was strongly supportive of the notion of citizen's right of reply. We in this place think it is unfortunate that a similar measure does not apply in another place. We are committed to an effective citizen's right of reply.

I remind the council that this sessional order has been adopted from time to time since it was first introduced by the then attorney-general, the Hon. Trevor Griffin. We do, however, believe that the rules that have applied in previous years should, as a result of experience, be altered slightly, and it is for that reason that I have moved the amendment standing in my name, which is designed solely to give to a member whose original comment gives rise to the right of reply an opportunity, first, to discuss the issue with the President and, secondly, to be alerted to what it is that the President proposes to have included in *Hansard*.

I want to assure you, Mr President, that this is in no way intended to encourage members to go on and debate endlessly matters which have given rise to a citizen's right of reply. It is not intended in any way to reflect adversely upon you, Mr President, or any president occupying the chair from time to time, concerning the right of reply. But we do believe, in fairness to the member and as a matter of general probity, that the member ought be apprised of what it is that it is proposed to place in *Hansard*, otherwise the situation can arise where the President is not supplied with the full information but has only one side of the story and should have both sides of the story and ought be alive to what is intended so that the member concerned can make a representation to the President to suggest that it ought not be included in that form, or some amendment should be made, or some other inquiry should be made by the President. So it is for those reasons that I have moved my amendment, but I look forward to other contributions to be made by members on this important subject.

The Hon. SANDRA KANCK: The fact that we are moving this motion yet again I think is a tribute to the commonsense in the upper house of this parliament—the chamber that the Rann government wants to get rid of. I indicate, however, that I will not be supporting the opposition amendment.

As MPs, we very much have the whip hand when it comes to statements that are made about people outside this chamber. I do note that on a number of occasions in the previous parliament, when that right of reply was exercised by members of the public, the Hon. Angus Redford attempted to debate what had been said. It is fairly obvious that in most instances, when we make a comment about someone from outside the parliament, we do not consult with them to begin with; we do, to some extent, use surprise as part of our method of attack.

I think it is only fair, under those circumstances, that we not again be given the opportunity to get in beforehand effectively. For instance, if we make a statement about another of our colleagues in this chamber, they have an opportunity to stand up and make a personal explanation. We do not require them to give us some indication, before they stand up and make that personal explanation, of what they are going to say. I think that should apply similarly. If it applies to us here in this chamber, when we feel that we have been misrepresented, then it surely should apply to people outside the chamber. If, in the process of getting the citizen's right of reply, the situation is in some way factually incorrect, then

the MP concerned still will have the opportunity to make a further personal explanation. I think what we have at the present time is working. It has been demonstrated to work and I do not think that the opposition amendment to this motion is necessary.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the sessional order. I obviously support the amendment being moved by my colleague the Hon. Mr Lawson. It is, however, not something that I or my colleagues are going to die in a ditch over. Nevertheless, I do want to place on the record my strong support for the amendment and my reasons for doing so. The Hon. Sandra Kanck has outlined the recent history of this particular sessional order but I remind the honourable member that, in terms of when the sessional order was first brought in, what the Hon. Mr Lawson is outlining is exactly what was done as the standard procedure in the Legislative Council.

Former presidents like the Hon. Jamie Irwin, when there was a request for a right of reply, as a matter of course spoke to the individual member about whom the complaint was being made and indicated the nature of the complaint and invited the particular member to put a point of view to the president, and it was left absolutely to the discretion and decision of the president as to whether or not he engaged in further discussions with the person seeking a right of reply.

So, the member of parliament did not have the opportunity to rewrite the right of reply or amend it but had an opportunity to put it to the president, the person in our chamber who is given the responsibility of making this judgment (it is not a privileges committee, as the Hon. Mr Lawson has pointed out). It is an opportunity then—and this practice was followed up until the most recent examples—for the President to consult with the member and indicate that this is what he is being told, which then assists the President in making a judgment as to whether or not the right of reply should be tabled.

I remind members that there is no right for a person out there to insist on having any statement tabled in this place as a right of reply. It is a request to the President, who makes a judgment on the issue. One hopes that the President would guard against all sorts of extraordinary statements or claims being made in a right of reply. Ultimately, that is a judgment call from the President of the Legislative Council.

I remind the council that members of parliament are elected to represent a community. They are given a privilege. They have privileges in being a member of parliament in relation to what they can say and do in the two chambers. They have rights and responsibilities over and above the rights and responsibilities of other citizens who are not elected to be members in this chamber. Through this device we have tried to provide an opportunity—and we do—for someone who is aggrieved to go through an appropriate process to have their grievance recorded.

It is wrong to suggest that Mr Lawson is seeking to change past practices. We had one example, under former president Roberts, where, in relation to one of my colleagues, he was advised only that a right of reply would be considered and tabled by the president and was not aware of what the nature of the complaint was or what the different points were and was just advised of what would occur. Under the sessional order, that was the extent of the consultation in relation to the issue. I contrast that with previous examples under president Irwin, for instance. The former Liberal government first brought in this sessional order, and the intention, as opposed to the strict wording of the sessional order, was that the president would consult (by consultation, the intention was to have a discussion) with the member about the nature of the complaint and the right of reply being sought.

I can say that I know the intention because it was a former Liberal government under former attorney-general Griffin that was responsible for drafting it, and he did so after considerable consultation and discussion with me as leader of the government in the Legislative Council at that time. That was the practice at the time, and it is only in more recent times that we have seen the example where that has not occurred.

I will not die in a ditch over this, but ultimately it will be the member who makes a judgment that they want to say something in this parliament and, if someone takes exception to that and seeks a right of reply, under this current arrangement the situation will be that they will simply be told that a right of reply will be tabled and they will have no idea what that person will say about you or what claims they will make about you, your intentions or otherwise.

As I said, there is a difference between an elected member of parliament, who has rights and privileges as a member of parliament, and other citizens who do not have those privileges in relation to what they say. We are giving certain people rights and privileges in relation to what they say being protected in the Legislative Council.

I accept that it is a judgment call for the President, anyway, because even if the member were to have the opportunity to put a point of view, as used to be the case, under the processes that were adopted by former presidents, ultimately, it was still a judgment call for the president. The president was the independent umpire and he or she would make the judgment, 'This is what I have been asked as a right of reply. I think that is eminently reasonable.' However, I know that, on previous occasions, after submissions had been made to the president, the president would go back to the complainant and say, 'These issues have been raised. I just want to clarify that. Can you make the same point that you want to make publicly and feel satisfied, but use either a different phrase or a different word, or are you standing by the particular claim that you make?' Ultimately, the president would satisfy himself, in that case, that it was an entirely proper and appropriate right of reply to be tabled in the Legislative Council.

For those reasons, as I said, I strongly support the amendment of the Hon. Mr Lawson and I dispute strongly (particularly for the benefit of the six or seven new members in this chamber) any notion that the Hon. Mr Lawson is seeking to change the existing process. He has certainly changed the most recent interpretation of this sessional order. He has returned it to what was originally intended when it was first introduced and implemented under former president Irwin in the Legislative Council under the examples that I and a number of other members are aware.

The Hon. NICK XENOPHON: I indicate my support for this motion. The key issue of contention is the proposed amendment of the Hon. Mr Lawson. I indicate that I will support the amendment of the Hon. Mr Lawson for the reasons that he has outlined in terms of the arguments he has put forward. I think it is important to put it in context that parliamentary privilege is something that is, indeed, a privilege that has been given to us and is something that ought not be abused.

The Hon. R.P. Wortley: It often is abused.

The Hon. NICK XENOPHON: The Hon. Mr Wortley said that it often is abused. In cases where it is abused, it diminishes the value of parliamentary privilege as a concept and the benefit inherent in parliamentary privilege to raise matters of interest without fear or favour, to raise issues of public concern and to raise issues that cannot be raised in the media, for whatever reason. The key point of difference is with respect to the right of reply and whether the member who is the subject of the right of reply ought to obtain a copy of the proposed response. It seems to me that, from a procedural point of view, that is not unreasonable.

I am concerned that there could be a toing-and-froing; that there could be a never ending circle of correspondence or of response and counter response between the member and the agreed person—although, if the Hon. Mr Lawson's amendment is not carried, we would still have the situation where the member could still respond in due course. I would have thought that, from a procedural point of view, that is something that would do more good than harm in terms of the way in which the right of reply operates.

For those reasons, I support the amendment of the Hon. Mr Lawson. I do not think it is unreasonable to be provided with a copy of a proposed response, but I think that any member who wants to engage in a slanging match with a constituent does so at their peril.

In the case where there is a difference of opinion and various other matters have been put forward by an aggrieved member of the public in the context of what the honourable member has said, I would like to think that, as members of parliament, we ought to acknowledge an error of fact. That could be dealt with, and that would bring the matter to an end. I note that the other place does not yet have these mechanisms in place; I think that it is still thinking about it. It is good to see that it has been this Legislative Council leading the way and protecting the public interest in terms of fairness.

I see the amendment of the Hon. Mr Lawson as simply a procedural mechanism which, on balance, will do more good than harm. I flag, though, that if there are unintended consequences this amendment ought to be revisited. I would like to think that that will not be necessary: it will simply provide a smoother operation of this mechanism. I think that it is important for members of the public to have a right of reply if a member of parliament gets it wrong and if, in some way, privilege has been abused.

The Hon. A.L. EVANS: Family First supports the amendment. The argument of fairness resonated with me and my party. We will support the amendment.

The Hon. P. HOLLOWAY (Minister for Police): It is clear that the numbers are in favour of the amendment. The government does not support the amendment, on the grounds that were pretty well expressed by the Hon. Sandra Kanck when she said that parliamentary privilege is a very powerful tool in the hands of members of parliament, and a very important one. It is one that has been fought for and it has been an important part of the parliamentary process for centuries. Some people in the community would like to reduce privilege, but I believe that it is very important that we protect it.

The right of reply provides a very significant protection to the community. Although members of parliament have the right to make any comments in this place that cannot be held against them in a court of law, it is important that they act responsibly in making those comments. There will be times when members of parliament will make allegations on information that is available to them. Hopefully, they would do some checking first. In fact, I believe that it is incumbent on members. It would be an abuse of parliamentary privilege for people to make unsubstantiated allegations where they had made no attempt to ascertain the truth, but sometimes it is not always possible to do that. In those situations it may be necessary for the public good that parliamentarians have that right.

However, against that, in cases where a person has been maligned under parliamentary privilege and they believe that the record needs to be corrected, they should have the opportunity to do so. In the government's view, the only reason why one would need to provide to an honourable member a copy of a submission in advance is to prolong the debate on that issue, and I do not believe that was ever really the intention of the right of reply. I point out to members that the motion provides:

> In considering the submission—

and this is the submission from the person who believes that they have been slandered—

> the President—
> (a) may confer with the person who made the submission;
> (b) may confer with any member;
> (c) must confer with the member who referred in the council to the person who has made the submission at least one clear sitting day prior to the publication of the response.

The opposition moved that amendment four years ago. The original motion has already been changed to require that the President must confer with the member who made the allegation in the first place at least one clear sitting day prior to the publication of the response. That is already the requirement. Through providing that member with a copy of the submission, it must inevitably lead to this issue of ongoing debate. Fortunately these things do not arise very often.

The government does not believe that this is a fatal amendment. On balance, we do not believe that it is necessary and we believe that we would be better off without it, but it is clear that, with the support of Family First and the Hon. Nick Xenophon, the numbers are not with the government, so we will not waste the time of the council by dividing on it. I place on record that we do believe that the right of reply is very important and it would be regrettable if, on the rare occasions when the right of reply is used, it were to lead to a prolonged and unseemly debate. What will then happen, if the person is maligned a second time, is that they will seek a further response and so on. It would be really unfortunate if that happens. As I said, while we would prefer the amendment not to be carried, we think that the right of reply, even with the amendment, is worthy of support.

Amendment carried; motion as amended carried.

DEVELOPMENT (PANELS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 38.)

The Hon. D.W. RIDGWAY: This bill has been introduced by the government in this session of parliament as a result of a bill with which it failed to achieve any legislative progress in the previous parliament and which it split into two parts—that being the sustainable development bill. We are now told that this bill is part of a suite of bills intended to be

introduced in 2006 as part of the government's ongoing program to improve the state's planning and development system. We are told that the other bills in this proposed suite of legislation are intended to increase the role of elected members in strategic planning, policy review and representing their constituents in their elected member capacity without the conflict of role or interest.

It is my intention briefly to address this bill and some of the clauses in it, and to then outline some of the concerns raised by a number of industry groups, stakeholders, the Local Government Association, members of the community and individual local councils. It is interesting to note that, since the introduction of the requirement to establish council development assessment panels in 2001, a variation of approaches has been taken by councils. Some have established panels with a smaller number of elected council members; others have established panels with a small number of elected members and specialist members; some have appointed specialist presiding members; and other councils have simply included all their elected members on the panels. The number on the panels ranges from around four to 17 people across South Australia.

One of the points raised with the opposition during our discussions with stakeholders was this lack of consistency in the make-up of development assessment panels and, in particular, the number of people on development assessment panels and the inconsistencies. This bill requires each council to have a development assessment panel consisting of seven members: one specialist presiding member, up to three elected council members or council staff and at least three other specialist members. The members will be appointed by the council. However, the minister must concur to the specialist members. I will address that issue later in my contribution. The bill does not specify the skills or experience required by these specialist members and, according to the government's briefing paper, the experience required will vary from area to area.

It is interesting that we do not have an actual list of the skills for which councils should look. I think it will be done by regulation, but we should be given some indication of the type of skills and professions that councils should be looking to appoint to their panels.

The bill enables councillors to make development assessment panels more akin to the Development Assessment Commission. It enables a mix of elected members and specialist members to be appointed by the council. This bill makes all panel members subject to the same register of conflict of interest and financial disclosure provisions that are consistent across a large number of panels and boards in South Australia. The opposition certainly supports those provisions of the bill.

Regarding the issue of concurrence, I refer to section 10(3)(b), which provides:

> (iv) the concurrence of the minister is required before the presiding member is appointed by the council and in determining whether to give his or her concurrence the minister must have regard to any material provided by the council with respect to its assessment of the person taking into account the requirements referred to above.

The bill's provisions in respect of the concurrence of panel members are the same. However, the bill does not give the reasons why the minister may not concur, but it gives reasons for why a council may reject a member of a panel, as follows:

> (g) the council may remove a member of the panel from office for—
>
> (i) breach of, or failure to comply with, the conditions of appointment; or
> (ii) misconduct; or
> (iii) neglect of duty; or
> (iv) incapacity to carry out satisfactorily the duties of his or her office; or
> (v) failure to carry out satisfactorily the duties of his or her office; or
> (vi) failure to comply with a requirement under subsection (6) or (7) or a breach of, or failure to comply with, a code of conduct under section 21A.

Those are the situations in which a council may remove a member of the panel, but no reasons are given for why the minister may not concur. I would like the minister to address that question.

With respect to the regulations, clause 10(3)(b)(iii) provides:

> Subject to any provision made by the regulation, the presiding member must be a person who is determined by the council to have a reasonable knowledge of the operation and requirements of this act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel.

Again, I would like the minister to say what the regulations will be in regard to that issue.

Regarding the issue of concurrence, as is provided in a number of acts, the council should ensure that at least one member of the panel is a woman and one a man and that as far as practicable the panel consist of equal numbers of men and women. No-one has any particular issue with that, but I am concerned that, if the minister of the day thinks the gender balance is not to his or her liking, that may also be a reason for failing to concur with the council's appointment. So, I ask the minister to clarify that.

The main point of contention in this bill involves the make-up of development assessment panels; in particular, whether the minister concurs, and whether democratically elected councillors can sit on their panel and consider decisions made by the people who are elected by local constituents to make those decisions for them. So, there is the issue of the development assessment panel being given the power that is taken away from the local community. The minister's second reading explanation states:

> The government simply wants council development [panels] to become more impartial in their approach to the assessment of development applications before them, but, unlike the Development Assessment Commission structure where all members are experts, the government is providing councils with a hybrid approach. It is saying to councils that have half the membership of a panel can compromise elected members or staff; the other half should be made up of specialists appointed by the council.

The minister continues:

> It is vitally important that the presiding member of the panel is truly independent and the minister can ensure such independence.

Later in his contribution he states:

> Such specialist members need to have a reasonable knowledge of operations and requirements of the act and appropriate qualifications in a field relevant to the activities of the panel. This should provide the flexibility sought by councils in rural areas when seeking to fill these important roles with specialist members, and hence they should be able to fill these positions by drawing from the local community.

The question raised is: will there be a sufficient supply of experts who have local knowledge to fill these positions in the local community? Again, that is another point that I would like the minister to address at his convenience. One of the consistent issues raised with the opposition—and I know the government's view, from the briefings provided to the

opposition—is that it is not the local members' responsibility to set an assessment but to make the policy.

A number of people raised the issue of the protracted planned amendment report process. In fact, I am led to believe that the next bill in this suite of bills may well be the planned amendment report bill. I accept that that bill is not yet available for introduction to this chamber, but I am wondering how soon the minister will be able to produce a draft of the bill, because that is certainly a concern that a number of stakeholders have raised with the opposition. They may be a little more relaxed with this legislation if they are able to look at the draft bill. I put that question to the minister, and I hope he will take it on board, because it may or may not allay some of the fears. This government has a track record of saying one thing and doing another, and perhaps not being as open and accountable as it—

The Hon. Caroline Schaefer: It says one thing and does another.

The Hon. D.W. RIDGWAY: As the Hon. Caroline Schaefer interjects, it says one thing and does another. Given the government's track record, and it not being as open and accountable as the Premier has claimed it to be, it might be in the minister's best interest if he tables a draft copy of that next bill. I do not expect that the government is in a position to table the whole suite of bills, but perhaps it is possible to produce the next one. The bill's main point of contention is the make-up of the panels. I think most of the other areas are minor. The opposition will be proposing some minor amendments, but that is probably the main point of opposition.

I now refer to a number of the points of concern that have been raised by some of the industry groups and stakeholders. A number of people see a conflict in elected members dealing with the Local Government Act and the Development Act, and that council members have constant conflict between getting elected and the responsibilities of the Local Government Act, and wearing two hats when they sit as a council one day and as a development assessment panel on the other. The view has been expressed that panels ought to be made up entirely of independent members and experts. The opposition rejects that; we do not think that that is particularly appropriate. The view is that the delegation of staff is important.

Many city planners are influenced and pressured under the current regime. There was a view by the Urban Development Institute (South Australian division) that this bill will reduce the legal action and appeals and, hence, costs. It presumes that the current system possibly costs developers twice as much as what councils spend on legal action. We heard evidence that South Australia's planning system is probably as good as any other state, but that perhaps we should be looking towards an even better system and world's best practice. Again, the question and the point I raised with the minister just a moment ago about the planned amendment report is consistent with a number of people who we interviewed in relation to this bill.

One of the concerns with the planned amendment report process and with the development panels was that we need to speed up the process. The opposition and I do not believe that adopting a fast process is necessarily the best approach. What we have to look for in this bill is the best possible process and outcome for South Australia, and not just the fastest one, because I am sure that we have all seen examples where fast is not always best. A number of questions were raised about rural areas: where will the specialists come from, and do we have enough specialists in South Australia to fill all of these panel appointments?

We have been asked about the number of panels that one person can sit on. There are two points of view, I am sure. On the one hand, if you have an expert who is available to sit on a number of panels, maybe they should be sitting on a number of panels because their expertise can be used by a number of councils. On the other hand, maybe you are going to turn a number of people into professional panel sitters and not have a diversity of interests. I know that our local councils want to maintain their individuality and their own diversity and character of their neighbourhoods. I believe it is very important that we maintain that. As I said, there is an issue of rural areas potentially not having enough stock. There is also a view being put to us that, by having panels and specialist members, it may actually attract good planners and specialists back to rural areas. Again, that is the view of one of the stakeholders who spoke to us.

We also heard that the Victorian model is somewhat faster than the South Australian model. It takes some six to eight months for development assessments in Victoria, and it takes 12 to 18 months here. I reiterate that we are not necessarily committed to a fast process just because it is faster, and we are not necessarily committed to a slow process because it would be better. However, it is a position that has been raised by a number of stakeholders.

The Local Government Association, which of course is the peak body for all councils in South Australia, raised a number of issues with us. I know most members will have received a copy of this document, but there are a number of points that I would like to read into *Hansard* on behalf of the LGA so that its position is well known. I quote from its document:

> The bill raises significant issues for councils in terms of composition, memberships, procedures, association costs and resourcing of council development assessment panels.

The associated costs was a point raised with us on a number of occasions. I think that is an issue the minister needs to deal with, especially when it comes to small rural councils. They may have to have a development assessment panel if this bill passes, but some of these small councils that would assess only a handful of development applications a year would have to pay specialist members of a panel. I think that is an issue for small rural councils, and it may be something that the minister is perhaps prepared to address. I refer to the LGA's contribution, as follows:

> The LGA is seeking the continuation of the current autonomy provided to councils in the Development Act in terms of determining the composition and membership of their development assessment panels, with no prescription on numbers, nature of individuals or the requirement for concurrence of the minister for appointment and removal of external members. The local government sector supports the need to strive for continued improvement. Councils continue to have very high levels of delegated authority to officers to make decisions on development applications. The current flexibility to enable councils to determine the composition of membership of their development assessment panels is a good model, as evidenced by the very low level of appeals to the Environment, Resources and Development Court.

It goes on to state:

> An LGA survey of all South Australian councils (68 surveyed, 56 responded) for a six-month period from 1 January to 30 June 2003 indicated:
>
> In respect of applications for provisional planning consent:
> 94.4 per cent were determined by council staff acting under delegated authority;
> 5.5 per cent were determined by development assessment panels;
> only 0.1 per cent of applications were determined by full council;

there was no significant difference in development assessment between country and metropolitan councils;
some 24 868 applications were lodged with the 56 councils. Within the time frame of the survey, 94.5 per cent were assessed by councils and received a planning decision (i.e. they were either approved or refused). Only 90 appeals were lodged against those decisions, representing 0.36 per cent of decisions appealed against, or 1.6 appeals per council.

While those figures the LGA provided to us—and I am sure provided to other members in this chamber, especially independent members—say that 94 per cent of the applications were dealt with under a delegated authority, and 5.5 per cent by the development assessment panels, they do not clearly demonstrate either the dollar value or the magnitude of assessments made by those particular groups. I think there may be some discrepancy between those figures and the nature of the development assessment, in that they are not all the same; they are not all for a carport or a garage; they are not all a 500-house subdivision or a block of flats. There is a whole range of development applications. While those figures support the current model, the opposition is interested—and I know the Local Government Association plans to get back to us on the matter—in some actual facts about the detail of those particular development assessments.

The Local Government Association raised a number of questions and in particular I will ask this of the minister: for the amendment to section 34(18)(d) the LGA raised an issue that was about the public officer of the development assessment panel. They see it as not appropriate for such an officer to be a staff member, due to the potential conflicts that may arise. However, the LGA has no objection to the provision of a public officer on the basis that it is amended to clearly state that the public officer does not undertake the investigation into himself or herself, but is responsible only for the appointment of an independent investigator. Again, I put that to the minister, and he may well be able to bring back a response or some advice as to whether the wording in the bill is sufficient, or whether there needs to be an amendment to clearly specify that the public officer must not investigate himself or herself.

The Local Government Association has a range of views opposing the prescription of the development assessment panels, and those views are well known. I know the Local Government Association has spoken to a number of people about that particular issue. I suspect it is a very significant point of difference for the Local Government Association.

It is interesting that a document called *Are Councils Sustainable?* was commissioned and prepared by an Independent Inquiry into the Financial Sustainability of NSW Local Government for the Local Government and Shires Associations. It is interesting to look at a couple of different views in this document, in particular the independent panels. It states:

Wagga Wagga City Council, while warning of the need to carefully construct the rules, roles, responsibility and constitution of panels to deal with contentious development applications, still sees merit in them.

I will quote from the actual submission:

The level of council involvement in the decision-making process varies from council to council—it can be anything between a few major applications being reported to council, to all applications. The extent of involvement is dependent on the level of delegation granted to the general manager. Criticism of council involvement in the decision-making process has ranged from allegations of corruption, bias, conflict of interest, being pro-development or anti-development, political point scoring, political deal making—support given for a certain application if another is supported, ignoring of officers' recommendations, unlawful decision-making, lack of transparency and denial of natural justice.

It goes on to state:

The constitution of the independent panels has the potential to remove the political bias and associated potential for political influence from the decision-making process. It would arguably free councillors' time to address the development of policy and strategy. It would also provide a separation between the policy maker and the implementation of the policy—they would not be the same body.

However, it is interesting to go on. That was the Wagga Wagga City Council—a big regional city council. Consistent with the views we hear in South Australia the Local Government and Shires Association, which I understand is a bit like the LGA in South Australia, states in its submission:

It is our belief that community control of development assessment is at the foundation of local democracy. The underlying theme of local planning systems is that councillors are elected to implement the wishes of the local community and their removal from the development assessment process flies in the face of this concept.

Even in other states there is considerable debate on the make-up of development assessment panels and what is the right model. At a Liberal Party policy day some time last year, when a straw poll was taken the room was evenly divided. We had members of the group, some who were councillors, who did not want to delegate the authority to development assessment panels and, in the same room, we had members of councils wanting to make those decisions on behalf of their locally elected people.

The Planning Institute of Australia felt that the local government gap in planners was primarily due to the stress in the current level of the development assessment environment and because of the stress of community aspirations. In particular, where you have a planner defending a decision at a public hearing, where you may have a number of opponents and protesters, the planner has to justify their decision against a council that may well have made decisions for purely local political reasons. The Planning Institute raised that as a serious issue as to why people are not prepared to go into the planning profession—something this bill may address if it passes.

The Planning Institute was a little concerned. It supported the bill but wanted to know what professions the government will be regulating, in particular the provision for the requirements of the independent members. The Property Council also gave us some viewpoints and said in a survey it conducted some time ago that it found that people's attitude towards local government was such that people wanted consistency, certainty and balance between long-term views and short-term pressures. That came out consistently on a number of issues during the opposition's discussion with the stakeholders and industry groups.

Another issue of concern was that, as demographics change and people get older but like the suburb they live in, there are issues with the changing of the style of residential development to meet older South Australians' needs. That is often a problem for councils, in particular under the current regime where councillors do not necessarily reflect some of the views of the community but have a different view. A number of points were raised by stakeholders.

Equally, we had a number of stakeholders from country areas. In particular, the District Council of Kimba wrote to the member for Flinders and she forwarded the letter to me, so I was able to make some comments and thank the member for Flinders and the District Council of Kimba for bringing the matter to our attention. The letter states:

> Many of the changes in the bill have been agreed to and are procedural, but we object strongly to the section that proposes that councils use an expert presiding officer and external members in their panel. For Kimba this is an unnecessary compliance and could increase the cost to council between $10 000 and $15 000. It is nothing more than another cost shifting exercise that has been dreamt up by city based bureaucrats that have no idea about the real world. This council is already using substantial funds to meet all kinds of unnecessary compliance issues, funds I might add that are needed elsewhere to supply reasonable services to their ratepayers.

That was the consistent message from a number of country councils and you, sir, are well aware of the concerns of the bush. For the past four years you have left us in no doubt that you have a keen interest in country South Australia, and I am sure it would concern you that you would see local councils in country areas being disadvantaged. As the member for Flinders goes on to say in her covering letter:

> The cost of maintaining panels is a very relevant consideration for councils. Over one-third of councils in South Australia are rural councils with populations of less than 5 000.

As I said earlier in my contribution, some of those councils have very few development applications per year and it would particularly be a concern as to the cost per application. I am not sure how costs are to be recovered if there are costs. Does the council levy development applications or are the councils to bear the cost themselves, or should the costs be passed back to the government? The City of Burnside also wrote to us and I thank it for its correspondence. I will read out one paragraph from its submission on the sustainable development bill 2004. Point 1.2 states:

> The state government and the minister have undertaken no formal systematic review of the planning system in this state prior to releasing the bill, yet they have determined they have reformed the planning process for the state by:
>
> providing the minister with more power;
>
> reducing the role of elected members from decision makers and planning authority to that of predominantly policy makers only;
>
> introducing a mediation system that is ill conceived in its proposed format; and
>
> introducing a template provision for assessment.
>
> The notion of this without any proper review of the planning system in this state is not only arrogant in its extreme but also treats local government and our communities with absolute contempt.

While some of those issues were addressed during the debate on the sustainable development bill last year, that illustrates the level of feeling in the local government community which, I repeat, stated:

> The notion of this without any proper review of the planning system in this state is not only arrogant in its extreme but also treats local government and our communities with absolute contempt.

That is a sentiment that has come through loud and clear: there is a large degree of concern within the community about the level of arrogance of this government. On behalf of the Liberal opposition, I support the second reading of the bill.

The Hon. SANDRA KANCK: This bill takes one of the central planks of a bill that we dealt with in this chamber some 12 months ago, that is, the very badly misnamed sustainable development bill. That bill was amended by the opposition to a form that made the government decide, effectively, to lay the bill aside. It was split in two, and we ended up dealing with just a very small part of it. One of the major issues of contention that brought the government to that point was the composition of the development assessment panels in the form in which it came out of this chamber. This bill deals almost entirely with the issue of development assessment panels (which, for the rest of my contribution, I will refer to as DAPs).

I welcome the fact that the government has reintroduced this part of what was the sustainable development bill and is doing so in bite-sized chunks, because it will allow us to debate what is a very complex and emotional issue without having to be waylaid by the other issues that will ultimately be associated with the DAPs. I know that other bills will follow as a consequence of the passing of this bill in whatever form, and they are important, but I think it is essential that we are able to focus on the issue of DAPs in local government to tease out whether this parliament supports the concept of having independent members on the DAPs, what the numbers should be and who should make the appointments to the DAPs. Once we have made those crucial decisions, other amendments to the act should be considered (and I indicate that the Democrats will welcome those further amendments, but not until then).

The composition of DAPs was controversial when we dealt with it in 2005 and it is very clear, particularly in relation to the speech we have just heard from the Hon. David Ridgway, that it remains controversial. The lobbying against this new bill began even before the bill was introduced, and I suspect that it will intensify in coming weeks.

To simplify the arguments about this bill, I think the heart of the controversy is around three aspects: first, whether or not local councils should be required to have independent members on their DAPs; secondly, who should appoint them, and whether the minister should have any overriding say; and, thirdly, whether or not those independent members should have majority control of any one development assessment panel.

My answer to the first question is that I will be supporting the selection of independents to local government DAPs. In relation to the second, I believe that local councils should make the choices, and the minister should not have any veto power. With respect to the third question of whether the elected or the appointed members should have the numbers, my answer is that we will be opposing majority control by the independents. I will introduce amendments that cover all of those matters. There are other associated matters in the bill, but those are the essential sources of conflict.

I know that members are being lobbied by the LGA, local councils, individual local councillors and a few other groups, such as Save Our Suburbs, who say that local councils are closer to the ground and have a better understanding of the local issues. If that was the case, there would not be so many examples of where councils get it wrong. Some in their correspondence to me have said that the proposals in the bill are undemocratic, but so too is delegating powers to paid council officers, who make about 95 per cent of council planning decisions. The value that we should be considering is not democracy but accountability—remembering of course that, if we are lucky, only 30 per cent of people vote for local councils in the first instance.

It is a bit hard to argue democracy as a reason for keeping the decisions just with local councillors, but there is a good argument about accountability. We allow council staff to make those decisions based on delegated authority because there are lines of accountability, even though it is not democratic, and I believe it can also be that way with the independent members on development assessment panels.

In terms of the lobbying I have had to date, the noise is fairly deafening from those who are opposed to the whole concept of independent panel members. However, I believe that we in this chamber must be swayed by evidence and logic and not by who has the volume control in their hands.

Under the Development Act as it is currently constituted, having independent members on the DAPs is an option; this bill makes it compulsory.

I support having independents on the local DAPs because I have seen too many examples of local councils getting it wrong. When I spoke in support of the sustainable development bill at the beginning of June last year, I gave a number of examples of this. I will not repeat those examples, because members can check *Hansard* and read those for themselves. I will, instead, give a few examples that have cropped up since then.

I mentioned this during matters of interest a few weeks ago, but not everyone who is following this debate would have read my speech about the Chain of Bays. Streaky Bay council approved the construction of a house in amongst sand dunes at Sceale Bay in an area that is so pristine that environmentally conscious people believe it should be designated as a coastal conservation park. The example I gave in that speech was of the approval that the Streaky Bay council had given for this house in amongst the sand dunes. It is a bright ochre coloured, two-storey house in amongst lovely pale grey sand with grey/green vegetation. Really, I believe that this is an example where, if independents were on a council, such a decision might not have been made. In this case one might allege cronyism, because the approval was given for a house to be built for the council's coastal management officer.

When answering a question in this place on 4 May, the Minister for Urban Planning gave another example of poor council planning decisions. The state government, as he reported, has had to buy a petrol station and a concrete batching plant, both of which had passed local government planning processes despite the obvious poor location backing onto the Onkaparinga River with associated flooding problems and, obviously, potential issues of pollution in that water catchment area. Just ask the residents of Nairne what they think of Mount Barker council's planning decisions in regard to the rezoning of industrial land in their area? I can assure members that it is not complimentary.

One local councillor to whom I spoke and who does not want her identity revealed made these comments to me in support of this bill. She said that some local councillors simply do not understand local planning legislation, and they make their decisions based on 'gut' feeling—never a good way to make a decision. She said that some of the members on DAPs continue to make decisions as if they are there to represent their council ward rather than making informed decisions based on the council's development plan. If you are a member of a DAP, that is exactly what you are required to do: you are required to look at the decision in terms of your council's development plan.

She says that it is easier for ratepayers to find a councillor to help them oppose or support an application if the councillor is not on a DAP. In that regard, a member of another council told me that she deliberately stays off her council's DAP precisely so that she can represent the people of her ward. I mentioned that there are related issues in this bill beyond the issue of the presence of independent members on DAPs. These issues are: the question of the number of members on the DAPs; the qualifications and/or experience of the appointed independent members; whether the DAP should have an independent chair; how much the council should pay the independents for sitting fees; and who should appoint the independents, including whether or not the minister should have veto power.

One council that already uses independent members on its DAP is Marion council. Of the many councils about which I receive complaints, Marion council never makes it onto the radar screen. I spoke with the manager of development services at that council (Doug Aylen) to find out why. He told me that, in his many years of working with local government, the Marion council has the best system he has encountered. In fact, he said that it was a pleasure—they were his words—to work with the Marion council's DAP. The Marion council's DAP is comprised of seven members: four councillors and three independents.

Marion council sets up a panel of its elected members in the first instance to interview applicants for the independent positions so that no single person is able to be foisted upon them. Once in place, the DAP chooses its own chair. Until the present time, it has elected one of its number to the position of chair; and, although the local councillors have the numbers, a majority of those members has chosen an independent as chair. Again, in respect of the Marion DAP, the independent members are paid a $300 sitting fee, while the elected councillors are paid $100. Now, remember that they already get an allowance as local council members; and, obviously, the council has taken that into account.

This results in an annual cost to the council of approximately $20 000. That is quite a modest cost, and it could be recouped by the fees that council sets when people lodge a development application. I suggest that there could be an increase in the complex development application issues that will require consideration by a development assessment panel rather than the very simple ones with which council officers currently deal, such as putting up a shed in one's backyard. Burnside councillor Jim Jacobsen has sent an email to most members in this chamber claiming that it would cost $96 000 per annum to have independents on Burnside council's DAP.

I remind members that I have just said that it costs Marion council $20 000 per annum, so that this $96 000 per annum is way off beam. Members who might think that there is some currency in the argument given by Mr Jacobsen should remember that it was under the watch of the Burnside council that Fernilee Lodge was bulldozed. Marion council's DAP is the model that I support. Why? Because it is working, and I believe that it would be workable in other jurisdictions. The amendments I will move to this bill will reflect that. They will be similar to those that I moved in 2005, that is, a composition of the DAP so that four of the seven are elected local councillors but with consideration of a smaller size DAP of five (on a three to two basis) for smaller rural councils.

I want to see the local councillors in the majority because, if they get it wrong, they can be turfed out at the next local government election. It comes down to a question of accountability. Another issue my amendments will address is the capacity for local council to select the three independents (or two independents as it would be with rural councils), and for the DAP to elect its own chair.

I will also be moving an amendment concerning training for local government representatives who will fill those positions on the DAPs, so that they do understand that their role is to look at the applications in terms of the local development plan. I will also have amendments to deal with the qualifications and/or experience of suitable people to be independent members of the DAPs. There were erroneous claims last year that only planners would be able to serve as independent members. Their argument went on to say that therefore the bill and the concept were doomed because there

is a shortage of planners already, and that there would not be enough to go around for local councils to make up the independent members on the DAPs.

Of course, the legislation last year and the legislation this year makes no stipulation that people have to be planners. I foresee that the sorts of people who could be independent members on the DAPs could be planners, architects, retired planners, retired architects, environmental activists, or planning lawyers. In the case of Marion council's DAP, Sybella Blencowe is a planning lawyer and she has been the chair until recent times. I think that members of the community who have been active in planning issues over time such as long-time members of resident groups would be suitable; or someone who has expertise in coastal management, if the local government area covers a significant coastal area.

In my contribution last year, I suggested that the former minister for urban planning and development (Hon. Di Laidlaw) would be a very suitable person to have on a DAP, even though she has no planning qualifications. With great deference, I also suggested that the Hon. Mark Parnell, who is a planning lawyer and who at that stage was the lawyer for the Environmental Defenders Office, would also be a very suitable person to have on a local DAP—

The Hon. Nick Xenophon interjecting:

The Hon. SANDRA KANCK: Now, of course, he will be a little busy, but maybe at some time in the future, a long way down the track when he decides to retire, I believe that he would be very suitable. I believe that the general direction of this bill is sensible, although I come down more in favour of local government than the minister. I believe that, with appropriate amendments, this bill will bring about a more professional and consistent assessment of planning applications across the state. I indicate support for the second reading.

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill. I note the government's intent is to ensure a greater consistency in planning decisions and, as I understand it, a consequence of that is to have fewer appeals to the Environment, Resources and Development Court. However, I have a number of concerns in relation to this bill, and I note that my colleague the Hon. Sandra Kanck will be moving a number of amendments. I flag that amendments which I will be moving may cross over her amendments. I hope that members will consider the amendments I propose to move. However, before I discuss that, I have a number of concerns. I am concerned about the issue of ministerial veto or concurrence in respect of the expert members of the panel. There is a primary concern as well relating to prescribing how many independent experts there ought to be on a particular panel.

My concern is this. I had a discussion with Jim Jacobsen (former mayor of the City of Burnside and currently a councillor of the City of Burnside), who has written an essay and made submissions in relation to this matter in which he has set out his views—

The Hon. Sandra Kanck: A diatribe, not an essay.

The Hon. NICK XENOPHON: The Hon. Ms Kanck says a 'diatribe'. I call it an essay; he is very passionate. Let us not forget that Jim Jacobsen was one of the people who had a key role in blowing the whistle on the demolition of Fernilee Lodge. I think that was a disgraceful episode in which a magnificent structure, with a lot of history, was demolished because of inadequate controls and safeguards. As I understand it, I think it is still a vacant block and nothing has been erected in its place. I think we owe a debt of gratitude to Jim Jacobsen for a number of the campaigns he has fought over the years to maintain the local heritage of the Burnside area. The point which Jim Jacobsen has made to me and which I believe has some merit is that every council has a planning department, with a number of planners. In Burnside, approximately 12 professional people make up the planning department.

Councillors can seek advice from those civil servants, if you like, of the council in relation to particular development applications. The point that Mr Jacobsen has made to me is that something in the order of 94 per cent of applications are approved by council. Some of them might be for a tin shed or a carport but in many cases they are more substantial than that, and the overwhelming majority of applications are dealt with by councils and passed. The question is: do we need to have a prescribed number of so-called independent experts with the potential cost that will bring? A point Mr Jacobsen made to me yesterday and in his essay (I call it an essay) is that a recent agenda of the Burnside council—and I understand it was the April agenda—consisted of 1 812 A4 pages, plus add-ins.

If you allow a reasonable reading rate of 60 pages an hour, it would take four or more paid members 31 hours or so to read and digest the agenda, another three or four hours to investigate and another three hours or so to meet and to argue the case for each application. All up, around 37 hours at a rate, say, of $30 an hour or more. Bearing in mind the potential for this causing development costs to blow out, when elected members of a council can seek advice from the paid planning experts on council and hear the submissions of the developer and the objectors, I would have thought it is not unreasonable. That is why I have some very real reservations about prescribing a minimum number of experts. If a council makes a decision to have the panel full of experts, then that is up to it. I am concerned that this could well be a retrograde and expensive step, and it could be a step that actually takes away from the very basic principles of local democracy.

Regarding PARs, if we had a mechanism for appeals to the ERD Court, councils would not want to get it wrong; they would want to do the right thing. So, there is a safety valve there in terms of the current appeal mechanism. With respect to consistency, the point has been made to me by Mr Jacobsen—and I think it is a good one—that, if the government is concerned about consistency, let us provide some training for those who sit on these panels, the so-called non-experts. We need to give them some basic, fundamental training over one, two or several days so that there is some consistency in their decisions and an understanding of their role. That, in itself, I believe would make a dramatic difference in the number of appeals that go to the ERD Court.

I have some very real concerns about the costs involved. I would like to hear from the government—I put this formally on notice—what the proposed changes will mean to the overall cost of our planning system. I am concerned that, over time, this could cost hundreds of thousands (if not millions) of dollars with respect to the matters that are dealt with.

In terms of ministerial concurrence, it concerns me that a minister can have so much power. Not every minister will be as reasonable as the Hon. Mr Holloway. Some ministers may not use the power in the way that, for instance, the Hon. Mr Holloway might, and I am very nervous about that degree of ministerial power. If we are going to have that degree of intervention, that degree of control (direct or indirect) by a

minister, if it is going to be that prescriptive, why bother having councils to deal with these matters in the first place? That is not my position, but it begs the question if we erode some aspects of local democracy in this way.

I am currently having drafted some amendments to deal with the whole process of the openness and transparency of the decision-making process with respect to development assessment panels. The current system is mute as to whether there is a requirement for submissions to be made publicly or in camera: the decision-making process is left to individual councils. Last year, in providing assistance to the local community in respect of the development of a pokies hotel and a proposed Coles supermarket in Stirling, I attended the hearing of a panel of the Adelaide Hills council. In that case, the decision-making process was open. A packed auditorium heard the decision being made and the reasons for it, as well as the concerns expressed by council members.

That should not be the exception; it should be the rule. I will move amendments to that effect so that there is absolute consistency with respect to transparency. If you are a ratepayer in any council of this state, you ought to have that degree of transparency and openness in the development process. With respect to commercial in confidence matters, there will be appropriate exemptions, and I will refer to those in committee, but I think it is important that we have this degree of openness and community involvement in the planning process.

This bill is part of a raft of legislative changes that the government is proposing. I would like to think that issues of heritage and dealing with development applications in a timely manner from the perspective of both the community and developers can be dealt with better and the system improved, but I am concerned that the proposals at the core of this bill will take away from local communities in terms of the decision-making process. They will make it less transparent in some respects and more cumbersome and expensive. At the very least, if the majority of members in this place are not minded to oppose this bill outright, serious consideration ought to be given to opening up the development assessment panel process so that we can have a degree of openness and transparency which hitherto has not been the case in any consistent manner with respect to the development process in this state.

The Hon. I.K. HUNTER secured the adjournment of the debate.

RIVER TORRENS LINEAR PARK BILL

Adjourned debate on second reading.

(Continued from 11 May. Page 180.)

The Hon. D.W. RIDGWAY: I rise to indicate that the Liberal Party supports the philosophy behind this bill. At 4.39 p.m. yesterday I and a number of members of this chamber received a fax from the LGA which raised some concerns with the bill. I will put those concerns on the record so that the minister (or his departmental staff, who might be skilled enough) can bring back some answers so that we can progress this matter. The Torrens Linear Park is the largest hills to coast park in Australia. Recently, I enjoyed it with a couple of my children. We rode pushbikes from the Festival Theatre to Henley Beach. Some might say that that was a fair feat for me, but it was a little easier because it was all downhill. My son, who was only six at the time, was able to cope with it and we had an enjoyable ride; it was a wonderful experience. This is a wonderful asset that we have in Adelaide and it ought to be preserved.

In a briefing that I received from the minister's adviser he indicated that there are five areas of private land that jut into the park and are in private ownership. I would like the minister to identify all the land which is owned by private individuals that juts into the Linear Park or which is totally within the park. I am also told that there is some land that is actually within the park itself. While the government's advice is that this bill deals only with government-owned land and that private landowners still have their existing rights in place, the Liberal opposition would like to know who owns the land other than government-owned land within the River Torrens Linear Park.

With regard to the matters raised by the Local Government Association, I will read this document in its entirety. As I said, we received it only last night. It states:

I refer to the River Torrens Linear Park Bill, which you introduced into the Legislative Council on 2 May 2006 ('the Bill'), and understand that it may be debated during the next sitting of Parliament commencing 30 May 2006.

The LGA does not take issue with the philosophy behind the bill, however there are a number of issues that we wish to raise, as follows:

· It is noted that the Bill does not impact upon the community land provisions of the Local Government Act 1999, but it is our view that the Bill does not prevent the Minister from conferring care, control and management of the River Torrens Linear Park to affected Councils pursuant to section 5 of the Crown Lands Act 1929. We therefore seek clarification of the intent of the Bill in so far as it may contemplate split ownership arrangements between State and Local Governments or some other ownership arrangement.

· The LGA received a letter from the Executive Director of Planning SA dated 4 October 2005, in regard to the Bill which advised of the Minister's intention to specifically consult with affected Councils about the prescribed boundary of the Plan prior to the initial depositing with the General Registry Office (GRO). Whilst we acknowledge this advice, it does not legally bind the Minister in that regard and we therefore seek that a provision be inserted in the Bill similar to the following:

'The Minister shall consult by notice in writing with any Council that would be affected by the Plan and give consideration to any submission made by such Councils within the period (of between 3 and 6 weeks) specified by the Minister in the notice, prior to its initial depositing with the General Registry Office.'

Such a provision will legally bind the Minister to conduct mandatory consultation with affected Councils prior to depositing the initial Plan with the GRO. The force of the provision will be spent once the action specified takes place.

· The Bill in its current form provides the Minister with various discretionary powers, which he/she may exercise without any statutory guidance. The inclusion of statutory principles would make the exercise of his/her discretion transparent and open to review by relevant stakeholders including affected Councils. We refer to section 4 of the Adelaide Park Lands Act 2005, which provides an example of such statutory principles, and seek that similar provisions be included in the Bill.

· An appropriate period of time should be provided for the preparation and deposit of the initial Plan. This time line should take into account the necessity for negotiations with affected Councils and any other relevant stakeholders.

· It is noted that the word 'sale' is not defined in the Bill. The word should be defined so that it is clear whether a 'sale' encompasses a transfer of land without consideration.

· It is our view that any subsequent variations to the Plan for road process purposes pursuant to the Roads (Opening and Closing) Act 1991 should be scrutinised by the Surveyor-General and only proceed upon his recommendation. We note that any variation to the Plan as a consequence of other Acts will not be subject to consultation with affected Councils, and seek provision for such consultation to be included in the Bill.

· The Bill provides for the making of Regulations at the discretion of the Governor. We seek that the LGA and/or the affected Councils

be consulted as to the scope and content of any Regulations before they are enacted.

The Bill provides an opportunity for the affected Councils to address various issues relating to the maintenance and management of the River Torrens Linear Park within a broader structured framework to that contemplated by the Bill. Given the importance of the River Torrens Linear Park to the community, it is our view that the adoption of a similar framework to that found in the Adelaide Park Lands Act 2005 should be explored. That framework governs the future management of the Park Lands in a transparent and consultative way and is broader in its scope. It also provides for all relevant stakeholders to have a role in the future maintenance and enhancement of the Park Lands.

To this end, the LGA would seek that consideration be given to the adoption of a Linear Park Management Strategy, similar to the Adelaide Park Land Strategy in the Park Lands Act. Such a strategy could be readily reviewed and designed to work in tandem with Council held land. Relevant stakeholders would be able to prepare Management Plans (akin to the community land management plans) consistent with that strategy, relating to State land in their care, control and management.

I look forward to your response to the above issues and of you supporting amendments consistent with these issues the LGA would support this Bill.

I will be having some discussion with the Local Government Association. If the minister does not already have a copy of the fax, which I think may have gone to his department or may have been posted to him, I am—

The Hon. P. Holloway: I have not seen it.

The Hon. D.W. RIDGWAY: While you have not actually seen it, I am sure that your department has. Maybe in the next couple of days the opposition can have some discussions with officers from the minister's department and perhaps look at some of the amendments suggested by the Local Government Association. The opposition supports the second reading of this bill.

The Hon. R.P. WORTLEY: I rise to support this bill. From the beach side suburb of Henley Beach to the popular Adelaide Hills, the River Torrens Linear Park is an ideal get-away for families and those looking to escape the hustle and bustle of the city lifestyle. Walkers, cyclists and runners can travel from the north-eastern suburbs right down to the sea without any city traffic interference. Very few cities in the world provide this privilege. In 1837, James Hurtle Fisher outlined why Adelaide must have park lands. He stated:

The Adelaide Park Lands is land reserved from sale, set apart and dedicated as a park or public place for the use and recreational health of the citizens and for a public walk along the river and the ornament of the town.

This was the world's first definition of 'dedicated park lands', and it came about because of South Australia's unique constitution and land system. The River Torrens Linear Park is a fantastic asset of this state, and although James Fisher's statement was made over 160 years ago, we are still debating the importance of not only the Linear Park but the protection and development of the park. I believe that the River Torrens Linear Park Bill will benefit Adelaide and will continue to create the city that James Fisher and Colonel Light established for the enjoyment of this state.

The parks are a gift from South Australia's founders. It is a gift we should value and protect for our future generations. Unfortunately, not everyone appreciates the value of the Linear Park. In 2001, the previous Liberal government allowed part of this gift to be taken away from the public. The University of South Australia sold its Underdale campus to aid its metropolitan campus upgrade. The Liberal government approved the unconditional—and I will just say that again, because I scratch my head in disbelief when I read it: the unconditional—sale of the land adjacent to the river.

According to the Saturday *Advertiser* dated 7 February 2004, the highly sought after Underdale campus site was sold to Urban Pacific Ltd for more than $30 million, exceeding expectations by more than $10 million. Developers planned to build over 350 homes on the banks of the River Torrens, with the project director Robert Alvaro stating, 'I think it's one of the best sites in Adelaide. Opportunities to live on the Torrens Linear Park don't exist any more'—unless, of course, we have a Liberal government.

Medallion Homes was selected to develop a retirement village on the previous Underdale campus, with three and four-storey buildings. The impact of these developments on the Linear Park could have resulted in not only the loss of public access but also encouraged further development along the banks of the River Torrens. It was only with the great work of the Labor government that the Hon. Mr Ridgway and his children are allowed now to go from Festival Centre down to Henley Beach without smacking into a galvanised iron fence surrounding a four-storey building.

The Labor government is working towards undoing the damage caused by the careless Liberal government for approving this sale which could have resulted in the banks of the River Torrens being destroyed by housing development. The former Liberal leader, Rob Kerin, even mistakenly agreed that the sale was a blunder when he kicked off proceedings for the fourth session of the 50th parliament in another place in September 2004. He was lecturing the Labor government over an administrative bungle that saw part of Linear Park sold to a property developer for a retirement home, but the trouble was, as former planning minister Trish White pointed out, the bungle had been made by the previous Liberal government.

Extensive negotiations resulted in the developers agreeing to transfer the Linear Park land back to the government at no cost. The developers, Urban Pacific, agreed that the land should be preserved for the community and was happy to play a part in preserving the area for the public. I must say what a great corporate citizen it was in taking that position.

The full enjoyment of the River Torrens Linear Park could have easily been lost to future generations, and access to sections of the park may have been denied. Nearly all of the land along the River Torrens is now in the ownership of either state or local governments. Some sections still remain in private hands. These private holders range from West End Brewery, another quite responsible corporate citizen, and the Hackney Caravan Park. It is land traditionally reserved for grazing purposes.

Existing zoning rules established in the mid-seventies prevent any privately-owned land in the Linear Park zone from being developed. This bill seeks to prevent a recurrence of the Underdale sale by enforcing the following: recognition that the Linear Park is of national significance; the park is for public benefit and should generally be available for the use and enjoyment of the public; land within the Linear Park should be retained; and the government should not sell land out of government ownership within the park without the approval of both houses of parliament.

The River Torrens Linear Park Bill will help enhance and retain this unique stretch of Parklands for future enjoyment and will prevent the water frontage monopoly, which has taken over our foreshores, from destroying the Linear Park. This is why the bill is important for South Australia. The Linear Park plays a significant part in protecting Adelaide

residents. In 1997, the Torrens River Linear Park was completed. The parks were developed to protect suburbs along the Torrens from once in a lifetime deluges. A glimpse of such a downpour was seen last year when the West End whale took an adventure downstream. This may become a common occurrence if we do not protect the Linear Park from privatisation.

Our parks system is the most extensive in mainland Australia, covering more than 21 per cent of the state. The parks provide opportunities for all communities to escape, relax and enjoy our great outdoors. The Linear Park is one of the key attractions for metropolitan Adelaide, which is why we need to use all means possible to protect South Australia's public space for the benefit of all South Australians and visitors. I stand here today in support of protecting the largest hills-to-coast park in Australia.

The Hon. M.C. PARNELL: The Greens support this bill. We believe that maintaining important recreational assets in public ownership and control is an important aspect of our society, so we are very pleased that this bill does that. It keeps this asset in public ownership. Like many members here I have used this facility a great deal. Like the Hon. David Ridgway, I have taken my small children there. A lot of parents do that because you do not have to cross roads. It is a way of getting kids on bikes without having to compete with traffic.

I also used parts of this facility when I was a commuting cyclist on my ride to work when I lived in the western suburbs. Therein lies one of the dilemmas with a facility such as this, in that it is used by little kids on tricycles with streamers blowing behind, Lyra-clad racers, besuited commuters, and mums and dads with pushers and strollers. That creates a conflict. I heard once from a cycling advocate—it is anecdotal and I do not have the figures—that the Torrens Linear Park was one of the single biggest causes of bicycle injuries requiring medical attention. They are largely not life-threatening injuries but mainly minor collisions.

That is why reaffirming, in clause 9 of the bill, the right of the state to acquire more land for the Torrens Linear Park is important. As members would know, the catalyst for this bill was the sale of the Underdale site. Just to the west of Underdale there are some very narrow areas of park. In fact, the riverbank is quite steep and a wooden boardwalk has been built there. Whilst it might be uncomfortable for some members, it would seem that a small compulsory acquisition of some quite substantial backyards that adjoin it would allow a safer area for people to ride. Either that or you build a bigger, wider boardwalk at great expense.

There are some squeeze points on this path where we are not going to be able to acquire extra land, such as where the path goes past the cemetery. We are not supporting moving the dead to make way for more cyclists, but there are areas where some strategic acquisitions would add to the benefit of this path. In the early days of this path, one of the cycling organisations ran a competition to see whether you could get from one end of it to the other without getting lost. Especially at the eastern ends the signage was quite poor, tracks would go off in all sorts of directions and you may have thought you were on the main path but you would end up at the foot of a staircase rather than on a path that you could follow.

The government, having put this on the agenda through guaranteeing that it stays in public ownership, now has the challenge of making it a world-class asset by fixing the black spots with some black spot funding and perhaps fixing some of the signage so that people do not get lost. But, overall, the Greens are happy to support the bill because it keeps an important asset in community hands.

The Hon. J. GAZZOLA secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (DANGEROUS DRIVING) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 11 May. Page 182.)

The Hon. SANDRA KANCK: I rise to indicate that I have considerable reservations about the need for and the potential impact of this bill. I put on the record that I am in no way complacent about the dangers posed by people driving at high speed, whether or not they are pursued by police. The possibility of terrible consequences from the misuse of a motor vehicle requires the employment of the criminal law to attempt to curb dangerous driving, yet the reality is that we have a range of penalties already in place for precisely the type of behaviour covered in this legislation. The government argues that there is a gap in the law between the relatively minor traffic offences of failure to stop and reckless driving and the very serious cases where a police chase results in damage to people or property. I suspect that what we are really looking at is covering a gap in the government's media strategy when dealing with an issue much loved by the nightly TV news—the police pursuit.

Next time a highly publicised pursuit occurs the police minister, the Attorney-General or the Premier will front the media, talking about how they have toughened the law on police chases as a means of deterrence. I suspect that the actual deterrence value of these legislative changes will be relatively minor. I doubt that the young offenders who repeatedly engage in high speed games of cat and mouse with the police will be aware of or concerned by the proposed changes. I look forward to seeing the age profiles of offenders, which I understand the opposition has requested, and hearing how this will impact on the operation of the law.

One concern I have is that the change in the law might lead to the police pursuing offenders at greater speed and more often. If so, legislation designed to reduce the potential dangers from high speed pursuits would have the opposite effect. I also take issue with those calling for mandatory minimum sentences for such crimes and I am pleased the government has not been persuaded by this because it is unwise to diminish judicial discretion by imposing minimum sentences. Prison should always be the option of last resort—they are institutions in which greater dangers lurk. Sweeping all offenders into gaol without regard to the individual circumstances of the case is a recipe for grave injustice. It might make legislators feel righteous, but it could ruin the life of someone who is more foolish than dangerous. I indicate support for the bill at the second reading and reserve my judgment on the bill in its entirety.

The Hon. I.K. HUNTER secured the adjournment of the debate.

CURRANT LETTUCE APHID

The Hon. CARMEL ZOLLO: I table a ministerial statement made by the Minister for Agriculture, Food and Fisheries in another place today on currant lettuce aphid.

SUPPLY BILL

Adjourned debate on second reading.
(Continued from 11 May. Page 176.)

The Hon. I.K. HUNTER: I support the bill, allowing as it does payment for our many hard-working and often overlooked public servants. This government has an ambitious agenda to improve services across the public sector from nursing to policing, from administration of justice to the protection of our natural environment. The government has a commitment to supporting the often unacknowledged but important work of our essential public servants. We are committed to increasing the number of personnel engaged in front line service to the community—police, nurses and teachers.

At the last election the South Australian community decided to put their trust in a government committed to both responsible economic management and responsible service delivery. It is instructive therefore to compare the state government's sensible and responsible economic record with that of an increasingly distant and out of touch federal government. Peter Costello's budget two weeks ago was his chance to show Australians how the government will be meeting the challenges of the future: the skills shortage in our manufacturing and technology industries, our ballooning private debt problem, our struggling national infrastructure and the crisis of unaffordable child care. As Wayne Swan said in his address to the National Press Club, the budget spoke a lot about the strength and future of Australia's commodity sector, but it was conspicuously silent on the other 95 per cent of the economy.

What about the millions of Australians in the service sector and in manufacturing? The enormous and increasingly skilled work force for places like China, coupled with our own growing skills shortage, is a potential threat to Australia's continued prosperity, yet Peter Costello's budget made no attempt to address this living problem, nor outline how Australia will be positioned in future to meet this threat and turn it into opportunity. This time Peter Costello has let down the silent majority of middle Australia. We can be sure, though, that the bribes will flow thick and fast in next year's election budget.

Kim Beazley and federal Labor have not forgotten middle Australia. Federal Labor has pledged to fix the child-care crisis, with $200 million allocated towards building 260 new child-care centres, giving Australian parents child-care places where they need them; to fix the skills crisis by introducing free TAFE for traditional trades and child-care workers; to equip our kids for the high-tech future; to train young Australians instead of importing people from overseas; and to help families secure their future prosperity by putting job security back into the industrial relations system.

Over recent weeks, a kind of urban myth has emerged that the federal budget was universally well received. A quick review of the press in the days following the budget tells a different story. Alan Kohler in *The Age* was unequivocal in his criticism of the misguided largesse in the budget, aimed at the top end of town, ignoring the real needs of the millions in the middle. He stated:

> The budget has made an interest rate increase much more likely, he said, if not inevitable, and raised the likelihood of large deficits and a budget crisis in future. Despite all the talk about the need to invest in the nation's infrastructure, almost none of it was. Of the $11.2 billion in policy spending decisions covering 2006-07 [yes, that is right-exactly $11.2 billion], just $264 million is to be invested in the nation's infrastructure. There's a bit on roads, a bit dished out to local councils for streets. . .

In the wake of post-budget polling, Ross Gittins wrote in *The Sydney Morning Herald*:

> Most people quickly realised there wasn't a lot in the budget for them. . . the great majority of taxpayers—those earning between $40 000 and $63 000 a year—got a tax cut of less than $10 a week. It was people on much higher incomes who cleaned up, with those on $80 000 a year getting a cut of $39 a week, rising to $52 a week for those on $100 000, $119 a week for those on $150 000 and $158 a week for those on $250 000.

He further stated:

> All the research evidence says it's people at the bottom end of the income scale whose decisions about work are most affected by the tax rates they face. Tax rates particularly influence people with greater freedom to decide whether to work or not to work because they're their family's 'secondary earner'—usually mothers. And we know that, when you take into account the way family benefits are cut back as families' income increases, secondary earners commonly face 'effective' tax rates much higher than 48.5 per cent.

As Ross Gittins pointed out, the real losers from Mr Costello's budgets are working women. Professor Patricia Apps of the University of Sydney recently released an enlightening study on the unfairness of the current taxation system on families, especially families where both parents are working to support children. Peter Costello's budget, Professor Apps pointed out, only exacerbates this situation. She said:

> [the budget] is raising taxes on working women right across the middle income. . . on average tax rates rise right across the middle. Women will find themselves paying more.

Professor Apps said that a single income family on $80 000 a year will end up with double the effective tax cut—and that equates to a difference of over $1 000 per annum—to that of a dual income family on the same total income. It was, indeed, an anti-family budget. While the federal Labor Party is looking to Australia's future and the Rann government has a plan for the future of South Australia, Peter Costello's budget is only looking after Peter Costello's future.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of the Supply Bill. Can I at the outset congratulate you, Mr President, on returning the Supply Bill debate to the traditions and conventions of the past, where members are entitled and allowed to range widely during the Supply Bill debate. We have just listened to a vicious attack on the commonwealth government's budget and the commonwealth Treasurer from the Hon. Mr Hunter—

The PRESIDENT: Order! I think it was the effect it had on South Australian public servants.

The Hon. R.I. LUCAS: I do not think there was any mention of that, Mr President. Anyway, I welcome your rulings on these issues in relation to the Supply Bill because, going back over the years, members were able to range widely over the Supply Bill debate, as the Hon. Mr Hunter has just done, and we welcome that we are now returning to that position for this four years of your presidency.

I want to talk in the first instance about the state's financial position. The State of South Australia, as we enter this four-year parliamentary term, has been well positioned in terms of its state finances through decisions essentially taken a number of years ago, which reduce significantly the level of the state's debt, and also the GST deal, which now has rivers of gold flowing into state Treasury coffers. The Rann government has also become the highest taxing government in the state's history, essentially, through a

combination of broken promises from the 2002 election and also the impact of the property tax boom, which has impacted on state Treasury coffers across the nation.

I will not go through the detail of the 2002 broken promises, because I want to concentrate on the more recent broken promises. One has a selection with this government; one has a smorgasbord from which one can choose broken promises, so I will not concentrate on all the broken promises from 2002, other than to summarise the key ones relating to the commitments that the government made not to increase taxes and charges or introduce new taxes and charges. As we know, the infamous words of the Rann government's whole philosophy of accountability and integrity was summarised in one sentence by Treasurer Foley in July 2002, when he said to then opposition leader Rob Kerin: 'You do not have the moral fibre to go back on your promises: I have.'

In this chamber we know that that is the philosophical yardstick that the Rann Labor government has followed for its four years. It believes that it has the moral fibre to break its election promises. It does not believe that that moral fibre ought to be interpreted in the more traditional approach of keeping your promises. This government introduced, for example, the Rann water tax, or the River Murray levy as it would like to call it. There were massive increases in stamp duty on property conveyances, which hit many hard-working South Australian tax-paying families; there were significant increases in the gaming machine super taxes; and large increases in regulated fees and charges right across the board, together with projected significant increases in mining royalties.

As I said, that was the shortened version of the broken promises in relation to taxes and charges from 2002. I want to hammer home the point about how much additional revenue the first Rann government had to spend by seeking leave to incorporate in *Hansard* a table on government revenue.

Leave granted.

	Actual general government sector total revenue ($ million)	Revenue increase over 2001-02 base ($ million)
2001-02	$8 538	
2002-03	$9 346	+808
2003-04	$9 955	+1 417
2004-05	$10 592	+2 054
2005-06	$10 862	+2 324
Total		+6 603

The Hon. R.I. LUCAS: This table indicates cumulative actual revenue growth since the 2001-02 financial year. Without going through all the details, avid readers of *Hansard* will be able to see that, over its first four-year term, if one takes only the 2001-02 year as the base the Rann government had an extra $6.6 billion to spend on whatever projects took its fancy—starting in its first year with an extra $808 million over the 2001-02 base, and by 2005-06 (the last budget) the increase was some $2.3 billion. That $2.3 billion is the figure that has been often quoted by political and community leaders when saying, 'What on earth has the Rann government done with the extra $2.3 billion a year it was collecting in taxes and charges?'

In 2005-06, it had $10.8 billion in revenue to spend. In the last year of the former government there was $8.5 billion to spend. In the short space of four years, the Rann government, on an annual basis, was collecting $2.3 billion a year more in taxes and charges to try to meet the demands of our community for efficient government services. When one looks at it in that context, one can see that an increase of 25 to 30 per cent in just that four-year period is extraordinary. There is therefore little justification for this government's arguing that there were not sufficient resources to meet some of the needs of the community that were crying out to be met. I seek leave to incorporate into *Hansard* another purely statistical table, which highlights the budget windfall for the past seven years.

Leave granted.

Total general government sector revenue, difference (windfall) between budget and actual (within each year) Windfalls to Liberal Government		Total general government sector revenue, difference (windfall) between budget and actual (within each year) Windfalls to Labor Government	
1998-99	+$218 million	2001-02	+$397 million
1999-2000	+$84 million	2002-03	+$528 million
2000-01	+$256 million	2003-04	+$794 million
		2004-05	+$595 million
Windfall	+$558 million		+$2 314 million

The Hon. R.I. LUCAS: This table (a version of which I had incorporated during an appropriation or Supply Bill debate a number of years ago) highlights the difference between (for the general government sector) what the government's budget was at the start of the year in terms of revenue and what it ends up collecting at the end. It is a measure of the windfall in each year. In the last three years of the former Liberal government, the windfall (or one could say underestimate in terms of revenue) was $218 million, $84 million and $256 million. It averaged something like $170 million-$180 million a year over those three years.

For the past four years, the windfall to the Labor government has averaged about $600 million a year—$2.3 billion over four years. This is a different $2.3 billion figure to the one that I mentioned previously. I repeat that this measure looks at the budget and says, 'How much did Treasury think that it would get and, in the end, how much did it end up collecting?' Some unkind commentators in relation to the federal government call that the error, or the Treasury error estimate, in terms of revenue. I have referred to it as the windfall to the government of extra moneys which it collects through the year and which it can expend.

The difference is stark when one sees that under the Labor government the error is around $600 million a year. Under the former Liberal government, the error was under $200 million a year. Certainly, what this government has been called to do on a number of occasions (but it has not responded and, I guess, it probably will not respond) is to justify why and how it gets so massively wrong the revenue estimates every year. Certainly, when one does some comparisons with some of the other states one can see that the error factors in South Australian revenue estimates by the Treasurer and Treasury are comparatively more significant.

What one then has, of course, is that, through the year, the Treasurer and Treasury have a lazy $600 million or so extra, which they are then able to spend on whatever takes their fancy during the particular financial year. The third table which I seek leave to have incorporated into *Hansard* relates to net benefits from the GST deal.

Leave granted.

Net gain from GST deal	($m)
2006-07	193.4
2007-08	257.6
2008-09	319.1
2009-10	352.9
Total	1 123.0

The Hon. R.I. LUCAS: This table is relatively simple. It is based on information provided in the commonwealth budget—the one that the Hon. Mr Hunter so viciously attacked during his Supply Bill debate. Obviously, there are aspects of the commonwealth budget that directly relate to the Supply Bill debate here, and one of those is the estimates of the benefit to the state budget from the GST deal. Those estimates indicate that the net gain to South Australia from the GST deal over the four years from 2006-07 to 2009-10—that is, the budget forward estimates period—will be $1.1 billion. The commonwealth estimates that this coming financial year (2006-07) the benefit from the GST deal to South Australia will be $193 million; the next year, $257 million; the following year, $319 million; and 2009-10, $352.9 million.

This table shows that, by the end of this forward estimates period, the benefit to the state of South Australia from the GST deal negotiated by the former government will be worth $352 million a year to the state budget. One only has to look at how much we collect from land tax—the Hon. Mr Xenophon is not present—and gaming machine taxes to see the significance of the net benefit to the state from the GST deal. This state actually collects $3.5 billion a year in GST revenue, but there are offsets in terms of taxes which we got rid of and other offsets in terms of commonwealth government grants. Whilst many commentators say that the state is receiving $3.5 billion from the GST deal (which is true), the more important figure is the comparison between what we would have received if we did not have the GST deal and to which this net benefit figure refers.

As I said, by the end of this forward estimates period, each and every year we will be benefiting to the tune of $352 million a year. I remind you, Mr President, that the opposition of your Premier and Treasurer to the GST deal has been known for many years. Just one example is that on 21 November 2003, when Mr Rann told 5DN that the GST deal was a total lemon for South Australia. That was supposed to replace existing taxes and give us more taxes—we actually get less. One can only be grateful for the fact that Premier Rann and Treasurer Foley were not in power in 2001 because, if they were, their position that the GST deal was a total lemon would have been carried through to fruition. The GST deal from South Australia's viewpoint would not have occurred and our state budget by the end of this forward estimates period would be a lazy $352 million short in terms of essential revenue to help fund services such as schools, hospitals and police.

When one looks at the size of the current broken promise from the government, it would appear that the government is now looking at budget cuts across the board of some $300 million to $400 million a year (if one accepts some of the media reports). The significance of the GST deal for South Australia is self-evident for all but the true believers on the government benches.

I turn to the latest selection of broken promises from this government essentially of a financial nature. As I said earlier, there is a smorgasbord from which to choose. You can choose broken promises of a financial nature, a non-financial nature and any other classification you like in relation to this government. I will confine my comments to broken promises of a financial nature to bring it into the construct of the Supply Bill.

Prior to the election, the Rann government released its policies and then, in an extraordinary performance 36 hours before the election, released what purported to be Labor's election costings document, which purported to be an explanation of how it would fund the election commitments and promises that it had made. That costing document said that the government would make savings in five areas. One area was a 2 per cent efficiency target across government. There was an explicit commitment that there would be no reductions or efficiency dividends in key agencies such as health, education, families and communities, police and correctional services because, of course, they were key voting constituencies—the market research identified that.

Therefore, specific and very popular commitments were given to those constituencies that the efficiency dividends would not be directed at those service areas. Since the election and its being elected, the government says, 'Well, you do not have the moral fibre to break your promises. We do, and we will not keep that promise.' Instead of a 2 per cent efficiency dividend, it is now a 3 to 4 per cent efficiency dividend; and, instead of excluding health, education, families and communities, police and correctional services, they have all now been told that they have to make savings. Whereas, before the election, we were told that all the additional moneys supposedly for the police would be additional moneys to the police budget; they would not have to make any savings in the police administrative sections.

The Rann government has now broken that promise and said, 'No, that is not correct. We will now change our commitment, break our promises and you will have to make savings in those areas to help fund the extra police, nurses and teachers.' Of course, tied up with that is the grandpapa of all broken promises from Premier Rann and Treasurer Foley, that is, the no TVSPs—no public sector job reductions. If you elect Premier Rann and Treasurer Foley, you will not have any reduction in public sector jobs. I put on the record just some of the specific commitments. On 16 March on ABC Radio, Matthew Abraham and David Bevan specifically asked questions of Treasurer Foley about whether or not there would have to be public sector job cuts to help fund the additional police about whom he was talking. Here is the exchange on 16 March with Matt Abraham:

> Abraham: Okay but. . . will you offer any separation packages at all?
>
> Foley: We at this point are looking at about 800 additional vital public servants in our promises to date. That is 400 police, 100 teachers, 44 new medical specialists.
>
> Abraham: And you won't fund those by getting rid of other jobs?
>
> Foley: No.

Clear, unequivocal, explicit, absolute, no provisos. He was asked a direct question by Matt Abraham and he said (straight down the telephone line): 'No'. He was asked a question, and that was the answer: unequivocal, 'That's the commitment I am giving the people of South Australia on behalf of the Rann government.' He went on to say:

> We will demonstrate today all of these spendings can be provided through appropriate efficiencies and savings within a budget, Matthew. I've brought down four budgets where I've had savings in every budget.
>
> Abraham: You've said that.
>
> Foley: And we haven't had a separation from the public sector for two years.

On Channel 10, when asked whether there would be any public sector job cuts, Mr Foley said that his policies were eminently achievable 'without the recourse to voluntary separation'. Those are only two examples. There are many

others where Treasurer Foley and Premier Rann made it quite clear, quite explicit, that they would not do what the Liberals said that they would do: that is, offer targeted separation packages in the public sector. To Matt Abraham on ABC radio he said no when he was asked that question; on Channel 10 he said, '. . . eminently achievable without recourse to voluntary separation'. Any number of journalists could tell you any number of other similar stories where the Treasurer said: 'We've been offering TVSPs early in our term and no-one wants them any more. For the last two years we haven't been able to find anybody in the public sector who is prepared to take a targeted separation package.'

Of course, the Premier and the Treasurer were running around, not talking about voluntary redundancies but saying that the Libs would have to sack public servants. Now, when they are using exactly the same model of voluntary separation packages, I note that they are not saying they are going to sack public servants but that they are offering voluntary redundancies to the public sector.

It comes back, as I said, to the overriding guiding philosophy of this government, this Premier and this Treasurer, which is summarised in that statement of July 2002. Treasurer Foley: 'You don't have the moral fibre to break your promises; I have.' That is the arrogance of this government, this Premier and this Treasurer in not just financial matters but right across the board. They believe that they are morally right to break their promises. They believe that they should not have to be held to account for promises they made before the election. They believe they are morally right in going down a particular path and breaking election promises straight after the election. As I said, this is not just in the area of financial matters: it is right across the board as well.

The second proposed cost saving was a freeze for one year of the indexation applied to government supplies and services. Again, core agencies such as health, education, families and communities, police and correctional services were to be quarantined. That promise has been broken because those agencies are not going to be quarantined.

The third one was energy savings across government. Supposedly, the new government contract was going to deliver savings of $7 million per year. I suspect that time will tell in relation to that. The fourth one was savings in government accommodation. This was the government saying, 'Our annual bill for accommodation at the moment is $95 million; we believe that savings of 5 per cent are achievable through the consolidation of government agency CBD accommodation.' Having had some experience with government office accommodation, I can safely say that we will never be presented with any evidence from Treasurer Foley which is believable that this particular 5 per cent saving will be achieved over the next four years. I feel very comfortable in making that prediction.

The fifth and final one in this costings document is IT savings across government. This is one of the more extraordinary ones. It says:

> Advice from Treasury has indicated that arising out of this process annual savings of up to $30 million should be achievable.

I say the same thing as I said about government office accommodation: if any Treasurer believes he is going to achieve $30 million in savings just on the basis of something which says it 'should be achievable', he is delusional. Before one can factor in cost savings of $30 million there needs to have been a proper assessment done by Treasury and other agencies, presenting the bottom line numbers of all departments and agencies and coming to the calculation of the supposed $30 million saving. My sources within Treasury tell me that no such work has been done by Treasury to justify this claim of $30 million by the Treasurer, and all the noises we have heard since then would indicate that we are unlikely to see this $30 million saving being achieved.

The other issue in relation to this matter is that, if Treasury believed this $30 million figure, it would have been included in the mid-year budget review released just prior to the election, because the mid-year budget review is compiled by Treasury and would include all those savings and cost measures that Treasury believes to be true in the mid-year budget review figure. This government ICT tendering process and contract has been going on since 2003-04.

Certainly, the claims in relation to savings were being made during 2005, as my sources within Treasury and DAIS indicate. But Treasury did not believe those particular numbers, and the proof is that it did not put them in the mid-year budget review. We have a situation where Treasury does not believe the numbers, even though it claims that there have been savings of up to $30 million per year. The government did not put them in the mid-year budget review, but Treasurer Foley incorporates that into the Labor election costings document as one of the biggest single savings factors at $30 million a year. I think the 2 per cent efficiency dividend was just bigger than that at $32 million, but it was the second biggest savings factor towards the government's supposed expenditures of around $100 million or so a year. It is almost 30 per cent of its required new moneys for election promises that the government made.

Since the election we have seen not only a series of broken election promises but also the unravelling of the government's financial commitments in relation to the integrity of the budget. We now have a situation where there are massive blow-outs in a significant number of capital works projects being conducted by this government. We have a hapless Minister for Infrastructure who is presiding over an impending financial disaster within his portfolio. We have had revelations today based on advice from very senior sources within the transport area of up to a $600 million blow-out of the Northern Expressway. That project is meant to cost approximately $300 million.

Very senior sources within transport have advised the opposition that that number, instead of $300 million, is now almost $900 million. I have highlighted before the cost blow-out of stages 2 and 3 of the Queen Elizabeth Hospital which, in the government's 2003 budget, was going to cost $60 million and is now costing $317 million, and I understand it is still growing. I concede that some of that is due to an increased scope of works, but a significant component of that $257 million blow-out is the general cost blow-out of managing the capital works project at the Queen Elizabeth Hospital.

We have seen smaller examples, of course. The Sturt Primary School was meant to cost $2 million and ended up costing $7 million. There was a $42 million blow-out (and growing) of the Port River Expressway project. We have the extraordinary priorities of this government that wants to spend $50 million (and growing) on tram extensions from the Treasury to the casino, as the Hon. Nick Xenophon would describe it, and from there to North Adelaide. There is an extra $70 million to $100 million over the life of the project to open the bridges for Treasurer Foley's few constituents down there who want opening bridges as opposed to closing bridges—

The Hon. J.S.L. Dawkins: Ron Sawford.

The Hon. R.I. LUCAS: Ron Sawford and other constituents in the Port. It is a project opposed by a significant number of Labor Caucus members. But Treasurer Foley said, 'Hey, it's in my electorate, and it's getting done, and that's it. Even if it costs $70 million to $100 million extra, so be it.'

The Hon. B.V. Finnigan: I didn't know you got an invite.

The Hon. R.I. LUCAS: No, I didn't. It is $70 million to $100 million extra because the Treasurer says, 'Hey, this is an issue for me and my electorate.' Ron Sawford was running around saying, 'I'm going to run a candidate against you if you don't have opening bridges.'

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.I. LUCAS: What ever the *Hansard* translation of that is, Mr President. But magically—

The Hon. I.K. Hunter interjecting:

The Hon. R.I. LUCAS: I'm a lot closer than the Hon. Mr Hunter, Mr President, and I welcome your ruling and your new flexibility.

The PRESIDENT: Sufficiently experienced to know when he is wandering.

The Hon. R.I. LUCAS: Very experienced, Mr President. I am staying right within the guidelines. We have a situation where earlier we asked the question: where does the $2.3 billion go? If we have $10.8 billion to spend this year compared with $8.5 billion four years ago, why is it that people are screaming for health services, for drug rehabilitation services, for school services, or whatever it is? You have $2.3 billion extra; what is the government doing with it? I will tell you what this government is doing with it: it is wasting it. It is spending it on tram projects, opening bridges, and blow-outs on capital works. You have ministers like minister Conlon who obviously spends all his day hiding under bushes, or closing his eyes, or both, because he is certainly not managing his portfolio. He is not managing the capital works projects in his particular area that he ought to be. You have ministers for health (both past and current ministers) who are not managing capital works projects.

The very least expectation we can have of our ministers of the crown is that, if you have massive amounts of money being expended on capital works projects, ministers take some interest in those particular projects, and that they actually manage them and apply a bit of business acumen to managing them. We all expect that there will be some increase in capital works projects in terms of costing, but when something goes from $2 million to $7 million—that is the smaller end because it is only $2 million and $7 million—there is a lot of money that that $5 million could have been spent on such as drug rehab services, or marriage counselling services, or school services, or law and order resources to manage a DNA database, which has obviously not had enough resources devoted to it over the past couple of years. That is where $5 million can be spent, and that is the smaller end.

Then, when you talk about a project which is meant to cost $300 million and which is now evidently going to cost up to $900 million, we have ministers of this government, in particular, minister Conlon, who is obviously incapable of being removed, disciplined or reprimanded by the Premier or the Treasurer, just wandering along aimlessly doing whatever it is that he does, but certainly he is not managing his portfolio. He does not deliver the projects. He cannot deliver them on time, and he cannot deliver them on budget.

The sooner this government realises the disaster in the transport and infrastructure portfolio is fault of the minister and not the senior bureaucrats, the closer we will be to a solution. It is an easy solution for this government to ensure that senior bureaucrats get sacked, dumped, or whatever it might happen to be, because in that way, of course, the ministers do not accept responsibility.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I can assure you, we did not have a project starting off at $300 million that ended up at almost $900 million. You were complaining about projects like the Hindmarsh Soccer Stadium that ended up costing $30 million or $40 million. You are talking hundreds of millions of dollars of blow-outs in some of your projects and there is not a sign of concern from any government minister anywhere in relation to it.

One of the problems we have with the significant financial deal and benefit there for the state is that the government can make these mistakes in these good times, because the GST money is just flowing into the state—$352 million extra by the end of this forward estimates period in one year from the GST deal. The property taxes are flowing into the state, so this government is drowning in money. It is a question of where we are going to spend it. All they do is waste it. On talkback radio, people are complaining about why they cannot get money for a particular project or program. These people are asking, 'Where has the money gone?'

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: These people cannot get money for essential programs and services because this government is wasting literally hundreds and hundreds of millions of dollars on—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I will send you an autographed copy of the speech if you like. I am not going to go back over it again, in deference to your colleagues, and in deference to you, Mr President. I am happy to sit the leader down and take him through it sentence by sentence, but I am not going to repeat it.

That is the problem we have with this government, with this budget and with this Treasurer—having a situation where we have to have this Supply Bill in an unprecedented fashion, where a budget is delayed for four months because the government is in such a financial mess, in such a financial crisis, that it cannot balance its budget.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It was done in August—this is now being done mid-September. We brought it forward to May, with the Labor Party's support, because it makes sense to actually do budgets at the start of the financial year. We have been doing this since March. When did you do the 2002 budget?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: When did you do the 2002 budget? The 2002 budget was done in June or July. Fair enough, it was a new government which had to work through its priorities. You are a re-elected government with all the work that has been done beforehand in relation to budget estimates, and it is all ready to go. You have been re-elected; it is not as if you are a new government. When you were a new government in 2002 you brought down the budget in July, and here you are now having a budget in mid-September—unprecedented—and the reason is that there is a financial and budget crisis at the moment. I know that

Treasury has told the Treasurer that he cannot keep his election promises without making the cuts that—

The Hon. P. Holloway: Get your story right; you were just telling us we were awash with money.

The Hon. R.I. LUCAS: That is because you are wasting it. Two things: you are wasting it and you made promises you knew that you could not keep.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No. The proof we have here is that Treasury has told the Treasurer—

The Hon. P. Holloway interjecting:

The PRESIDENT: It is best not to react to interjections and just stick to the debate.

The Hon. R.I. LUCAS: It is very hard.

An honourable member interjecting:

The PRESIDENT: Yes; interjections are out of order.

The Hon. R.I. LUCAS: I thank you for raising it with me, Mr President, rather than the Leader of the Government for his interjections. The Treasury has told the Treasurer that he cannot keep all of his election promises. If he wants to keep the budget in surplus, he has got to break a number of his election promises. We have already seen some of those promises broken already, and that is in relation to the costings I referred to earlier.

We are also going to see broken promises in relation to a number of capital works projects. This government knew that it could not keep some of the promises it was making prior to the election, but it made a judgment that it would just make the promises, get elected and then sort itself out after the election, then hope that people will forget again by 2010. The government has some rationale for that, because that is exactly what it did in 2002: it broke all of its promises and it was not a significant issue for the government prior to the 2006 election. As I said when the leader was not here, any government which lives by the philosophy of this government—'you do not have the moral fibre to break your promises, but we do'—has a major problem in relation to accountability.

Coming back to the budget crisis that is facing the state, we have a situation where the budget has been delayed for four months because clearly the Treasurer does not have confidence in the Under Treasurer and Treasury to make the budget savings. The government has had to bring across a former federal treasury officer to do a hatchet job on government departments and agencies. We have an Under Treasurer (a well-paid Under Treasurer) and a very efficient Treasury department here in South Australia—

The Hon. P. Holloway: You attacked all the senior officers there a couple of years ago. You said they were Labor stooges.

The Hon. R.I. LUCAS: I did not attack all of them, and it is untrue to say that. I certainly would not resile from the fact that I strongly attacked the statements made by the Under Treasurer in relation to political influences in the 2002 costings document that he was talking about, but I will return to that debate on another occasion.

We have had advice that clearly the Treasurer does not have confidence in Treasury to provide these savings so he has had to bring in a highly paid former Treasury officer to do those particular savings. What the government is doing at the moment is having to work its way through the raft of promises it made, and it is now having to work out which ones it is breaking. We understand that there are certainly many more promises that it will have to break. We have seen a number of those already announced publicly. We will see in the capital works project—mark my words here and now—that the supposed tunnel on South Road/Sturt Road will not be done within the budget that was announced at the time, and it will not be completed within the time frame that was announced prior to the election.

I will stand by that prediction, and I know that the Treasurer knew when he made the promise that that would not be able to be accommodated within that number or time frame. Nevertheless, this government went ahead prior to the election, saying that it would do that major project because it was very popular with the constituents in the southern suburban seats of metropolitan Adelaide. South Road/Sturt Road is a source of frustration for a lot of car drivers, so it was a popular promise. A figure was plucked out of the air—it did not have to be accurate—and the promise was made. Southern suburbs members and candidates were able to circularise all of their constituents and were able to capitalise on a very popular promise prior to the election.

In conclusion, this government stands condemned for the financial and budget crisis that currently confronts South Australia. The Supply Bill is needed to give the government breathing space to work out which promises it will have to break before the September budget is brought down. It is the responsibility of all members in this chamber to continue to remind the Premier, the Treasurer and other ministers of the promises they made prior to the election and hold them accountable for every promise they break over the next four years.

The Hon. R.P. WORTLEY: I support this bill, which seeks to provide finance for general government expenditure. A sum of $3.1 billion will ensure the smooth running of South Australia continues under the current financially responsible Labor government. Labor has and will continue to get results for South Australia. We have developed a strong economy, which has also resulted in a stronger community. We have achieved this by listening to what South Australian residents need and what is important to the community. Labor was re-elected because we do not just make promises but deliver what we promise: better job opportunities, smaller class sizes and quality health care. The Labor government has given South Australian residents confidence and has built a foundation for future generations through restoring the state's economy, regaining our AAA international credit rating, achieving the lowest unemployment rate in 30 years, rebuilding our major public hospitals and creating a tougher law and order system.

This contrasts with the federal Liberal Government, which I will refer to in relation to the way its policies and budgets affect our South Australian economy and because it is of the same ilk as its state colleagues. They are not providing a brighter outlook for our future generations. As indicated in *The Australian* of 22 May 2006, the federal budget has allocated barely more than 1 per cent of the $41 billion windfall into new investment, education and training. The Reserve Bank is also concerned about the federal budget and wondered why it did not invest more into skills and education, due to its being in the best interests of our economy. We have acknowledged the concerns over the lack of skilled workers, who are a dying breed. Whether they are plumbers, electricians, carpenters or engineers, businesses cannot find enough skilled workers to fill the growing demand. This has created a whole new industry in skills migration. Our children are being denied appropriate training and education to fill these jobs.

Labor is investing heavily in skills and education to turn around this trend by creating 10 new trade schools in South Australia, which will help increase the number of skilled workers in the community and support the booming mineral and defence industries. Thanks to the state Labor government, South Australia now has a record number of apprentices and trainees, which is an encouraging long-term prospect for our state. The Australian Bureau of Statistics labour force figures, released on 9 March this year, indicated that 745 600 South Australians are in jobs. This is an historical high for South Australia. We are enjoying our lowest youth unemployment rate since 1991. South Australia is continuing to reach unemployment rates on a par with the national average.

With nearly 10 years in government—almost a decade—the Liberals not once achieved this. It is important that we continue to create positive job prospects for our future that will help in retaining the state's population. We can achieve this by preventing the youth of today from leaving the state to find employment opportunities elsewhere. We have more than $20 billion worth of jobs in the pipeline, ranging from a $6 billion air warfare destroyer to working with BHP Billiton in the $5 billion expansion of the Olympic Dam operation. That will create 23 000 jobs.

Over the next four years an extra 100 teachers will be recruited in order to create smaller class sizes for all year three classes in state schools. Recent Australian Bureau of Statistics figures show that almost 23 per cent of the state's under 12s go to formal child care in any given school week. This is why Labor will establish another 10 new children's centres across the state. These centres will provide a range of services all at one site, such as child care, preschool, school and health services. Parents will now feel confident that their children will be cared for in a positive learning environment. The Premier's Reading Challenge has also been an outstanding success, with more than 70 000 children completing the challenge in 2005.

The latest Liberal federal budget ignores the future of this country. As stated in *The Australian* of 23 May 2006, it appears spending $2.2 billion to buy four transport aircraft to airlift heavy Abraham tanks is more of a security importance than the security of our own natural resources. Australia has the highest per capita greenhouse emissions in the world and, unlike the federal government, we will continue to reduce greenhouse emissions. The Labor government is at the forefront of tackling climate change. Almost $6 million will be spent creating a River Murray regional forest. The forest will be the largest of its kind in Australia, covering an area of 1 600 hectares. These trees will help reduce the effect of erosion and dry land salinity.

We are embracing renewable energy and now have over 50 per cent of the nation's wind power capacity and more than 45 per cent of Australia's grid-connected solar power. On 2 June 2005, we became the first parliament in Australia to have solar power installed, which will return over 20 kilowatts of zero emission power in peak periods. We are showcasing Adelaide as a green city by installing solar panels at the Art Gallery, the State Library and the South Australian Museum. Greenhouse emissions will also be reduced as a result of Labor's banning the installation of electric hot water systems from 1 July 2006. Electric hot water systems emit 3.3 tonnes of greenhouse gas annually compared to gas hot water systems, which emit only 0.3. Labor is fighting climate change in South Australia and is acting to prevent the escalation of this worrying phenomenon.

We are the first government to introduce new laws on reducing greenhouse gas by 60 per cent which, apart from the initiatives I have just mentioned, will be achieved by giving a $400 rebate to South Australian residents who choose to plumb rainwater tanks into their private homes, by using greener fuels for vehicles and by creating $1 million worth of cycling paths across Adelaide. We are setting the pace nationally in environmental issues to address the effects of global warming.

The federal Liberal government has created an ugly forecast for our state and for all of Australia by not endeavouring to control the increasing demand for doctors. At present, the number of medical trainees is less than the number of doctors retiring, which adds to the mounting frustration at the federal government for not taking responsibility for this problem by training more doctors. We require about 180 graduates each year to stay in practice in South Australia. This year we retained only about 135 graduates.

The increase in medical training required is out of our state's hands, which is why we will compensate for the lack of support offered by the federal Liberal government by mobilising general nurse practitioners into areas across the state where there is a lack of GPs. The nurse practitioners will help to ease the chronic doctor shortage by providing services such as blood pressure readings, taking blood, injections, wound dressing and immunisation. This will allow doctors to attend more serious medical cases and result in a quicker and more effective turn-around for patients.

South Australia is an ageing state, which is why we will deliver more health workers and better medical services. We have already achieved major refurbishments to the Queen Elizabeth, Royal Adelaide and Lyell McEwin hospitals and we have also embarked on a 10-year redevelopment of the Flinders Medical Centre, along with taking back Modbury Hospital and putting it in the hands of the public, where it belongs.

While the increase in medical staff will help to maintain good health for South Australians, an extra 400 police officers will be recruited over the next four years to enhance our police presence in the community. Our crime rate is continuing to fall, thanks to our tough attitude towards crime and the increase in police numbers, bearing in mind that it is the biggest police force in South Australia's history. We have re-balanced the justice system by favouring the victims of crime and not the criminals. Our tougher laws will protect South Australians and will give victims of crime the rights they deserve. We are continually reviewing the laws in relation to rape and sexual assault to ensure that perpetrators receive the punishment they deserve.

The prominent distinction between the present Labor government and the previous Liberal government is that we took out over $1 billion of state debt and paid it down. We now have only a fraction of the budget debt, because we did the right thing. When the Hon. Rob Lucas was Treasurer, he handed down four deficit budgets. This was despite the sale of 30 state assets—the family jewels of this state—such as ETSA, TAB, PortsCorp, SGIC, Island Seaway, FleetSA and StatePrint, and with all these sales the previous Liberal government still could not create a surplus.

I would like to remind the Hon. Rob Lucas not only of his four deficit budgets but also how it took the previous Liberal government only a few months after the 1997 election to break its promise of not selling ETSA. I think it is a bit rich for the Hon. Mr Lucas to complain about this government's acting in quite a responsible way in offering voluntary

packages to public servants who are no longer required. I will read an article by Jan McMahon, General Secretary of the Public Service Association, which appeared in today's *Advertiser.* Responding to an editorial, which accused the association of being hypocritical, she stated:

> . . . I make the point that there is a world of difference between the present state Government's voluntary separation package offered to 390 public servants and the involuntary cutting of 4 000 public servants' jobs as was proposed by the Liberal opposition pre-election. For you to compare one to the other lacks credibility. The PSA has a proud record of defending the role of the public sector and campaigning for its members, irrespective of which political party forms government.

Here we have the secretary of the PSA saying that there is a world of difference between the broken promises of the previous Liberals with respect to selling off ETSA and the quite responsible position of offering voluntary packages for over 300 public servants, which will save this state tens of millions of dollars, which we can then put into law and order, health and education.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Selling South Australia's assets was the Liberals' quick fix to try to balance the books, but their budgets were still running in the red right up to the state election in 2002. The Labor government has taken this state out of the red and, more importantly, we have kept South Australian Lotteries, Forestry SA, WorkCover and many other South Australian assets—

The Hon. T.J. Stephens: What about the State Bank?

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Hearing the member opposite preaching about something that happened nearly two decades ago is an absolute farce. As I said, the Labor government has taken this state out of the red and, more importantly, has kept the family jewels—or what is left of them after the previous Liberal government. We have kept the remaining family jewels in the hands of South Australians—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens will come to order.

The Hon. R.P. WORTLEY: —because we will not say yes to privatising our family jewels and our assets. We are creating opportunities for all South Australians. We look forward to seeing what must be done for the benefit of our future generations. South Australia will continue to enjoy good economic times, mainly because of this responsible Treasurer, probably one of the greatest Treasurer's this state has ever had, the Hon. Mr Foley. Thanks to this Labor government, we will continue to enjoy the good economic times.

The Hon. J. GAZZOLA secured the adjournment of the debate.

NATURAL RESOURCES MANAGEMENT (TRANSFER OF WATER LICENCES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I move:

That this bill be now read a second time.

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

Leave granted.

The *Natural Resources Management (Transfer of Water Licences) Amendment Bill 2006* is part of an initiative of the South Australian Government to encourage the community to participate directly to help increase flows to improve the health of the River Murray.

South Australia is pursuing water recovery measures to provide ecological outcomes at all priority sites in South Australia as part of a long-term process to improve river health and achieve South Australia's Strategic Plan target of recovering 1 500 gigalitres of environmental flows for the River Murray by 2018.

One important water recovery mechanism is the voluntary donation of water to environmental watering projects. Voluntary donation represents a potentially significant additional opportunity to increase environmental flows at priority sites. Additional environmental water will be used to improve the condition of ecological systems, enhance water quality and improve the robustness of the river system to withstand extreme events (such as drought or adverse impacts arising from climate change).

A number of groups and individuals have indicated that there is significant willingness within the community to donate water for specific environmental projects. The SA Murray-Darling Basin Natural Resources Management Board strongly supports the proposal, which is seen as a positive contribution by Government to encourage commitment and participation by the community to improve environmental flows.

The South Australian Government has already announced its commitment to remove certain fees and charges when water is donated to an accredited environmental watering project. The Government has committed to—

- reimbursing a proportion of the Natural Resources Management water based levy paid by the donor in respect of the water donated;
- removing transfer fees on a water allocation or water licence donated to the environment and establishment fees for an environmental donations licence; and
- removing stamp duty on a water allocation and water licences donated to the environment.

Two of these measures have already been taken. Reimbursing the water levy and removing water transfer fees under the *Natural Resources Management Act 2004* have been achieved through new Regulations under that Act.

The remaining incentive, removing stamp duty on environmental transfers, requires an amendment to the *Natural Resources Management Act 2004* itself. That amendment is the subject of the Bill now tabled.

Section 157 of the *Natural Resources Management Act 2004* presently provides that stamp duty is not payable in respect of the transfer of a licence or water allocation, despite the provisions of the *Stamp Duties Act 1923,* if the transfer is for a period of five years or less.

However, for transfers longer than five years, ie permanent donations or leases with extension rights which amount to more than five years in total, the *Stamp Duties Act 1923* requires stamp duty to be paid, on an increasing scale depending on the value of the water transferred.

The amendment Bill will enable a regulation to be made under the *Natural Resources Management Act 2004* to exempt stamp duty on the transfer of a water licence or water allocation donated to an environmental donations licence.

The recently-made *Natural Resources Management (General) (Environmental Donations Licences) Variation Regulations 2005* set out the criteria for environmental donations licences. An environmental donations licence will only be able to be used on accredited environmental watering projects. The SA Murray-Darling Basin Natural Resources Management Board is a key partner in improving flows to the river. The Board will administer the accreditation scheme, using agreed guidelines to assess watering projects for accreditation.

A list of environmental donations licences and the associated approved environmental watering projects will be maintained and made publicly accessible via the Department of Water, Land and Biodiversity Conservation and the SA Murray-Darling Basin Natural Resources Management Board's websites. The SA Murray-Darling Basin Natural Resources Management Board will monitor and annually report on water donations made to the environment.

Information on the proposal will be widely advertised by the Department of Water, Land and Biodiversity Conservation and the SA Murray-Darling Basin Natural Resources Management Board in

local community forums, through the local press and local interest groups such as the Local Action Planning groups, regional local governments and irrigator groups.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Natural Resources Management Act 2004*

4—Amendment of section 157—Transfer

Section 157(9) of the Act is to be revised so that the stamp duty exemption will be able to be extended to the transfer of licences, or the transfer of water allocations, that fall within categories prescribed by the regulations.

The Hon. R.I. LUCAS secured the adjournment of the debate.

GAS PIPELINES ACCESS (SOUTH AUSTRALIA) (GREENFIELDS PIPELINE INCENTIVES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 6.17 p.m. the council adjourned until Wednesday 31 May at 2.15 p.m.