LEGISLATIVE COUNCIL

Wednesday 23 July 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

LEGAL PROFESSION BILL

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:19): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:20): I bring up the 22nd report of the committee.

Report received.

PAPERS

The following paper was laid on the table:

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

Land Management Corporation—Charter

CABINET RESHUFFLE

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:21): I seek leave to read the ministerial statement just made by the Premier in relation to a cabinet reshuffle.

Leave granted.

The Hon. P. HOLLOWAY: It states:

I have previously indicated that I intended to reshuffle ministerial portfolios at about this time. I am now able to announce the changes to my cabinet, which will become effective following a special Executive Council meeting and swearing in ceremony at Government House tomorrow. I think it is important to freshen up the ministry every few years to keep new ideas flowing and gain new perspectives on issues.

Members interjecting:

The Hon. P. HOLLOWAY: And isn't it needed over there, Mr President! I hope that, as the government does it, members opposite will follow. Obviously they need more than just reshuffling portfolios: they really need reshuffling of some personnel. It continues:

This is not a total makeover of the cabinet because I believe ministers have been performing very well and I want to maintain stability within our solidly performing government. However, remixing the portfolio responsibilities can stimulate new ideas and bring a fresh approach. Ten of the 15-member cabinet will either change posts or take on or lose various portfolios. The changes are designed to broaden the experiences of ministers. It is not about creating winners or losers.

One of the most significant changes will be the creation of a new portfolio of Minister for the Northern Suburbs. This responsibility will be taken on by the member for Wright, who changes her portfolios completely, also taking on the roles of Minister for Families and Communities, Minister for Housing, Minister for Ageing and Minister for Disability. The member for Wright is a very long-time resident of the northern suburbs who has lived and represented people in the area for many years. She has an incredible empathy for people in the northern region and will champion their causes strongly around the cabinet table in the same way that the Minister for the Southern Suburbs champions the causes for that area. As a mother and a grandmother with a strong community involvement, she already has a good grasp of the roles and responsibilities of the families and communities portfolio, and I am confident she will become a strong leader in her other responsibilities in housing, ageing and disability.

The member for Cheltenham will take on environment and conservation, as well as the new portfolio of early childhood development. As a father of two young children, he has a passionate interest in this area. He will keep his other portfolios of Minister for Aboriginal Affairs and Reconciliation and Minister Assisting the Premier in Cabinet Business and Public Sector Management.

The Minister for Employment, Training and Further Education, the member for Colton, will lose the gambling portfolio to the Hon. Carmel Zollo, and he will take on the tough industrial relations portfolio as well as that of volunteers. As a former firefighter and former secretary of the South Australian and National United Firefighters Union, the member for Colton will bring terrific experience to his new industrial relations responsibilities. He maintains his portfolios of science and information economy, and youth.

Other changes include the member for Adelaide relinquishing children's services and taking on the important mental health and substance abuse portfolio and retaining education, tourism and the City of Adelaide. The Hon. Paul Holloway will take over the small business portfolio from the member for Chaffey. Because I want the member for Chaffey to concentrate solely on the vitally important area of water security, and because she has recently taken over full responsibilities for SA Water, she will maintain her responsibilities as Minister for the River Murray and Minister for Water Security. Her regional development role will shift to the member for Mount Gambier, who retains his other portfolios.

The member for Lee will take on responsibilities for police and emergency services while maintaining his role as Minister for Recreation, Sport and Racing. The Hon. Gail Gago will take over the portfolios of Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises and Minister Assisting in Transport, Infrastructure and Energy. I am confident that the changes I have announced today will further enhance our strong and stable government, which is working for the benefit of all South Australians.

POLICE, WHYALLA

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:25): I seek leave to make a ministerial statement about Whyalla police.

Leave granted.

The Hon. P. HOLLOWAY: In question time yesterday the Hon. Terry Stephens claimed that it had been reported to him that Chief Inspector Quinn was being investigated for his comments in relation to an incident on the morning of 11 July 2008 involving two Whyalla police officers. Once again, the Hon. Terry Stephens is wrong. South Australia Police has advised me that the officer is not facing any investigation or any disciplinary action as a result of those remarks. I strongly urge the honourable member to check his facts in future before making any similar unfounded accusations in this place.

EARLY CHILDHOOD DEVELOPMENT

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:26): I lay on the table a ministerial statement made by the Minister for Education and Children's Services in another place today on early childhood development.

QUESTION TIME

MINERAL EXPLORATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mineral resource development.

Leave granted.

The Hon. D.W. RIDGWAY: As we are seeing an increase in the value of commodities, often a lot of old mining sites around South Australia that were formerly uneconomical are now becoming economical, and many of them are in close proximity to Adelaide and existing rural and regional centres, and many are now in areas that we would class as high rainfall, high value, highly productive farming land, and the resources under the ground are of interest to mining companies.

With many of these farming properties, generations of blood, sweat and tears have gone into building them, and often those properties are higher in sentimental value than commercial value to the people who own them. In a document published in April 2008 entitled 'Guidelines for Landholders: Rights in relation to Mineral Exploration and Mining', on page 10 it states:

Usually as exploration is transitory and has a low impact activity on a person's land, and hence there is often less scope for compensation, however a landowner is entitled to seek compensation and if the parties cannot agree the Warden's Court shall decide the issue.

Often land is considered to be exempt, and categories of such land set out in section 9 of the Mining Act and which is relevant to private landowners can best be summarised as:

- Land that is lawfully and genuinely used as a yard, garden, cultivated field, plantation, orchard, vineyard or as an airfield.
- Land that is situated within 400 metres of a building or structure used as a place of residence.
- Land that is situated within 150 metres of a building or structure with a value of $200 or more used for an industrial or commercial purpose, or a spring... or reservoir.

In this document it goes on to ask, 'What does exempt mean?'. One would understand that all land in a high value farming area would be cultivated or within 400 metres of a structure used for a home or shed or within 150 metres of a fence or some structure of more than $200 value. The document states:

> Exempt land status does not mean the landowner has a right of veto over exploration or mining activities on the land. It means however that the mining company cannot conduct any activities under their licence or lease unless and until the landowner has reached an agreement with the mining company regarding compensation and conditions to waive the exempt status of the land, or if the parties cannot agree, as the Warden's Court determines.

On page 13 of that document it goes on to say:

> It is very rare for the Warden's Court not to waive the exempt status of land...as it has generally found that a combination of conditions and compensation can be determined such that the exemption can be waived.

In light of that, in light of global warming and climate change, and given the importance of our high value, high rainfall, high production farming land to the economy of South Australia, my questions are:

1. What protection will be afforded to landowners from this renewed activity and interest in formerly uneconomic mineral deposits?

2. I am aware that the Mining Act has been under review for some 12 months now; when will the draft bill be available for consultation?

3. Will any amendments address realistic compensation in relation to this high value, high production farming land?

The PRESIDENT: The minister will disregard the opinion in that.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:32): The member has raised a quite complex area of policy. It is true that with rising commodity prices there has been a renewed interest in former mine deposits. In particular, it has become an issue in the Mount Lofty Ranges, which is where the first metalliferous mines in this country were established. Of course, there have been issues in relation to the number of mines and, of the 10 or 11 mines that have now been issued with licences, probably only two of those are reasonably close to high density population centres. One of those would be the Angas Mine at Strathalbyn (the entrance to that is at an old quarry site, and the tailings facility is actually located on what was a former disused quarry and other land), while the other one is the Australian Zircon operation at Mindarie, which is on farming land. That was the first mineral sands mine we had in this country, and I came to an arrangement for the level of compensation provided to landholders in that area.

I guess the most controversial issues, which may apply in future in relation to goldmining operations within the Adelaide Hills, relate to exploration in that area or any further mineral development. Obviously some balance has to be struck between the relative value of the mining operation and the potential benefits it can provide to the state, and this must be weighed against any impact on rural production. I can think of one particular case where that will be an issue, but before we can make any decisions on that we first have to compile all the facts. We need to know just what value of mineral may be available, what impact (if any) that will have upon rural production, and how that might be mitigated.

So it is not an easy issue. It can only be done on a case-by-case assessment, because I do not believe that any legislation can be devised that will cover all cases. At the end of the day—and just like environmental impact assessments—the assessment of a particular case involves getting the information on that particular case before making a decision. I expect that is how this will pan out in the future.

We are fortunate that the vast majority of our mineral projects in this state are in relatively remote regions. Most of them are on remote pastoral leases, so issues regarding interaction with population centres or agriculture in general are minimal. However, we obviously do have some issues and these are addressed on a case-by-case basis.

Beyond that, I do not believe that there is much further that I can add. In relation to the Mining Act, a review has been undertaken of the act. I will be bringing some amendments to that act in, I think, the next session of parliament when we resume in September. I will have some amendments to that act to address specific purposes later this year, and also, incidentally, for the Petroleum Act. I think there will be amendments to that to reflect some of the climate change and geosequestration issues that come out of it.

I think the best way to sum up the answer to this issue—and it is an important issue—is that we need to do a very careful assessment of the value of mineral production against the value of rural production, and we need to assess exactly how any impact on rural production can be minimised. Then we have to make a judgment as to what is in the best interests of the people of the state.

MINERAL EXPLORATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): As a supplementary question arising out of the answer, what amendments are proposed in the redrafting of the Mining Act in relation to legal expenses incurred by landowners? I would ask the minister to bear in mind the tremendous financial pressure that many of our landowners are facing in this environment of declining rainfall.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:36): I think it is important that, if we are to have the benefits that a mining boom can bring to this state, we need to make sure that we do have access to land, at least particularly for exploration purposes. I certainly do not support any weakening of that right. What is important is that we get all the information so that we can make a good decision.

As the member mentioned, exploration is of itself generally a very low impact activity but, of course, what exploration can do is indicate the value of any mineral deposit, and I would think that any restriction to access for that purpose would be undesirable. However, of course we need to mix the rights of landowners, and I believe that the current act is generally sufficient in relation to its protection. I do not wish to go into any particular detail in relation to what we may or may not do at this stage.

Let me also add that it is not just the traditional mining operations that we see at Olympic Dam and Prominent Hill and places like that, because the Mining Act also covers quarrying. Quarrying has, for a long time, been an activity that is carried out fairly close to human habitation because quarry materials are, of course, low-value but also absolutely essential for road and house construction. It is important to keep living costs low so that we do have access to quarry materials fairly close to human habitation.

That is why most of the issues in relation to access and closeness to high-value land in my experience are really related more to quarrying, and that has been a longstanding problem. One only has to look at the Linwood Quarry, the Stonyfell Quarry, the Golden Grove quarries and other quarries at Salisbury to understand that really they are the most complex issues in terms of managing mining in a built-up area.

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. J.M.A. LENSINK (14:38): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance abuse a question about the Glenside redevelopment.

Leave granted.

The Hon. J.M.A. LENSINK: During budget estimates, the minister confirmed that the demolition of the 1920s laundry building to make way for temporary accommodation for project staff was funded as part of the mental health budget and also said:

> I have been advised that the demolition is part of the overall project which comes under the funding of $107.9 million.

Letters received by Liberal members from the Public Works Committee confirm that the project has not been referred and the demolition of the laundry did not constitute a 'public work'. My questions for the minister are: will she advise how much of the Glenside Hospital redevelopment is to occur before the project is referred to the Public Works Committee; and, if more work is to occur before such time, will she provide details?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:39): We did receive a number of inquiries concerning the Glenside redevelopment and the demolition of the shed in relation to the Public Works Committee.

Members would be well aware that, in terms of the redevelopment of Glenside, a number of activities are included, about which I have spoken at length already in this council, so I will not go through the detail. It includes: the building of a new world-class 129-bed hospital; a 15-bed intermediate care facility; 40 supported accommodation places; a residential precinct, which obviously incorporates affordable housing; a cultural precinct involving the Adelaide film and screen hub; a village-style retail precinct; a commercial development fostering employment opportunities; and a purpose-designed open space and community park that I have talked about.

These activities obviously have critical interdependencies, but they display different delivery time frames. Further, in the case of the screen hub, the Department of the Premier and Cabinet is the sponsor for that agency. A common element to the activities is that they need to occur on a hospital site that must remain operational at all times, so we are not closing down those services.

Consequently, in order to facilitate the undertaking of those activities, a range of enablement and transitional activities are required. Clearly, a number of complexities are involved to be able to deliver complex operational services and transitional arrangements. SA Health has engaged at an early stage the Crown Solicitor's office to provide advice during the project so as to ensure that operations are maintained until the new facility is functional, that the various activities are delivered to agreed time frames and that all required project approvals—including Public Works Committee acquittals—are adhered to as well.

During April 2008, the Glenside project director formally sought clarification regarding the requirements for the Public Works Committee acquittals for a number of the redevelopment activities. This strategy, amongst other things, noted that all health-related services currently operating on the cultural precinct (precinct 2) need to be vacated from that precinct by March 2009 in order to facilitate the commencement of the construction of the film hub; that the most feasible option was to bring a transportable building owned by SA Health onto the site in precinct 5 for temporary accommodation of the relevant health services and staff; and that the optimal location on the campus for the transportable required the demolition of an unused building.

The Crown Solicitor's advice is that the vacating of all health-related services from precinct 2—the proposed site for the screen hub—does not require Public Works Committee approval. I am advised that this activity does not in itself involve construction for the purposes of the Parliamentary Committees Act 1991.

Furthermore, the Crown Solicitor advised that the demolition of an existing building in another precinct and the location of a transportable on that site for the purposes of providing temporary accommodation for the relocated health services and staff is a public work, but is such that the amount to be applied for the construction is less than $4 million and therefore, I am informed, is not referred to the Public Works Committee by force of subsection 16A(1).

Finally, the Crown Solicitor advised that the relocation works should not be characterised as forming a part of the screen hub public work—or any other public work forming part of the Glenside redevelopment project—which will itself be subject to a subsequent Public Works Committee inquiry that will have three acquittals processes, which I do not think I need to go into here. In terms of the specific funding details requested, I am happy to take that on notice and bring back a response.

GLENSIDE HOSPITAL REDEVELOPMENT

The Hon. J.M.A. LENSINK (14:44): I have a supplementary question: will the minister give an indication of when the Public Works Committee process will be engaged as part of this project?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:44): I am happy to take that on notice and bring back a response as to the exact timetable.

ROAD SAFETY

The Hon. S.G. WADE (14:45): I seek leave to make a brief explanation before asking the Minister for Road Safety a question about fatigue.

Leave granted.

The Hon. S.G. WADE: The Department for Transport, Energy and Infrastructure website highlights what it calls 'fatal five behaviours'. It states:

> National and international research has identified the five human factors that cause most road deaths and serious injuries are: drink-driving; speeding; driving while tired; driver distraction; and not using seat belts or restraints.

The recently released South Australian Road Safety Action Plan 2008-10 states:

> Some estimates suggest fatigue is a factor in up to 30 per cent of fatal crashes and 15 per cent of serious injury crashes, and contributes to approximately 25 per cent of insurance losses in the heavy vehicle industry.

The only action item related to fatigue in the plan is to implement the national heavy vehicle driver safety reforms relating to speed and fatigue, and those changes have already been legislated and are due to be implemented later this year.

On 2 July 2008, *The Advertiser* reported that earlier drafts of the action plan included a proposal to create a new offence of driving while fatigued. When approached by *The Advertiser* the government insisted that the reference in the earlier draft was an error and that fatigue laws were never discussed. My questions are:

1. Considering that fatigue is one of the fatal five, will the minister confirm statements attributed to her office that fatigue laws were never discussed as part of the development of the South Australian Road Safety Action Plan?

2. Will the minister rule out the introduction of a new offence of driving while fatigued?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:46): I thank the honourable member for his question in relation to the Road Safety Action Plan which, of course, is a very important plan and we are very pleased, as a government, to be releasing it. Clearly, it has the endorsement of the Road Safety Advisory Council. I believe it is correct that *The Advertiser* had an earlier version of the plan prior to it being endorsed.

Fatigue is a very important issue in relation to road safety because it plays a very important part in the way people drive their vehicles. If they are fatigued, clearly, they are not concentrating and often can have micro-sleeps. We all know what can happen when people just cannot stay awake, and they certainly should not be on the road.

The issue of fatigue is very important in relation to heavy vehicle driving; it is incredibly important, as one might well imagine. I understand that we do not really have sufficient technical capabilities to support the enforcement of laws in respect of fatigued drivers. Of course, we talk about educating the public and rest areas on key routes—which are very important—and this has to always remain as the focus of any campaign in advertising our rest areas. We have to enforce road safety at very many levels.

Fatigue does play a very important role in heavy driving enforcement, and it is in that area where this comes into play. That is where I understand the initial writing up of the plan came from. The enforcement of fatigue when driving heavy vehicles and compliance is not necessarily my responsibility. However, of course, given the interoperability between road safety and transport, clearly, it is something that I am very interested in. We do have a system in place called Safe-T-cam where heavy vehicle drivers have some enforcement coming to bear in relation to fatigue and heavy vehicle driving.

ROAD SAFETY

The Hon. S.G. WADE (14:49): I have a supplementary question. Will the minister clarify whether, in her answer, she was suggesting that the earlier reference should have been more focused on heavy vehicles or that that proposal was ruled out because it was seen to be technically not feasible?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (14:49): A plan does evolve and, of course, it is quite natural when you are discussing a safety action plan for the future—but it would be both.

HOON DRIVING

The Hon. B.V. FINNIGAN (14:50): My question is to the Minister for Police, and I congratulate him on his fine stewardship of the portfolio. Is the minister aware of the blight caused by hoon drivers on South Australia's roads, and what is being done to deter these idiots?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:50): I thank the honourable member for his compliment and his question, because I am pleased to inform him that more than 3,000 drivers have had their cars impounded or clamped since South Australia's tough anti-hoon laws were introduced back in 2005.

What we are doing by clamping these cars and taking them off the road is sending a strong and clear message to these ratbags that this government will not tolerate their reckless behaviour. These idiots ruin people's quality of life with their dangerous, anti-social behaviour, and we are hitting them where it hurts most by taking their pride and joy off the road. The anti-hoon laws have also been widened to include more offences that can lead to police impounding vehicles, and this means that more cars are now being taken off the road. The wider range of offences includes driving an uninsured or unregistered vehicle, drug driving and graffiti vandalism.

I take this opportunity to congratulate our dedicated police men and women in their efforts in targeting this crime and impounding or clamping more of these cars. Unlike the opposition, which constantly questions the performance of South Australia's police, I would like to give our hard working police officers credit where it is due. I point out that 24 hours have now gone by since I challenged the Hon. Mr Ridgway to get off the back of police and nominate a recruitment target for boosting police numbers. He is quick off the mark to condemn the performance of our police but, when it comes to saying what he would do, we hear nothing but silence.

The anti-hoon laws introduced by the Rann Labor government are also part of a broader strategy to reduce the number of road accidents in South Australia. Not only do we want to take these hoons off the road but we also want to encourage a change in behaviour, particularly among teenaged drivers, who are the least experienced behind the wheel but who are also the most vulnerable to the lure of showing off in front of their mates. I am pleased to say that that message seems to have been getting through. Official statistics show the number of road offences committed by drivers aged 19 and under in South Australia has continued to fall each year since the introduction of the anti-hoon laws in 2005.

The total number of offences involving drivers aged 19 and under fell to 15,427 in the 12 months to 30 June 2008, a fall of more than 4.5 per cent from the 2006-07 financial year and a reduction of almost 20 per cent since 2004-05.

The South Australian community can also play a part in reducing this sort of anti-social behaviour. By contacting SAPOL's Traffic Watch line on 131 444 if they witness hoon or any other irresponsible driving they can help police take these idiots off the road. The information provided through Traffic Watch will assist police to effectively target this type of dangerous behaviour. Since Traffic Watch began in May 2006, 25,738 complaints have been received, resulting in 3,613 cautionary letters, and a further 833 complaints were allocated to local service areas for follow-up investigation, resulting in eight arrests, 43 reports, 118 cautions and five defects.

So, my message to those who continue to drive like idiots is: not only do you risk having your car impounded or clamped for up to 90 days but also you could have your car seized and sold, with any profits going to the Victims of Crime Fund.

LIFE JACKETS

The Hon. D.G.E. HOOD (14:54): I seek leave to make a brief explanation before asking the Minister for Police, representing the Minister for Transport, a question regarding inconsistencies in life jacket laws between South Australia and Victoria.

Leave granted.

The Hon. D.G.E. HOOD: I have been contacted by the family of Stephen Walker regarding his recent tragic death by drowning after he fell from a small motor boat. Stephen was a

newlywed who had lived all his life in Mingbool near Mount Gambier. During an afternoon outing to the Glenelg River in Victoria this Easter Sunday just gone, he fell overboard and unfortunately was lost. I cannot begin to understand the trauma his poor family went through. His mother has written to me, and I quote from her letter as follows:

> The law in Victoria was that he should have been wearing a life jacket, but none of us knew this. Had this also been the law in South Australia I'm sure he would have had his life-jacket on.

The family was forced to endure a 2½ day search for Stephen's body, which was ultimately recovered in 12 metres of water.

A life jacket was stored in the boat according to South Australian regulations, but unlike Victorian laws it was not required to be worn. If South Australian law required the life jacket to be worn, the family believe that Stephen may very well be alive today, and they have told me that he was 'a stickler for the law' and would have been wearing the life jacket if he was required to do so.

Understandably, the family would be keen to see some small good coming from this tragedy and they are beginning a campaign to see lifejacket laws tightened in South Australia and made nationally consistent. My questions are:

1. Will the minister agree to meet with Stephen's family to discuss the incident and how future tragedies such as this can be avoided?

2. Will the minister commit to an investigation into life jacket regulations in this state, with a comparison with interstate laws, with a view to preventing similar senseless deaths in the future?

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (14:55): Let me add my commiserations to the family of the person who was lost. Obviously, the wearing of life jackets is desirable for anyone who is out in any depth of water, and particularly those who cannot swim strongly. I will refer this important question to the Minister for Transport and bring back a reply.

MENTAL HEALTH

The Hon. C.V. SCHAEFER (14:56): I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question on country health.

Leave granted.

The Hon. C.V. SCHAEFER: It is well documented that there is a shortage of trained professionals working in the mental health and substance abuse area in rural and regional South Australia and, indeed, in South Australia generally. We are constantly informed by the Minister for Health that this shortage will be minimised, if not alleviated, under the new Country Health Plan, and that services will be provided in the four general country hospitals as well as the services that are provided in the city now.

Will the minister advise the council of what additional funding and services will be provided to the four general country hospitals due to what will be a massively increased workload, and can she advise the council of where the provisions for these extra services are shown in the budget (either the current budget or the five-year forward estimates), and what recruiting is being done to either obtain or train the extra professionals needed to carry out the promises made in the Country Health Plan?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (14:57): I thank the honourable member for her questions concerning mental health services in country regions. We do, indeed, already provide a comprehensive set of services to our country regions, and they are spread throughout the regions. We have a South Australian Country Health Care Plan that has been released for consultation and is about integrating the mental health system throughout South Australia.

The range of mental health services include our rural and remote health services at Glenside and, of course, funding will continue for that. That has been outlined in our redevelopment program for the Glenside campus, and it is in the current budget. We have a range of specialist mental health services situated across regional South Australia. We have visiting Aboriginal mental health services to remote communities in the APY lands.

We have visiting psychiatrists across country South Australia. We have mental health promotion programs to address areas of stigma, increase awareness and encourage early recognition. I have spoken at length about those sorts of programs in this chamber before, so I will not go through those details again. Some of those programs are funded under the suicide prevention initiative of the Social Inclusion Board and operate via Country Health SA's health promotional allocations. We have mental health inpatient initiatives to enable local hospitals to better respond to the needs of those people. These will line up with the key public hospitals that are outlined in our Country Health Care Plan, and work has already commenced with that in terms of the sorts of developments we see at Port Lincoln, for instance.

Child and Adolescent Mental Health Services was allocated $1.9 million over four years to employ additional clinicians across country regions. CAMHS has also commenced a visiting service to the APY lands. The visiting team comprises a psychiatrist, a social worker and two Aboriginal mental health consultants. It has funded some Anangu education workers' time in the six main APY lands schools to be linked to the community and consult with the visiting team. In order to support people recovering from mental illness across country, in partnership with the Department of Families and Communities and NGOs, 65 supported accommodation places have been made available.

An honourable member interjecting:

The Hon. G.E. GAGO: It is endless.

Members interjecting:

The Hon. G.E. GAGO: The service operates—I was asked what services are available in the country, and they do not like to hear the answers. This government has done more for mental health services, both in metropolitan and in country areas, than the former Liberal government and, in fact, probably since any government that has gone before in South Australia.

In terms of the rural and remote services operating from Glenside, it provides a metropolitan-based acute inpatient service, but it includes:

- 23 specialist inpatient beds;
- a distance consultant and liaison service;
- emergency triage and liaison service open 24 hours a day, seven days a week, which is a telephone support and advice service throughout regional South Australia;
- emergency psychiatric and crisis intervention, counselling and support;
- specialist advice to consumers, carers and health professionals;
- liaison with rural hospitals;
- triage;
- referral to regional providers; and—

Members interjecting:

The Hon. G.E. GAGO: I was asked what services we provide in the country.

The Hon. J.M.A. Lensink: You weren't.

The Hon. G.E. GAGO: I was. I was asked about them in an interjection and I am very happy to give an outline. There are also significant suicide prevention mental health services, which I have outlined previously, particularly the additional services that have been allocated in the budget in relation to the drought response to our country areas. So, you can see a great deal of resources and planning has been done. We continue with a very extensive recruitment and retention program for all our specialist services, including those services provided in country areas. In terms of budgetary implications, the honourable member knows that all future budget considerations are done through a budgetary process, and we will continue to develop and advance our mental health services, not only through metropolitan South Australia, which we are overhauling and completely reforming, but also through country and regional South Australia.

SAFECOM ADVISORY BOARD

The Hon. J.M. GAZZOLA (15:04): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the South Australian Fire and Emergency Services Commission Advisory Board.

Leave granted.

The Hon. J.M. GAZZOLA: When the Fire and Emergency Services Act was passed, an advisory board made up of volunteer and staff representatives was included in the legislation. Will the minister advise the council of the success of the role of the SAFECOM Advisory Board and some of its positive contributions?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:04): I thank the honourable member for his important question. Since the commencement of the Fire and Emergency Services Act 2005, the SAFECOM Advisory Board has cemented its place in the emergency services sector as a key body to advise government about volunteer and stakeholder issues in emergency services.

Consisting of an independent presiding member, two representatives from the State Emergency Service (SES) and Country Fire Service (CFS) nominated by their representative associations, two representatives from the Metropolitan Fire Service (MFS)—one a full-time firefighter and one a retained firefighter—and a representative from the Local Government Association (LGA), the advisory board has worked on projects and policy initiatives of significance to the sector.

The volunteer and employer recognition support program that I have advised the chamber of previously is a key initiative of the advisory board, which recognises the need to promote and develop the recognition structures for volunteers and employers in the emergency services. The recently signed SES and CFS volunteer charters were also a project the advisory board managed and negotiated to a very successful completion. In addition, the advisory board is playing an important role in SAFECOM's current review of the Volunteer Management Branch and is advising on changes required to ensure more effective support is provided to thousands of emergency services volunteers across our state.

The advisory board is also working to provide key information to the volunteer administration workload audit, which is now analysing how volunteers can be better supported by SAFECOM and its agencies through the provision of support services, such as volunteer and business support officers. The advisory board has been a key contributor to creating an environment that breaks down traditional barriers and silos, helping us move forward to a more consolidated and cohesive sector.

In keeping with our commitment to support and enhance the role of volunteers in decision making and policy advice, the government recently announced as part of the report into the review of the Fire and Emergency Services Act that it would strengthen the role of the SAFECOM Advisory Board by placing its chair and presiding member on the SAFECOM board with full voting rights. In addition, the SAFECOM sector has codified through policy the requirement for the emergency service agencies to consult with the advisory board on matters that affect volunteers, staff and other stakeholders, such as local government.

The representatives on the SAFECOM Advisory Board should be congratulated for their service and contribution. I take this opportunity to mention the membership of the advisory board, as they are deserving of public recognition: Presiding Member, Linda Eldredge; Rex Hall of the CFS; Julie Lovett of the CFS; Susan Regnier of the MFS (retained firefighter); David Scarce of the MFS (full-time firefighter); Louise Reynolds of the SES; Andrew Macmichael of the SES; and Doreen Erwin from local government.

It was my pleasure last week to host advisory board members in Parliament House and to join them at the conclusion of their meeting. I assure the chamber that the SAFECOM Advisory Board has well and truly found its feet in the two years since the commencement of the legislation, and that volunteer representation and consultation is alive and well in the emergency services sector and remains so.

The need to consult with volunteers is pivotal to the continued development and improvement in the emergency services sector, and it is something that this government is strongly committed to. The advisory board will continue its work in the emergency services sector and has

truly established itself as the peak consultative body in the sector for volunteer and stakeholder issues. The government will continue to support the advisory board's role and promote its achievements, and I am sure the chamber will join with me in congratulating the volunteers and stakeholder representatives for their endeavours, commitment and success.

FOSTER CARERS

The Hon. A. BRESSINGTON (15:09): I seek leave to make a brief explanation before asking the minister representing the Minister for Families and Communities a question about the government's duty of care to foster carers.

Leave granted.

The Hon. A. BRESSINGTON: Arising from the *Today Tonight* program aired the night before last on the Tom Easling case, many disturbing allegations were made about the conduct of Families SA and its Special Investigations Unit. Although Mr Easling was found not guilty by a jury on all 20 charges of child abuse, the manner in which Mr Easling's case was handled by Families SA investigators is seriously under question.

Amongst other things, in its zeal to make stick allegations of child abuse against Mr Easling, it is alleged that departmental officers had trawled for victims and later destroyed original notes, lost documents, verbalised witnesses, and offered some witnesses inducements (even to the point of coercion), and their evidence was selectively recorded to portray Mr Easling as a dangerous predator of vulnerable children. After an 11 week trial, Mr Easling was found not guilty of all charges. It is interesting to note that this court case cost his family personally $1.9 million to be able to support him and prove his innocence.

On the program Mr Easling also offered to pay for a royal commission into his case. Meanwhile, the minister responsible for Families SA maintains that his department has behaved appropriately and that the conduct of the special investigation unit (SIU) officers has been beyond reproach.

Also appearing on that program was the head of the special investigations unit from New South Wales, who made comment that the conduct of this unit in the investigation was highly suspicious and almost broke every procedure in place in New South Wales. It was also reported that Mr Easling has been forced to abandon his claim for compensation as the government has indemnified itself from claims made against it by foster carers—and that, in itself, is a whole other story. My questions are:

1. Will the minister concede that the investigation process of the SIU in this particular matter was flawed and needs immediate review?

2. Will the minister admit that perhaps he is not getting the full truth from members of his department on serious matters such as false allegations, and even (as alluded to by Mr Easling) corrupt conduct of individual officers?

3. Will the minister make a commitment to support Mr Tom Easling's call for a royal commission, for which he has stated that he is personally prepared to pay if there is no finding of corrupt conduct by this department?

4. How does the minister reconcile his public statements on the *Today Tonight* program on Monday indicating confidence in the conduct of his staff, while previously asserting that his department owes children in the minister's care a duty of care, when now claiming indemnity for his staff?

5. How many more damaging facts about Mr Easling's case will need to emerge before the Premier himself will intervene and call for a full inquiry into this particular case?

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (15:12): I thank the honourable member for her questions and will refer them to the minister in the other place and bring back a response. However, it has just been brought to my attention that we actually have a select committee on Families SA in this chamber as well, which was set up by the honourable member herself. Nevertheless, I will refer the question to the minister in the other place, who I am sure has a response.

REGIONAL DEVELOPMENT INFRASTRUCTURE FUND

The Hon. J.S.L. DAWKINS (15:12): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation, representing the Minister for Regional Development, a question about the Regional Development Infrastructure Fund.

Leave granted.

The Hon. J.S.L. DAWKINS: The Regional Development Infrastructure Fund was established by the previous government in 1999, with a commitment of $4.5 million per year for three years. The current Minister for Regional Development—who I acknowledge will not be the current minister after tomorrow, as we are going back to a recycled one—

The Hon. D.W. Ridgway: He's going to retire soon.

The Hon. J.S.L. DAWKINS: That is right. However, the current minister has said that approximately $24.7 million in Regional Development Infrastructure Fund investment has supported an estimated $1.1 billion in regional investment, which has collectively created an estimated 4,900 new jobs. I note that the current budget allocation for the RDIF is only $3 million per year. In addition, I note that the minister has indicated that in 2007-08 the RDIF committed more than $2.8 million against 14 projects, with a total project investment of approximately $231 million, generating an estimated 800 new jobs. My questions are:

1. Will the minister outline the projects funded from the RDIF program in 2007-08?

2. Will the minister also provide details of each project in relation to the number of jobs and amount of associated investment generated through RDIF funding?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:14): I thank the honourable member for his important questions and will be pleased to refer them to the appropriate minister in another place and bring back a response.

NATIVE FLORA

The Hon. I.K. HUNTER (15:14): I seek leave to make a brief explanation before asking the very excellent Minister for Environment and Conservation a question about the effects of climate change on threatened species.

Leave granted.

Members interjecting:

The Hon. I.K. HUNTER: As tackling climate change is high on the public's agenda—if not the opposition's agenda—it is important to understand as best we can what we can do about the problem. While it might be easy to think about how climate change will affect our native fauna, whether it be migration patterns of birds or the breeding cycles of marsupials, understanding how our native plants will cope with climate change requires a different level of research. Will the minister inform the council of moves to better understand how climate change will affect our native flora?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:15): I thank the member for his most important question and his ongoing interest in these matters. I am very pleased to inform the council that a recent acquisition at the Adelaide Botanic Gardens will, in fact, help us research the effects of climate change on our threatened native plants. The Seed Conservation Centre at the Adelaide Botanic Gardens has invested in the latest high-tech equipment to help us understand the effects of climate change on seed germination in our threatened native plants.

A specially built incubator called a thermogradient plate allows up to 196 different temperature combinations to be tested at any one time. Costing about $50,000, the thermogradient plate will allow scientists at the Botanic Gardens to identify plant species that may be affected by climate change, helping us to take appropriate action in the future. The incubator will be used to determine the temperature range over which germination can occur. This data will then be modelled against the forecast changes in temperature and rainfall.

Climate change is obviously well and truly upon us. Since 1950, South Australia has become warmer. The 12 hottest years in history have been in the past 13 years, and the

Intergovernmental Panel on Climate Change scenarios predict temperatures rising between 1 and 6.4 degrees over the next century relative to 1980-99.

Already, locally, we are seeing that some southern coastal areas have become drier, and the state's northern half has experienced increased rainfall. As a result, the optimum combination of temperature and moisture required for seed germination to occur may have been significantly altered and, in extreme instances, seeds will no longer germinate as the appropriate combination of these conditions may no longer be available.

Anyone who has been fortunate enough to travel through the state's North at the appropriate time of the year will tell you of the rare and wonderful sight of seeing carpets of desert flowers in full bloom after perfect conditions have been achieved. For these sorts of reasons, we must understand how our changing climate will affect indigenous plant species.

I am pleased to say that the incubator was jointly funded by the Department for Environment and Heritage and the Botanic Gardens of Adelaide Board, demonstrating the commitment of the state government to understanding the impact of climate change on our state's environment. The Seed Conservation Centre at the gardens contracted a specialised manufacturer in the United Kingdom to build the incubator, given that similar units are in use in the Millennium Seed Bank in the UK.

The Seed Conservation Centre at the Botanic Gardens of Adelaide is the only institution within South Australia that is dedicated to, and currently conducting, seed biology research on threatened native plants, and I think that that should be a great source of pride to South Australia's research community. Research using the incubator will begin in the next few months following an established test period.

ALDINGA SCRUB CONSERVATION PARK

The Hon. SANDRA KANCK (15:19): I seek leave to make an explanation before asking the Minister for Environment and Conservation a question about the Aldinga Scrub Conservation Park.

Leave granted.

The Hon. SANDRA KANCK: Houses are being constructed by the Canberra Investment Corporation at Aldinga in what is known as the 'Sunday' development abutting the Aldinga Scrub Conservation Park, with a small buffer of about 10 metres width.

When the development was first proposed, locals were told that residents in this subdivision would not be allowed to have cats but, unfortunately, that is not the case. This is just one of the many pressures emerging on the park. Other pressures include people walking their dogs and children riding their bikes. This is in fact a conservation park and not a recreation reserve.

There are 691 housing blocks so, if one assumes 2.5 people per dwelling, there will ultimately be more than 1,700 people living in an area where the open space is minimal. Slightly east of the Sunday development is the Bayswater development. The combination of these two developments will obviously have a very high impact on the park, particularly in terms of people looking for recreation space and openness.

Urban development this close will also see the high likelihood of feral plants escaping into the park. The Save our Scrub Group is keen to see some of the allotments close to the park purchased as a buffer. I ask the minister not to rule this out at this stage, because the group suggests that a combined effort from the local, state and federal governments might be able to achieve this.

The scrub has important ecological associations. Some of the species are endemic, and 84 plant species are of conservation significance. Echidnas live in the park, and I am told that the pink gums there are one of the last remaining intact coastal communities in the state. Additionally, there is a hydrological connection between the scrub and the nearby washpool, with 130 megalitres of water feeding into the washpool each year, with the park, in turn, dependent on water coming through from the site on the Sunday development. My questions are:

1. Given the ecological importance and the increasing pressure on it, will the minister investigate ways to educate the nearby community about appropriate use of the park and provide continuing information to residents about plants which have the capacity to become weeds if they escape into the park?

2. Will the minister conduct a review of access to the park, including the construction of high fences, limiting the number of gates and ensuring gate construction restricts access by bikes? Will she investigate ways to cat-proof the park in order to protect birds and reptiles, and will she ensure increased signage and consider the construction of boardwalks to effectively direct users to stick to paths?

3. Is the minister committed to this park retaining its status as a conservation park, rather than letting it be trampled on, downgraded and effectively becoming nothing more than a recreation reserve?

The Hon. G.E. GAGO (Minister for Environment and Conservation, Minister for Mental Health and Substance Abuse, Minister Assisting the Minister for Health) (15:22): I thank the honourable member for her most important question and her ongoing interest in conservation matters. Indeed, a residential housing development has been under way on land adjacent to the Aldinga Scrub Conservation Park. It is consistent with the existing City of Onkaparinga Development Plan and it has received development approval from the local council, which is obviously the relevant planning authority.

The state government has worked throughout the residential development approval process to secure a range of measures and conditions to help minimise the impact of the development of that park, so we are very mindful of some of the potential problems which could occur. One of the measures secured was a commitment by the developer to provide $200,000 towards the preparation and implementation of an environmental protection strategy for adjacent areas of the Aldinga Conservation Park by the Department for Environment and Heritage.

I have also been advised that the strategy was prepared by the DEH in about 2005, in consultation with community groups. Actions from the strategy completed to date include a vegetation condition audit and the construction of a new fence along the northern park boundary, restricting pedestrians to one gate. DEH is currently preparing a community awareness package, which will include information promoting the use of locally indigenous plants, living with wildlife and general park information.

The government has already successfully negotiated with the City of Onkaparinga and the developer to increase the width of the buffer zone adjacent to the northern boundary of the park and secured agreement for this area to be planted with local indigenous species. Also, I am advised that a strip of farmland, 160 metres wide, was purchased in 1991 as a buffer along the northern boundary of the park and was subsequently added to the park. When the buffer area set aside on the development site is combined with this land—an overall buffer varying in width from 188 metres to 230 metres—it will separate the remnant habitat of the Aldinga scrub from the closest residential housing blocks.

I am advised that DEH has recently met with local interest groups to discuss their request for funding to purchase land between the development and the conservation park to form a buffer. We work with the council, through our One Million Trees Program, for tree plantings, and there are a number of other initiatives as well. A range of action is undertaken around the park that contributes to minimising the impact of the development.

In terms of any future needs of the park, we continue to consult with local stakeholders and interest groups and attempt to accommodate their concerns and interests wherever we can. I am not aware of any intention to change the status of that very important park.

STURT HIGHWAY

In reply to the **Hon. J.S.L. DAWKINS** (28 February 2008).

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs): The Minister for Transport has advised:

Question 1

The department continues to investigate the establishment of a weigh bridge at the Yamba based Primary Industries and Resources SA (PIRSA) quarantine station. Road safety requirements are part of this investigation.

Weighbridges are one tool that transport safety compliance Officers use to manage over-mass vehicles. Intelligence based targeting of high risk offending is also successfully utilised for the

management of heavy vehicle movements and over mass vehicles. There are three transport safety compliance officers (road) located in the Riverland area.

Question 2

The project to identify a safe site for a weighbridge facility on the in-bound side of the Sturt Highway is still at concept stage with no works planned at Yamba at this time. Other locations to achieve the same purpose are also under consideration.

Question 3

Transport safety compliance officers operate throughout the state in open air environments using the required protective clothing, as stipulated in departmental policies and procedures. These procedures will continue to be adhered to by all Officers in South Australia.

MATTERS OF INTEREST

ORGAN DONATION

The Hon. R.P. WORTLEY (15:27): I rise today to discuss a matter that should be of interest and concern to all, that is, the organ donation program in South Australia and the present level of registered donors. Earlier this month, on 8 and 9 July, the health minister in another place (Hon. John Hill) presided over the National Organ Donation Summit here in Adelaide. The minister was joined by internationally-reputed speakers including Professor Raphael Matesanz of the National Organisation of Transplants in Spain; Mr Tom Mone, CEO of One Legacy USA; and Dr Gerry O'Callaghan, Chair of the Advisory Group of the National Organ Donation Collaborative.

These specialists were joined by a host of Australian practitioners and academics. Issues canvassed included national governance, donation after cardiac death, consent and family refusal, and the question of further legislative change, if required. I understand that the conference was of considerable benefit to attendees, as was the public lecture hosted by the minister. The exchange of views, ideas and techniques between those involved in the medical, legal and ethical aspects of donation and transplantation, and the discussion of real experiences by both donor families and recipients, is vital in this emotive area. As members know, it is a highly emotive area.

Organ donations save lives. Organ and tissue donations have offered a second chance to many people in our community. Although some donations can be made by living donors—the kidney being an obvious example—most organ transplants are possible only where a donor has generously elected to give his or her organs and/or tissue after death, in order to help others.

Some members presently in this place may not be aware that the first organ transplants in Australia took place in 1963, when advances in medical technique and technology enabled successful kidney transplants to take place. These days, surgeons can transplant organs, including heart, liver, lungs and pancreas, and tissue such as corneas, heart valves, bone and skin.

More than 30,000 people have received life-giving transplants in South Australia since the early days, but more donors are desperately needed. Despite overwhelming community support for the idea of organ and tissue donation for transplantation, Australia still has one of the lowest organ donor rates in the world at approximately 10 donors per million of population. By contrast, in 2005, Spain had a rate of 35.1, the USA 21.4 and the UK 10.7. Australia's rate has remained static over the past 10 years. Meanwhile, transplant waiting lists Australia-wide hover around the 2,000 mark. About 100 men, women and children die each year waiting for an organ transplant.

We often hear that one organ donor has the potential of improving the health and quality of life of up to 10 people. Who would hesitate when an opportunity exists to give the gift of life with a new heart for a sufferer of chronic heart failure, the gift of breath with new lungs for a victim of cystic fibrosis, the gift of freedom from a lifetime of dialysis with a kidney transplant, and the gift of sight, the most treasured sense, with a healthy cornea?

For recipients, waiting is tough. We have all heard of those for whom the call has meant a new chance of life and for time with family and loved ones, and we have heard too of those for whom the call has come too late but, more often than not, there is waiting—the interminable waiting. It can hardly surprise us that some despair of ever getting the call that means so much.

Members will recall the death of Ashley Cooper during the Clipsal 500 race last year. They may not be aware that Mr Cooper, aged only 27 and in the prime of his life, was a registered donor who saved the lives of seven seriously ill people by donating his organs. Part of his liver saved a six year old child who I believe had only days to live. Others received his heart, lungs, pancreas

and kidneys. It goes without saying that families are always consulted under the protocols that follow the death in circumstances where donation is indicated. Mr Cooper's family all supported his wishes and the donation process that followed, his father saying publicly and amidst his own tragedy that he could not be more proud of his son. Surely there is comfort to be gained in supporting the wishes of a family member who is no longer with us. Many have spoken and written about exactly this aspect of their loss, and they are not always people of high public profile.

Time expired.

EASLING, MR T.

The Hon. R.D. LAWSON (15:32): I want to speak on the case of Tom Easling. The sexual abuse of children is a scourge that has long flourished under a shroud of secrecy and shame. I welcome the fact that the shroud has been removed and the voices of victims are now being heard and perpetrators brought to justice. Persons accused of these offences are being vilified. Opportunist politicians, however, seek to exploit the fears of parents and grandparents that their children and grandchildren will be victims, and some of these politicians seek to lead the chorus.

It is often forgotten that there are two pillars of any law and order policy: one is that the guilty be punished, but the second, equally important, is the presumption of innocence and that those who are not guilty are not vilified and punished. The case of Tom Easling provides a graphic illustration of how the presumption of innocence has been trashed under the Rann Labor government.

Late last year Mr Easling was acquitted by a jury of several counts of sexual assault against youths. Mr Easling was a former foster carer. He is a constituent of the member for Davenport, the Hon. Iain Evans, who yesterday called upon the government to establish a judicial inquiry into Mr Easling's case. The Hon. Mr Evans has very good grounds for calling for such an inquiry, and I certainly strongly support him in that effort.

The following aspects of Easling's case demand investigation. First, there are the circumstances of his arrest at dawn on Saturday 31 July 2004. This arrest was carefully stage managed. When police arrived at dawn at Mr Easling's house, would you believe that the Channel 7 News camera was already conveniently set up, ready to film these dramatic events?

Indeed, *The Advertiser* that very day, printed the previous night, had predicted this arrest. So, clearly there were people within the police service or within Families SA, which I will come to in a moment, who had tipped off the press about this arrest. That was a shameful breach of confidence, designed to prejudice a trial and designed to engender hostility towards a person who was being charged with an offence but who at that time was entitled to the presumption of innocence. We all know that is the method used by corrupt police in the United States. We do not want to see it introduced here.

The investigations which led to Mr Easling's arrest were conducted by the Special Investigation Unit within Families SA. There is no doubt that the investigation it undertook was flawed in very many respects. The investigators had very limited experience in the specialised field of interviewing witnesses in child sexual cases. They offered inducements to witnesses for testimony, including offering a mobile phone and cash. They commenced interviews without switching on the tape recorder for an hour and, indeed, up to an hour and a half. They did not use a video recorder, which they should have and could have.

They shredded their notes. They led witnesses shamelessly. They interviewed witnesses without having independent observers present, as is required under South Australian legislation. They implied that victims should be entitled to some large monetary compensation. The complainants gave evidence which, if the investigators had checked properly, simply was not credible. They alleged things that had happened at times when they could not possibly have happened, etc. It was a shoddy investigation.

The shame of it was that Mr Easling had to face a trial, a very expensive trial, that went for three months, and the case, which never should have been assembled, had to be drawn apart limb by limb. This case demands an immediate independent judicial inquiry into the way in which it occurred so that others do not suffer the same fate.

Time expired.

MERCY MINISTRIES

The Hon. I.K. HUNTER (15:37): Today I will finish reading into the record the personal story of a young woman who suffered at the hands of Mercy Ministries. Anne, as I have called her, states:

> I was devastated. I couldn't work out what I had done wrong. Maybe I wasn't a good enough Christian? Maybe God didn't want to heal me? Maybe I really did have demons inside of me? The exorcism messed me up a lot. I started to question who I was, what I was, I didn't know what I believed and I didn't know what to think. Were my thoughts my own? Were they the thoughts that demons were putting into my head? Was I truly as evil as the staff had said I was? On top of all of this, I wasn't allowed to discuss it with family members or friends.
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> On one particular night, I got into such a state because the staff had told me that I had demons. I wanted to get them out of me, so I started to hurt myself, cut myself; because by that stage I was such a mess that I believed if I cut myself then the demons would come out in the blood. It sounds crazy, I know. I had never thought like this before, but the indoctrination was that bad. That night I desperately wanted to talk to my family—I needed to.
>
> I could feel myself going crazy. The staff had told me that the demons were putting thoughts into my head and speaking to me through them, so I believed that any thought in my head was a thought coming from a demon. It was horrible and I had no support, nobody who I could turn to within the house, only staff who reinforced the belief that demons were talking to me. So, I asked to call home, to speak to my family.
>
> I was given the option of calling home from within the staff office with a staff member listening to the conversation (to make sure I didn't tell my family more than I was allowed to), or not to call home at all. I was devastated. I had no way of getting immediate help or counsel from my family, who were solid Christians, who I knew could have helped me. I had no way of telling them then and there what the staff had been doing to me.
>
> I had gone into Mercy Ministries as an educated, independent young woman who had an illness and was seeking treatment. I came out a real mess. I had reverted back to being a child: totally dependent, very very fragile and believing that somehow the illness I had was my own fault.
>
> Since coming out of Mercy Ministries, I have been able to seek proper treatment from qualified people and they have really helped me to turn things around. The effects that Mercy Ministries had on me psychologically were so much worse than the initial problems I went to Mercy Ministries to deal with in the first place. It took me such a long time to trust anyone again, but since Mercy I have met some wonderful Christians and I have also had professional treatment, and slowly the lies that Mercy Ministries staff told me and the effects the lies and indoctrination had on me have been undone. Mercy Ministries has been a long and difficult process—one that I would wish on no-one.

This is the personal story of a woman I have called Anne Roberts for her own protection. The mistreatment of Anne at the hands of untrained counsellors is scandalous, made more so by the fact that Mercy Ministries continues to claim that they offer professional help to those who seek it. Instead, desperate young women are subject to a life in a cult-like environment where their every move is controlled, their access to the outside world limited and their treatment handled by staff whose sole skill base seems to be derived from some form of Bible studies.

They are cut off from their families, friends and their support networks and told that they will be helped and that they will be helped for free, but both claims are manifestly untrue. Mercy Ministries destroys those whom it claims to help whilst pilfering their Centrelink payments. It is also alleged that this money-grubbing goes further, with Mercy Ministries attempting to claim carers' benefits for the young women in their so-called care.

In recent months, Mercy Ministries has been under increasing public scrutiny. Unable to defend Mercy's actions, two CEOs have resigned since March. Mercy's residential facility on the Sunshine Coast has reportedly closed its doors. Increased public scrutiny has exposed Mercy Ministries as a particularly bad example of a money-making cult, posing as a Christian-based counselling service.

I put on record my admiration for those young women who have been brave enough to speak out publicly about their treatment at the hands of Mercy Ministries. I hope that their actions go some way to empowering themselves again and enabling them to get on with their lives.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.I. LUCAS (15:42): I rise to speak about the duplicity and deceitfulness of the Premier, the Rann government and its spin doctors. In particular, I want to talk about the arrogance and game-playing engaged in by the Premier, in particular, and his officers in relation to refusing to answer serious questions and issues raised in the parliament by members of either the opposition or other benches.

Back on 13 September 2005, I first raised a question about the Director of Public Prosecutions. I highlighted the fact that on 5 and 6 July Matthew Abraham and David Bevan

referred to a negative story about the Director of Public Prosecutions in relation to a supposed salary increase claim of some $100,000 or so. They were quoting from a letter received in the Attorney-General's office on 14 June 2005 from the Director of Public Prosecutions in relation to remuneration levels.

Subsequent to that, on 24 August of that year, again Matthew Abraham and David Bevan did another anti-Director of Public Prosecutions story in relation to an overseas trip to Copenhagen and various other places. That particular trip had been signed off by the head of the Attorney-General's Department and the Justice Department, Mr Mark Johns, and it was clear that the ABC hosts had been provided with confidential detail in relation to that submission.

At the time I said that I had been informed by a very senior source with intimate knowledge of the highest levels of the Rann government that the Director of Public Prosecutions had written to the Premier or another minister and had complained about the actions of Ms Jillian Bottrall and other government spin doctors in terms of backgrounding journalists against the Director of Public Prosecutions. I asked whether or not a letter had been received about the nature of the concern and why the Premier had personally approved a campaign by his government-paid advisers to undermine the standing of the DPP and the Office of the DPP.

On 7 December 2005, *The Advertiser* journalist Greg Kelton reported that the opposition had called for the Premier to answer these questions (because he had refused to answer them) and he wrote:

> The Premier said in a statement yesterday: 'A reply to Mr Lucas's question regarding the DPP is on its way.'

On 20 June 2007, I raised a serious issue in relation to the former ombudsman. Because of time, I will summarise my questions: was the Attorney-General or any other Rann government minister advised recently of concerns relating to the behaviour of the Ombudsman; if so, what action was taken in relation to any such concerns; and, in particular, were any inquiries initiated into any such concerns?

Earlier this year on 6 May, when I still had not received answers to questions asked in 2005 and 2007 on these two most serious issues, I recounted the detail of the questions and put them to the Leader of the Government to ask the Premier when he would answer the questions first raised in 2005 and 2007. This week, on 22 July, I received an answer from the Premier through the Leader of the Government, as follows:

> I have been advised of the following:
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> Response provided by the Hon. P. Holloway on 13 September 2005.
>
> Response provided by the Hon. P. Holloway on 20 June 2007.

In other words, the Premier was saying that he was not going to provide an answer to those particular questions. I make no criticism directly of the Hon. Mr Holloway here because he was not in a position to know whether a letter had been sent by the DPP to the Premier or another minister and it needed to be answered by the Premier or the Attorney-General, and the issue of the Ombudsman relates to the Attorney-General and/or the Premier as well.

That is just an indication of the game playing and arrogance of the government and its ministers. They think that they can just ignore serious questions and issues raised in this chamber about an undermining of the DPP by government officers or serious potential issues in relation to the behaviour of the former ombudsman which may have led to his resignation. The government and the Premier think that they can just ignore in an arrogant way genuine questions. If that is going to be the approach by the Premier, it may well be that members will have to place greater detail on some of these allegations in the parliament in the near future.

RIGHT TO LIFE AUSTRALIA INCORPORATED

The Hon. D.G.E. HOOD (15:47): Right to Life Australia Incorporated is an organisation dedicated to the preservation of human life in any form. From an unborn child right through to the elderly, a human being has the right to life, despite what may be said or deemed socially acceptable.

From small but strong beginnings in 1973, Right to Life Australia Incorporated has grown rapidly to become Australia's pre-eminent pro-life organisation and as such is regularly approached by the media to make comments on abortion, euthanasia and embryo research. The organisation is

non-party political, nondenominational and works at a national level on all issues aimed at protecting human life right from conception.

Right to Life Australia Incorporated maintains a three-pronged attack for the defence of human life by working at political, educational and social levels in all states and territories of Australia. Politically the organisation is active in lobbying members at state and federal levels in all legislatures nationwide and plays a key role in lobbying politicians and encouraging members of their organisation to contact their MPs regarding their stance on these issues. In addition, Right to Life has made many oral and written submissions to parliamentary inquiries over the years.

Right to Life Australia also believes that education is a key element in the protection of human life, and therefore it aims to inform as many people as possible of the truth and consequences of destroying or tampering with human life. School and church talks are part of this, along with the information packs and literature that it makes freely available.

Right to Life Australia Incorporated endeavours to have access to up-to-date statistics on relevant life issues. In a social sense, Right to Life Australia Incorporated believes in outreach to women in crisis pregnancy situations. To effectively achieve this it has established and maintained a 24-hour counselling service, which offers alternatives to abortion and post-abortion counselling. Pregnancy Counselling Australia (PCA) receives no government, church or corporate financial support whatsoever. It is remarkably successful in receiving some 5,000 calls on an annual basis. For the record, the crisis line number is 1300 737 732.

With approximately 100,000 abortions taking place in Australia each year, roughly equating to two aborted babies for every five born, Right to Life Australia believes there needs to be a greater push for making adoption an easier and more viable option.

I might say that not only does Right to Life believe that: Family First does as well. Considering that infertility is on the rise, adoption is an alternative that can produce positive outcomes for all involved. Right to Life Australia would like to see the government make adoption laws more practical for all involved, and help reduce any stigma still surrounding the issue. I might just add here that with both my wife and father being adopted, I am personally a very strong advocate for the success of adoption.

For a woman faced with an unplanned pregnancy who believes she cannot cope with a child, surely it would be better to have that child adopted so that she could know her child was alive and well in the future. Indeed, in his parting address my former colleague the Hon. Andrew Evans noted that more unborn babies are now being aborted by teenage girls than are actually being born. The adoption process has improved greatly over the last two decades in particular, and it is now a much more positive and respectful process for relinquishing mothers. I believe that further shows it should be considered before abortion in any crisis pregnancy situation.

Right to Life Australia's existence and activities help to keep the lack of respect for human life that abounds today at the forefront of the minds of Australians. Its continual efforts endeavour to protect human life under threat from, as I said, the embryo stage right through to the elderly, and I believe it should be commended for that stand.

Whilst I have a minute remaining, I would like to reiterate a couple of those points. As I said, both my wife and my father are adopted, and in today's environment they may both have been aborted—certainly, statistically that is likely. That would mean I would not have been born either, and while some in here would applaud that option I am sure many other people would not. I am not saying it is easy: I understand it is very difficult, but I urge young women facing these very difficult circumstances to contact Right to Life and other groups just to hear that side of the story and understand that adoption is a real option.

There are many couples out there who would give their left arm, so to speak, for a lovely baby, and they go to great measures to get them from overseas. The tragedy is that we have aborted so many of them right here in our own country—indeed, in South Australia we abort about 20 children a day. I would love to see, as would Right to Life, those children being given up for adoption.

Time expired.

COUNTRY HEALTH CARE PLAN

The Hon. T.J. STEPHENS (15:53): Today I wish to discuss Labor's failed Country Health Plan. I am part of the Liberal Party task force formed to look into Labor's plan, and I would like to

pass on to the council that country people are not happy—in fact, they are furious. I was at a community meeting at Tumby Bay last week—

The Hon. B.V. Finnigan interjecting:

The Hon. T.J. STEPHENS: The moose-head from Mingbool might learn something if he listens. People are confused and they are angry. As Liberal task force leader Rob Kerin said recently, 'I haven't seen an outpouring of community concern like this in all my years in politics.' What the Rann government has forgotten is that there are thousands of voters in metropolitan seats who spend their holidays in rural and regional centres; the government would be reminded, for example, that 40 per cent of ratepayers on Yorke Peninsula normally live in Adelaide.

Hundreds of thousands of Adelaideians also holiday right across regional South Australia, and I am certain many of these will attend a rally outside the Norwood oval this Saturday morning to let the Rann government know what they think of the plan. We had a fantastic turnout for the first rally on the steps of Parliament House, and I am sure that country and city people will turn out together in force to, essentially, maintain the rage against the government's unfair plan.

The bureaucrats in the back office have had a huge win with the Country Health Plan. They have no understanding of country communities and the delivery of country services. As many as 75 to 80 per cent of rural South Australians who want anything other than simple health care will need to make a trip to Adelaide. If you look at where 80 per cent of people in South Australia live, they will end up coming to Adelaide for nearly all their medical services. It is just not good enough.

That is one of the most obvious things to come out of the plan, but our task force has been looking at a whole range of issues. One issue that has not been properly considered, for example, is that over the past few years we have seen older people moving out of smaller towns to retire to where the 43 downgraded hospitals will be, and part of the reason they have bought these homes in their retirement is that there is a working hospital in that area. We have been told by some of our constituents that this is an important factor in their move, and it makes sense that people want to be close to quality health care in their retirement. These people have made their investment and made the move, and then the government comes up with this plan to take away the services they need.

A recent editorial in the Clare *Argus* was spot on. The member for Stuart shared it in the other place, and I will share it here. It states:

> It is funny how local government is required to ask its communities their opinions on anything from the naming of new roads to the use of community land. Funny because the next couple of tiers of government obviously believe it's okay to ride roughshod over everyone and everything, making decisions for us—because, presumably, we are incapable of providing useful input.

I can assure the council that it is not just a few Liberal MPs and a handful of country people who are angry. Medical professionals are angry, and two of them who were in contact with the Liberal Party around the time the plan was announced said it best. Dr Alison Edwards, medical director with the Mid-North Division of Rural Medicine warned the Rann government:

> As a GP, I have served the Port Broughton area for 14 years, and the government's health plan will devastate our community. I will be able to treat my patients but not be able to admit them to hospital locally.

Rural Doctors' Association of South Australia President Dr Steve Holmes said that the skills of doctors will 'wither and die' without access to country hospitals to utilise their expertise. He also said:

> People in country towns will lose doctors and a level of health services that city people take for granted. The removal of acute services from hospitals will place an extra burden on ambulance retrievals and force patients and their families to travel hundreds of kilometres. That is an unacceptable standard of care in Australia today.

The government has implemented these reforms without consulting rural communities or the doctors who work in them. I ask members opposite to put pressure on the Minister for Health to tell him to stop listening to the bureaucrats and do the right thing by country people. That goes especially for you, the Hon. Bernard Finnigan, claiming you are a rural man. Make sure you get into the Minister for Health and get him to do something about this ridiculous health plan.

NATURAL RESOURCES COMMITTEE: KANGAROO ISLAND NATURAL RESOURCES MANAGEMENT

The Hon. R.P. WORTLEY (15:56): I move:

That the report of the committee on natural resource management on Kangaroo Island be noted.

This report should be read in conjunction with the committee's September 2007 report titled 'Kangaroo Island Natural Resources Management Board Levy Proposal 2007-08' and the recommendations contained within. The Natural Resources Committee's visit to Kangaroo Island in May 2007 was an opportunity to meet and speak with members of the local community and examine the management of natural resources on the island.

At the time of the visit, the committee found that these resources were generally well managed by the Kangaroo Island natural resources management board and the Department for Environment and Heritage and National Parks and Wildlife. The committee was impressed with the work of the NRM board and especially its efforts in community consultation which surpassed the Natural Resources Management Act requirements.

It appeared to the committee, at the time, that effective consultation had generated goodwill and support in the community towards the board and its activities, and the committee commends this approach to other NRM boards. However, since its visit, the committee has become aware of assertions that the board now has an issue with needing to build trust and confidence among its community arising from discussions surrounding possible prescription of water resources on the island and perceived conflicting information issuing from the Department of Water, Land and Biodiversity Conservation.

A common theme raised by some witnesses in hearings and submissions was that additional dams were needed for improved supply security and economic development, and that this would require the destruction of native vegetation presently protected under the Native Vegetation Act. Since those submissions were made, the committee has become aware of recent Department of Water, Land and Biodiversity Conservation studies reporting significant environmental stress on the 30 per cent of the land subject to high proportion of stream flow extraction.

The committee supports the DWLBC recommendations for further studies of impacted catchments and SA Water's call to prescribe water resources in the Middle River catchment (the source of much of the island's reticulated water supply) and restrict forestry in the area. The committee is also mindful of future climate change induced rainfall impacts on Kangaroo Island. For these reasons the committee recommends prescription of water resources on Kangaroo Island and additional controls on water affecting activities.

If not properly managed, Kangaroo Island's sizable coverage of native vegetation poses significant threats to the environment, property and life through bushfire. The committee was pleased to see the Country Fire Service and DEH cooperating with whole-of-landscape fire management planning under way. The committee notes that the CFS is a volunteer organisation, and additional resources may be needed to ensure that native vegetation is well managed on the island in line with the new fire management plans created.

I wish to thank all those who gave their time and assistance to the committee in this inquiry. The committee heard evidence from 29 witnesses, received seven submissions and toured the region. I also commend the members of the committee for their contribution: the Chairperson, Mr John Rau MP; the Hon. Graham Gunn MP; the Hon. Sandra Kanck MLC; the Hon. Steph Key MP; the Hon. Caroline Schaefer MLC; and the Hon. Lea Stevens MP. All members of the committee have worked cooperatively throughout the course of the inquiry.

Finally, I would like to thank members of the parliamentary staff for their assistance, especially the Executive Officer, Mr Knut Cudarans, and research officers, Mr John Barker and Mr Patrick Dupont.

The Hon. SANDRA KANCK (16:00): The Natural Resources Committee has a wide brief under the Natural Resources Management Act to keep under review the extent to which the objects of that act are being achieved. The committee's oversight of the setting of NRM levies by each region was the catalyst for the committee to visit Kangaroo Island last year. Rather than look at just the issue of levies, we took the opportunity to explore many of the issues associated with natural resources management on Kangaroo Island.

The committee has indicated its satisfaction with the process undertaken by the Kangaroo Island Natural Resources Management Board in determining its levy. Indeed, the word we have used is 'commended', and I think rightly so. Most other NRM boards stick to the minimum 21 days stipulated by the act, and not a minute more. The Kangaroo Island NRM Board allowed five weeks for submissions to be sent in and, on a percentage basis, the level of participation in the consultation process was higher than for any other board. That may at least be due in part to the

relative geographic smallness of the region, but I think part of it may be the fact that they allowed time for it to occur.

There has been some discussion on the island about the possibility of that NRM board merging with another one on the mainland. I make the observation—rather than the committee—that such a merger would lose the unique advantage that Kangaroo Island holds in terms of community ownership and therefore involvement with the NRM board.

Kangaroo Island is very dependent on tourism which, in turn, is very much based on the natural environment. Tourism, in turn, places pressures on infrastructure, such as water and roads. Funding for that infrastructure is not readily available. Members of the Kangaroo Island Council lamented the fact that, whilst national parks control one-third of the island's land resource, they pay no rates. So, there is a bit of irony there: that we have the natural environment to attract the people, which puts the pressure on the infrastructure, but the natural environment that the DEH is responsible for makes no contribution to the economy.

Additionally, the council has to pay an annual $500,000 wharfage charge to the state government, which appears inequitable to them compared to people on Hindmarsh Island who have a bridge that they use for free. Pressures abound on the natural resources of Kangaroo Island, including the destruction of native vegetation, the continuing problem of koalas and the emerging problem of plantation forestry impacting on groundwater resources.

In a separate inquiry, the Natural Resources Committee has been looking at the forestry impact around the Foggy Farm catchment on the Southern Fleurieu Peninsula for about 18 months. We have developed the view that forestry needs to be declared a water-affecting activity in this state. In this report, we make the direct recommendation to the Minister for Environment and Conservation that she include commercial forestry activities on Kangaroo Island as the prescribed water-affecting activity pursuant to section 127(3)(f) of the Natural Resources Management Act 2004.

The evidence to the committee was that forestry on Kangaroo Island at this stage was not having an impact. I think the magic word is 'yet'—it is not having that impact yet. But many farmers expressed their concern to us about forestry in the longer term, involving both its water uptake and the impact on roads when trees are harvested in 15 to 20 years and ultimately transported to the mainland. That goes back to my earlier consideration of the lack of government support for infrastructure on the island.

The Department of Water, Land and Biodiversity Conservation has a document entitled 'Plantation Forestry Design Guidelines for Sustainable Water Resources Management' and the committee has recommended that DEH, DWLBC, the Kangaroo Island National Resources Management Board and the Kangaroo Island council all use these to ensure that any additional approvals for forestry should be subject to these guidelines.

I now move to a subject that I have a great interest in and something which is very dear to my heart—koalas. The Department for Environment and Heritage estimates that koala numbers on the island are presently somewhere between 22,000 and 30,000. Those sort of numbers are unsustainable. This epidemic—because that is the only way you can describe what is happening with these koalas—has put great pressure on the Cygnet River catchment, in particular. With up to 30,000 koalas, there is a significant injection of funds for sterilising them and relocating them to the South-East of the state.

We were told that, to keep their numbers under control, 70 per cent of the koalas will need to be sterilised and one-third of them translocated. The cost to do that is enormous: up to $1 million per year. I have been talking about the problem of lack of roads, for instance, and one wonders what that $1 million might do in terms of assisting the Kangaroo Island council to have decent roads.

As the committee's report states, relocation and desexing of animals is a very costly exercise when compared with alternative control measures, such as culling. I personally have a position—and it has been my party's position for quite a number of years—that the koalas on Kangaroo Island are a pest. Indeed, the committee's report lists them under exactly that heading. They are not native to the island. They are destroying the manna gums which line the creeks, and the destruction of the trees (the roots of which hold the soil together) leads to soil erosion. There are other impacts associated with the birds that nest in the trees and so on, and also the issue of soil content in the outflow of the rivers to the marine environment.

I certainly do not disagree with anything that the committee has said about koalas—I would probably have gone a little harder. The committee commented that 'it is concerned at the high cost of the present koala management program and the opportunity cost this represents to other NRM projects. The committee recognises the sensitivity of the koala control issue and understands DEH's efforts to manage koalas on the island in a politically sensitive manner. The committee intends to further examine this issue and, in particular, to better understand the impact of the December 2007 bushfires on the island's koala population. The committee believes that a sustainable solution must be found to the koala question'. In my view, that sustainable solution is the humane culling of those koalas. I do not think we should allow Japanese tourists to determine this state's environmental policies. If they start calling for boycotts then I think what we need to do is to look them straight in the eye and say one word to them—whales.

I thank my colleagues for the work that they have done on this report. I very much enjoy being on this committee. The Hon. Caroline Schaefer will know that, when it was first set up, I thought it was some form of sinecure and was quite cynical about it. However, I said that I would serve on the committee to make sure that it works—and it works. I think it is probably one of the best committees that this parliament has ever had. I thank all of my colleagues for their work on this report, and I also thank the committee staff who have done a fantastic job.

Motion carried.

SELECT COMMITTEE ON THE SELECTION PROCESS FOR THE PRINCIPAL AT THE ELIZABETH VALE PRIMARY SCHOOL

The Hon. R.P. WORTLEY (16:10): I move:

That the select committee's report be noted.

The select committee was established to investigate affairs at Elizabeth Vale Primary School following many complaints from some members of the school community and subsequently a great deal of media coverage in the first part of 2006. This revolved around the fact that the previous school principal was not reappointed to the principal's position and was unsuccessful following an appeal. The committee examined the selection and appeal processes and the parts played by the individuals and organisations involved and received a wide range of written submissions and heard verbal evidence.

We also received a broad span of other relevant information which went far beyond the selection and appeal processes in this case and which pointed to a number of underlying issues that needed to be explored and fully understood. This meant that some considerable time has elapsed since the establishment of the committee and the production of this report. However, these important matters are now recognised, and we have included in the final section of the report the pertinent questions which we believe led to the problems in the first place.

The select committee met on 19 occasions. Following its appointment the select committee placed advertisements in relevant media publications advising of its appointment and inviting submissions and evidence, and it commenced hearing evidence shortly afterwards. In total, the select committee heard evidence from 20 witnesses, with several presenting evidence on more than one occasion, and some witnesses presenting evidence in camera. The committee also received a total of 34 major submissions, including several that were granted confidential status by the committee. The committee also made two site visits to the Elizabeth Vale Primary School.

Submissions and evidence varied in the extent to which all terms of reference were addressed. A wide range of people have expressed their views, including current and former staff at Elizabeth Vale Primary School, officers of the Department of Education and Children's Services and members of the school community. The select committee members note and appreciate the efforts made by all parties in order to present their views.

I opposed this committee to start off with. I think we should be a bit more selective in the issues we should refer to a select committee, but I must say I was very pleased with the way the select committee handled the whole process. This select committee did what select committees should do, and that was search for the truth, and all members of the committee, whom I will name in a while, worked in a bipartisan way to ensure that the report reflected the real issues around this select committee.

I thank my colleagues who served on the select committee: the Hons Mr Dawkins, Mr Finnigan, Ms Schaefer and Ms Bressington and also for a short time the Hon. Nick Xenophon. It was a great pleasure to work with all of them. I also thank the executive officer of the committee

Mr Chris Schwarz and the research officer, Ms Carol Bradley, whose work was vital to the final drafting of the report.

The Hon. J.S.L. DAWKINS (16:13): I rise to support the motion, and I note the comments of the Hon. Mr Wortley, who chaired the committee throughout its quite long period of existence, probably longer than we all thought would have been needed when we started this inquiry in the early part of 2006. I think the honourable member has referred to the events that took place at Elizabeth Vale over the summer of that year. They coincided with an election campaign, and I think the media and others highlighted a situation which got considerable attention throughout the media both locally and across the state.

I do agree with the Hon. Mr Wortley: I think the select committee has worked pretty well to go over the wide range of issues that I think were in play at Elizabeth Vale in the time leading up to the unrest at the school. We did have a look at the after effects of that under the acting principal and, of course, more recently, under the new permanent principal, Mr Grant Small. Members of the committee have been to the school on two occasions and seen the way in which the school seems to be running now, and we are very pleased about that. We hope that the finalisation of this committee report will allow the school and its community to move on in the furtherance of education in that area.

The committee looked at a number of factors in this whole situation. We looked at the period in which Ms O'Connor was the principal of the school. There was a period where it seemed that she had the full confidence of most of the community and certainly most of the senior people in the Department of Education and Children's Services. This was despite the fact that the methods of teaching were, while not described by educators as completely unorthodox, not applicable for all curriculum or all schools. Certainly, they related somewhat to the decision to allow years 8 and 9 classes to be conducted at what is normally a primary school.

The matters we looked at were probably what happened in between the times when the department seemed to be quite happy with Ms O'Connor's stewardship in relation to her own performance, her management of staff and management of finances, to a time when suddenly they did not seem to be happy with her any longer. To me, there was a lack of communication in all of that, in that when she needed to be reaffirmed or a new principal appointed there was a 12-month rollover on that situation. I am still yet to be convinced as to the reasons for that.

Ultimately, at the end of that 12-month rollover there was a selection process and Ms 'Connor was not successful, and not successful on appeal. I questioned very strongly—and I still do not think I got a decent answer—as to why the selection process in that period was delayed right to the end of that 12-month rollover.

I must say that in all of my determinations on this issue, and I think all of us examined this pretty keenly, whenever I looked at the reasons why there seemed to be this lack of communication or lack of indication to the principal that the department was no longer happy with her in a range of different areas, to me it seemed that the district office was largely at fault, but not solely. There were probably other areas in DECS that could have communicated that, but to my mind I think it was the district director who was to some extent asleep at the wheel in relation to this matter.

I am very keen that the department should make sure that those who are directors of these districts, or any other administrative region within the Department of Education and Children's Services, has a much tighter and stronger level of communication with their principals in the range of schools that they look after. I have a strong belief that this select committee would not have been in existence if the district director had been stronger in that role.

On that subject, I note that the South Australian Secondary Principals Association—and I know this is not principally a secondary school, but I think this applies across education—recently indicated that the introduction of the common regions across South Australia, and that includes various parts of Adelaide, provides an opportunity to reshape the focus of the regions towards educational leadership, rather than the creation of many administrative bureaucracies. I hope that that is the case. Even though I think that these regions will be larger, I would hope that the way in which the directors, and perhaps assistant directors, operate is to avoid the situation that we have had in Elizabeth Vale.

There are a number of findings and conclusions that the committee has made, and I thank members of the committee for the work they have put into this. As I say, I extend my best wishes to the Elizabeth Vale community. It has been a divisive issue, but I think, from our visits to the school, that it seems, largely, to be getting better, and I would hope that that continues. I extend my thanks

to all those who were witnesses before our committee, and those who put in other submissions. I thank our secretary, Mr Chris Schwarz, for his valiant and dedicated work on behalf of the committee, the research officer, Carol Bradley, and all members of the committee for their work on this matter.

The Hon. A. BRESSINGTON (16:22): I would also like to make a few comments about my experience on the Elizabeth Vale select committee. I was reluctant to sit on that committee at first, but I am glad I did now. It was an experience for me, as it was my first select committee. I also thank the staff and other members who worked on the committee. I think that the approach of this committee was a very balanced one. It was a confusing committee to start with, considering the information we were receiving but, as time went by, a bigger picture began to emerge. I think that the report handed down by the committee is probably the fairest report that we could have come up with. It took into consideration all the evidence we received from the witnesses from both sides.

The one thing I stress—and it is part of the report—is that I believe that the education department should have been a lot more responsible and a lot more proactive in intervening when it looked like things were going pear-shaped at Elizabeth Vale. That basically gets to another issue that we are seeing emerge more often here and that is the skill of government ministers in managing conflict resolution. If we could improve on that in this place over time, I believe that it would save taxpayers a lot of money and members of the community a lot of angst when they are facing these sorts of situations. We should have departments working proactively in the best interests of all stakeholders, which I guess is an idealistic approach, but it was my main concern that this was allowed to go on for quite some time.

I thank the other members of the committee for their patience with me at certain times. As I said, it was a learning experience and, like the Hon. Russell Wortley, I hope that this now brings closure to this matter.

The Hon. C.V. SCHAEFER (16:25): I, too, thank our secretary, Mr Chris Schwartz, and our research officer, Carol Bradley, and the other members of the committee. This has been a somewhat difficult committee inasmuch as it involved two polarised sides and two polarised sets of opinions as to what had caused the complete breakdown of authority within the Elizabeth Vale Primary School.

The other members have outlined some of the causes as they see it, and I certainly do not disagree with them. In spite of some of the press, I think this is quite a balanced report, but I do draw members' attention to some of the wording in our report. In term of reference (a), we said that our committee:

> ...was unable to find evidence of misconduct of any Department of Education and Children's Services employee or officer...

That does not mean for my part that I do not suspect any, because at best the behaviour of the department in its highest echelons—and, in particular, the district director—was below that which I think any employee can reasonably expect from the person who is their direct superior.

Ms Lisa-Jane O'Connor was principal of Elizabeth Vale Primary School for five years, during which time she published papers which were lauded within this state, interstate and overseas as being about a new and cutting-edge system of education. She was then asked to be the acting principal while her position was advertised. If any of us put ourselves into that position (into Lisa-Jane O'Connor's shoes), it would be reasonable to expect, given that she had received no criticism, that she would be reappointed to her position.

So, I do not think that anyone could have been more surprised than Lisa-Jane O'Connor when she was not reappointed. During that time, the district director exchanged numerous e-mails with her (many copies of which we saw). He agreed to be her referee and yet, behind the scenes, he was recommending that she was unsuitable to be reappointed. At another stage in our report, we say:

> ...it appeared that because she had never been put on notice for poor performance, she had not fully recognised her failings. It is probable that she expected to be successful in her application, as none of the departmental officers had made clear that, given the school's poor performance in a number of different areas, her future as an educator was uncertain and she was unlikely to be selected. Neither was she given appropriate counselling to help her improve her performance.

In other words, the departmental officers (her superiors) let her and that school spin out of control for five years without giving her any warning that she was indeed for the chop. We heard quite lengthy evidence to suggest that the school's finances were out of control. Yet, on questioning,

senior departmental officers said that they had no system which could flag the finances of a school, no system which could indicate to them that the school owed money, and no system of auditing that school. If that is the fact, the whole education system needs an overhaul because there are many small schools out there and, if they are receiving no genuine training, they could find themselves in the same position as did Lisa-Jane O'Connor and her school council.

We were told that discipline had spun out of control, and certainly some of the anecdotal evidence we received would indicate that even in an area of low socioeconomics, an area where there are known problems, that school had more problems and fewer methods of coping with them than any of its nearby peers, yet no-one counselled Lisa-Jane O'Connor as to where she was going wrong. No-one counselled her school council as to where it was going wrong.

Literacy and numeracy test results were lower than for peers in similar areas and of similar socioeconomic background. Comparably they were some of the lowest in the state, yet no-one raised a flag or any concern with Lisa-Jane O'Connor for six years, because she was allowed to be her own replacement until someone else was found. She would have had every reason to believe that she was doing quite a good job, that she would be reappointed to her position, only to find that that was not the case.

Certainly there was ample evidence that the school was performing poorly and evidence now to suggest that the school has been turned around, that the new principal, Mr Grant Small, has done an outstanding job and we are seeing an entirely different culture and attitude within the school. Having said that, many of the people who were devotees of Lisa-Jane O'Connor and her somewhat laissez-faire method of teaching have moved to other schools and we assume have found places that better suit their particular culture.

There is no doubt that the school was in deep trouble, but my criticism is directly with her district director, whose job it should have been as her immediate superior to have at least warned her that her performance was not only below par but unacceptable. Instead, he agreed to be one of her referees. I have criticism of him and of his superiors, who sat in and told us that there is no system whereby they can tell that the finances of a school are out of control, no system where they can go in and investigate complaints by numerous junior teachers, and no system where they can intervene if a school's discipline is out of control. If that is the case, our concern should be not just for Lisa-Jane O'Connor or the Elizabeth Vale Primary School but we should be looking at the whole upper structure of the education department.

We have brought down the best report we could under the circumstances. By the time we had finished we were looking back in history. The whole ghastly situation had gone on way too long and most of the students and staff who remained at that school had moved on, so we were looking at something of the past. I have no evidence that the structure and culture within the upper echelons of the education department that allowed this school to get into such a parlous state, and allowed a teacher who had the best will to be cast on the scrapheap with no counselling or advice, has improved. I thank my colleagues who were part of the committee and the staff. We probably did the best job we could with a difficult situation.

Motion carried.

CONTROLLED SUBSTANCES (PALLIATIVE USE OF CANNABIS) AMENDMENT BILL

The Hon. SANDRA KANCK (16:36): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. SANDRA KANCK (16:36): I move:

That this bill be now read a second time.

This bill proposes that fines be waived for the personal cultivation and use of marijuana for people suffering designated medical conditions. This would be on the proviso that a medical practitioner has signed a palliative cannabis certificate to indicate that the person is suffering from a specified illness or disease, the symptoms of which might be palliated by the smoking or consumption of cannabis or cannabis resin. The certificate would:

(a) certify that the person has a specified illness or disease;

(b) describe the symptoms;

(c) declare that in the doctor's opinion the use of cannabis would palliate those symptoms;

(d) state that the doctor has discussed with the patient the risks associated with the use of cannabis; and,

(e) prescribe the amount and method of administration and the period of time for which the use is recommended. Such a certificate would be valid for a maximum of one year, but it could be revoked earlier by the doctor. The doctor would be required to provide the minister with a copy of the certificate within seven working days of issuing it, and similarly provide advice if it has been revoked.

Given that in South Australia cannabis is a controlled substance and is illegal under normal circumstances, under this legislation the medical practitioner is given protection so that they would not be subject to legal disciplinary proceedings by virtue of issuing a certificate if they did it in the form prescribed in the bill. Failure to provide the appropriate advice to the minister would attract a fine, and any false or misleading statements made by a doctor in relation to any of the above could see them imprisoned for two years or fined up to $10,000. The bill also provides for the sale of approved equipment for the consumption of cannabis to a person who holds a palliative cannabis certificate.

Cannabis is a drug that has been referred to in literature in all cultures. It was being used in China as a herbal remedy 5,000 years ago; in the US the 1896 edition of the *Pharmacopeia* had 20 pages devoted to its uses; and until 1934 cannabis was widely used in pharmaceutical preparations in the US. Queen Victoria is said to have used it to relieve period pain.

The Howard government produced a booklet that was issued with the 'Tough on Drugs' stamp on it. It came from the commonwealth Department of Education, Science and Training. The booklet is called *Cannabis and consequences: Parent brochure/information booklet*, and it gives a little (dare I say it) 'potted' history of cannabis, as follows:

> Cannabis is relatively new to modern Europe, possibly introduced by Napoleon's army returning from Egypt around 1800. Cannabis was known to early civilisations in China, India, Mesopotamia and Egypt from 4,000–2,000 BC. Used as an analgesic and sedative, cannabis was one of the earliest known medicines. After its intoxicating properties were discovered it appears to have been used in rituals. The plant was first used as a fibre for making cloth, rope and paper. Known as Indian hemp, the cannabis plant was a commercial crop in the United States until the 1930s.
>
> Cannabis use was progressively restricted in the Western world between 1890 and 1940. The 1931 League of Nations convention, which sought to limit the production of opium, also banned other drugs including cannabis and cocaine.

I suppose the question that needs to be answered is that, given it was used so widely in the past and then made illegal in so much of the world, why is there a demand for it now? I think it is because we all respond differently to medications. I use aspirin for headaches but if you give me paracetamol it does nothing for me; when I have been in hospital and have been administered pethidine the first thing I experience, within a matter of minutes, is nausea and vomiting. However, simply because I have those reactions does not mean it should not be prescribed for anyone else.

It is because of the different responses to drugs that cannabis should be part of our palliative armoury. There are some people with conditions that cannot be alleviated with the normal range of chemically-synthesised drugs. Some of these conditions include multiple sclerosis, and up to 30 per cent of people in Europe who suffer with multiple sclerosis use cannabis to alleviate their symptoms. A British study showed that the use of cannabis by MS sufferers resulted in improvements in their walking speed, reduction in muscle spasms, pain relief, and better sleep.

People who have nausea and vomiting associated with chemotherapy, as well as people with body wasting because of AIDS, find that the effect of cannabis is to suppress the nausea and vomiting. It can only be good for people trying to recover from cancer if they are able to hold down their food and get some nutrition into their body, and the effect of cannabis for people who have AIDS is to restore the appetite which, again, gives their body that capacity to fight off the impact of HIV. Other conditions that can be assisted are glaucoma, depression, bursitis, control of seizures, and neuropathic pain associated with spinal cord injuries. There are other conditions associated with spasms, but not particular illnesses, that people tell me can also be alleviated.

Again I turn to the booklet produced by the Howard government. Under the heading, 'Are there any medical uses for cannabis?'—and, remember, this is the government that said it was tough on drugs—it reads:

> Some cannabis users report that cannabis helps them relieve the symptoms of medical problems. In 2000, a NSW government report concluded that cannabis could be useful for certain medical conditions, and

recommended more research should be conducted. The report suggested that cannabis may be most useful for the following conditions:

- pain relief (analgesia), for example in people with cancer;
- nausea and vomiting, particularly in people having chemotherapy for cancer;
- wasting, or severe weight loss, in people with cancer or AIDS; cannabis may help increase the person's appetite and relieve their nausea; and
- neurological disorders; cannabis may be useful in relieving the symptoms of multiple sclerosis, spinal cord injury and other movement disorders, because it helps relieve muscle spasms.

One of the short-term effects of THC in cannabis is to expand the airways in the lungs, helping people who have asthma; however, cannabis users may develop tolerance to this effect.

As with all drugs, there is a potential for side-effects, and the use of cannabis for medical conditions, just as with other drugs, needs to be tightly controlled. One of the websites I visited that advocates the use of medical marijuana has this disclaimer in relation to medical marijuana:

> There is no pharmacological free lunch in cannabis or in any drug. Negative reactions can result. A small percentage of people have negative or allergic reactions to marijuana. Heart patients could have problems even though cannabis generally relieves stress, dilates the arteries and in general lowers diastolic pressure. A small percentage of people get especially high rates and anxieties with cannabis. These people should not use it. Some bronchial asthma sufferers benefit from cannabis; however, for others it may serve as an additional irritant.

It is important to remind ourselves that each year in Australia there are approximately 19,000 deaths from the use of tobacco, 2,000 from alcohol and 1,000 for all other illicit drugs combined. Paracetamol kills 400 people per year, and even aspirin causes more deaths than cannabis. In fact, ABS figures do not show up cannabis as causing any deaths. In the UK, recent figures show that 114,000 people died from tobacco usage in one year, 22,000 from alcohol usage and 16 from cannabis usage.

We need to recognise potential dangers, but we need to get things into perspective. In terms of this question of how safe cannabis is, I address the question of a link to psychosis. There is not anywhere in any of the literature a causal link between cannabis and psychosis. Certainly, there is evidence that shows that some people who are psychotic have a tendency to self-medicate with cannabis and, of course, that is interesting in itself because there is an ingredient in cannabis called CBD that inhibits psychotic symptoms among schizophrenics. It may be, in fact, that they have cottoned on to that and are using it to effectively alleviate some of their symptoms.

Dr Syril D'Souza who is from Yale University co-authored an article with Dr Asif Malik also at Yale University published on the website psychiatrictimes.com, and I will read part of that, as follows:

> If cannabis causes psychosis in and of itself then one would expect that any increase in the rates of cannabis use would be associated with increased rates of psychosis. However, in some areas where cannabis use has clearly increased, e.g., Australia, there has not been a commensurate increase in the rate of psychotic disorders. Further, one might also expect that, if the age of initiation of cannabis use decreases, there should also be a decrease in the age of onset of psychotic disorders. We are unaware of such evidence.

I indicate to members that the AMA, to whom I provided a copy of the draft bill, has rejected the bill because of safety concerns, but what I find interesting about that is that there do not appear to be the same concerns in relation to prescribing drugs that come from chemical companies. So, I want to look at some of the drugs that our medical practitioners already legally prescribe. For instance, there is Strattera for ADHD. Side-effects of that include suicidal thoughts, weight loss, chest pain and swollen testicles, but doctors still prescribe it.

In relation to Viagra (I got this off the vichealth website) it states in relation to side effects:

> You may not get any of them but tell your doctor or pharmacist if you notice any of the following and they worry you:

- headache,
- dizziness,
- flushing,
- indigestion,
- nasal congestion,
- diarrhoea,

- rash.

That is not so bad. Then it goes on:

Tell your doctor as soon as possible if you notice any of the following:

- unusual heartbeat,
- urinary tract infection, stinging or burning urine, more frequent need to pass urine, blood in the urine,
- changes in vision such as blurring, a blue colour to your vision or a greater awareness of light,
- persistent headache or fainting,
- bleeding from the nose.

Then it gets better:

If any of the following happen, tell your doctor immediately or go to Accident and Emergency at your nearest hospital:

- signs of allergy, such as shortness of breath, wheezing or difficult breathing, swelling of the face, lips, tongue or other parts,
- chest pain,
- sudden decrease or loss of hearing,
- seizures, fits or convulsions.
- Very rarely your erection may persist for longer than usual. If your erection continues for four hours, or sooner, if there is pain, you should seek medical attention urgently.
- Rarely, men have lost eyesight some time after taking drugs to treat erectile dysfunction...it is not known at this time if Viagra causes this. if you lose eyesight in one or more eyes, seek medical attention urgently.

This is not a complete list of all possible side-effects; others may occur in some people and there may be side-effects not yet known.

So, these are some of the side-effects of Viagra and doctors continue to prescribe it.

Benzodiazepines are drugs that are often used for sleeping tablets and to calm people. From the website benzo.org.uk, according to Professor Malcolm Lader:

Five per cent of those using benzodiazepines may be affected by so-called 'paradoxical' reactions in response to the drugs rather than the desired tranquilliser defects. Such reactions include increased aggressiveness (in some individuals even violent behaviour), depression (with or without suicidal thoughts or intentions) and sometimes personality changes. In some instances, reactions such as hallucinations, depersonalisation, derealisation and other psychiatric symptoms occur.

Five per cent of people are put on these drugs and doctors still prescribe them, despite the side-effects.

There has been a lot of research into the effect of benzodiazepines and the relationship with hip fracture in the elderly. Research on that by Eileen E. Ming at Harvard University states:

In long-term care sessions where 45 to 70 per cent of residents fall each year, 1,600 falls occurred per 1000 person years.

By the way, that is compared to the rest of the population, which is 224. It continues:

One to two per cent of falls result in hip fracture, and the risk of hip fracture increases almost 100-fold from age 60 to 64 to 80 to 84. In the year following a fracture, there is a 23 per cent mortality rate, compared to an expected 8 per cent; 50 per cent of the ambulatory lose the capacity to walk independently; one-third of the community-dwelling require long-term nursing care; and many are incapacitated by the fear of falling again...BZDs—

benzodiazepines—

have been found to impair basic psychomotor function and postural sway in normal volunteers, a side effect which lasts at least through four weeks of continuous use; impairment increases with dose...Sedatives slow reaction time and reduce coordination and alertness...protective responses at the time of a fall may be too late to prevent a hip fracture.

So, here we have another drug that amongst the elderly in particular has some quite catastrophic side effects in terms of losing balance and falling and hip fractures. The range of increased risk is between 1.5 and 5.8 times compared to those not using psychoactive substances.

Thalidomide is another very dangerous drug. I am sure most people will recall that in the 1960s it was prescribed to prevent morning sickness in pregnant women, and many of those

women subsequently gave birth to children with deformities. It has now been rehabilitated, so to speak. It still causes those effects, which are pretty disastrous, but it is being prescribed by doctors now for blood cancer and leprosy.

Among the drugs that doctors prescribe—I believe justifiably—is morphine, because it has a very important role to play for the relief of extreme pain. But everybody knows what morphine in its illegal forms can do. In relation to this whole question of harm, the US Institute of Medicine concluded:

> Except for the harms associated with smoking, the adverse effects of marijuana are within the range of effects tolerated for other medicines.

Let us look at what is happening in other countries. There are places in the world where there are no laws at all about cannabis, such as Bangladesh and, in Belgium, it has been decriminalised. Obviously, no legislation is needed to allow the medical use of cannabis in those countries.

At the present time in the United States, 12 states—Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington—have removed criminal sanctions for possession of marijuana if it is used to relieve medical conditions. Michigan will vote on a medical marijuana initiative later this year, and a bill was introduced in the Ohio legislature last month.

In terms of the application of the law in those 12 states, some give out ID cards to the users. Most state laws are silent about the procurement of marijuana; whether users can grow it themselves or buy it from somebody and, if so, from whom. In New Mexico the governor himself introduced legislation which envisaged a state licensed and protected system of cannabis production, and that was passed last year. Regulations to allow this are now being prepared, and at least 150 people have already formally applied to be able to use the drug. In addition to the state's involvement, both patients and carers will be able to grow their own cannabis.

Polling back in 1995 showed that two-thirds of Americans believe that medical marijuana was justified. Proposition 215 in California, which brought about the decriminalisation of marijuana for medical use, got a strong 56 per cent of the vote. In California, hundreds of medical marijuana dispensaries are now offering assorted varieties for sale and providing advice about which varieties are best for differing medical conditions. Cannabis dispensaries were never authorised: they just sprang up.

The Bush administration has been trying to stop regulation for their legitimisation, and threats have been made to arrest state legislators if they proceed down this path. Doctors do not prescribe under California law; rather: they write a statement saying that they think it is okay for a particular patient to use cannabis, which is similar to the proposal in my bill.

Despite all the foregoing, US federal law still prohibits the growing, possession, supply or use of cannabis for medical purposes. The DEA can, and does, conduct raids in states where medical marijuana has been decriminalised. However, this year a bill has been introduced by former presidential candidate, Ron Paul, to make it legal at the federal level.

In Israel, cannabis is being used on a limited basis to treat PTSD in former soldiers. Additionally, trials are taking place in many other parts of the world. The Israeli Health Ministry grows marijuana which it gives away to more than 150 registered patients with cancer, AIDS or chronic inflammation of the intestine. The facility is being expanded, and consideration is being given to distribution through government-approved hospitals and perhaps private pharmacies where it could be sold.

In Canada, federal government regulations, under the Controlled Drugs and Substances Act, allow people with certain illnesses to apply for permits to possess and/or grow marijuana for personal medical purposes, or to designate another person to grow it for the person who has the permit. All usages must be prescribed by physicians. The symptoms covered are: severe nausea, cachexia, anorexia, weight loss, persistent muscle spasms, and seizures or severe pain associated with any of the following medical conditions: cancer, AIDS, HIV infection, multiple sclerosis, spinal cord injury or disease, epilepsy and severe forms of arthritis.

In the Netherlands, there is a medicinal program that allows pharmacies to sell standardised quality-controlled marijuana from authorised growers to sufferers of chronic or terminal diseases, such as multiple sclerosis, HIV/AIDS, neuralgia, cancer and Tourette's syndrome. It is a program that is not working very well because cannabis coffee shops are able to

sell cannabis at a cheaper rate than pharmacies. The Netherlands is having second thoughts about the program because they are simply not able to compete.

There is a lot of support, and growing support, for the use of medical marijuana here in Australia with organisations like the Country Women's Association (who see particularly that it could be used for people who are experiencing the effects of chemotherapy when having cancer treatment); the New South Wales Cancer Council; the AIDS Council of Victoria; and, here in South Australia, the South Australian Voluntary Euthanasia Society.

I mentioned that the South Australian branch of the AMA told me that it does not support my bill. However, in the letter it sent to me, it provided a copy of the AMA's national policy which does not say that it is against the use of medical marijuana; rather, it says that there needs to be more research. I want to read that particular part of the AMA position statement (as it calls it) into the record. The AMA position is as follows:

1. The Australian Medical Association does not condone the use of cannabis for non-medical purposes—it is a harmful drug.

2. The Australian Medical Association believes that cannabis use, as with all licit and illicit drug use, needs to be viewed in terms of social determinants and the social gradient, whereby people living further down the gradient are at greater risk of drug harms.

3. The Australian Medical Association considers cannabis use to be both a health and social issue.

4. The Australian Medical Association considers cannabis to be a drug that causes a range of health and social harms at the individual and community level.

5. The Australian Medical Association supports a harm reduction approach to cannabis use.

This is a fairly long policy and, in fact, there are nine pages of it, so I will not read it all out. However, under the heading Medical Use of Cannabis, it states:

26. The Australian Medical Association considers cannabis may be of medical benefit in: HIV-related wasting and cancer-related wasting; and

Nausea and vomiting in people with cancer, undergoing chemotherapy, which does not respond to conventional treatments.

27. The Australian Medical Association believes that more research needs to be undertaken to determine the medical benefit of cannabis in:

Neurological disorders including (but not limited to) multiple sclerosis and motor neurone disease; and

Pain unrelieved by conventional treatments.

28. The Australian Medical Association supports research to examine whether cannabinoids provide any greater benefit than the newer antiemetics.

If anybody wants to see a complete copy of that, I will be happy to provide it to them. In the United States, support has come for medical marijuana from the United Methodist Church, the Episcopal Church, the United Church of Christ, the Union for Reform Judaism, the Progressive National Baptist Convention, the Presbyterian Church and the Unitarian Universalist Association.

In introducing this bill, I ask members to exercise common sense and compassion when determining their position. In relation to common sense, I quote US presidential candidate Barak Obama who, when recently asked if he became president would he halt the Drug Enforcement Administration's raids on medical marijuana growers in Oregon, replied:

I would, because I think our federal agents have better things to do, like catching criminals and preventing terrorism. The way I want to approach the issue of medical marijuana is to base it on science and, if there is sound science that supports the use of medical marijuana, and if it is controlled and prescribed in a way that other medicine is prescribed, then it is something we should consider.

A man whose friend died from cancer wrote to me. He stated:

During her illness she asked me for some cannabis, which I took to her...this personal experience showed me that cannabis really does provide relief from cancer. It is my deepest regret that I could not take her more and of better quality.

In her last weeks she was bedridden and hardly able to move and her body withered away and her stomach bloated. These are the effects of morphine. Diagnosis came too late for her but, with cannabis, she could have lived a little longer with a higher quality of life, but prohibition deemed that she live in suffering and die an early death in a morphine-induced narcosis, as a state-sponsored morphine addict. To allow someone to die by withholding their medicine is no different to holding someone under water and preventing them from having air.

The war against marijuana is ideological; it is a matter of what substance fits with what set of values. In the West there is a view that nature is bad and synthesising is better. It is time for us to consider the use of medical marijuana as part of being a humane and compassionate society. If we know that a substance works by improving the health of people and we continue to deny access to it, particularly when so many people use it illegally without any bad effect, then there is something else driving the argument—and it is certainly not science.

In a civilised society, debate on drugs should not be about criminality or belief systems but about health. Bit by bit the demand for medical marijuana is growing and, bit by bit around the world, the medical efficacy of this drug is being recognised. This is the second time that legislation for medical marijuana has been introduced to the South Australian parliament, and I am sure it will not be the last, given the phoney 'tough on drug' stance of most members of this parliament—most of whom drink alcohol and less of whom smoke tobacco. However, like the vote for women, it is an idea whose time has come and, eventually, such legislation will pass.

Debate adjourned on motion of Hon. J.M. Gazzola.

NATURAL RESOURCES COMMITTEE: NATURAL RESOURCES MANAGEMENT BOARDS

The Hon. R.P. WORTLEY (17:08): I move:

That the reports of the South East Natural Resources Management Board Levy Proposal 2008-09; Eyre Peninsula Natural Resources Management Board Levy Proposal 2008-09; South Australian Murray Darling Basin Natural Resources Management Board Levy Proposal 2008-09; Northern and Yorke Natural Resources Management Board Levy Proposal 2008-09; and Adelaide and Mount Lofty Ranges Natural Resources Management Board Levy Proposal 2008-09, be noted.

I note the huge number of people who wish to speak today, so I do not think we should waste any more time on speeches unnecessarily.

Motion carried.

NORTHERN FLINDERS RANGES HEALTH SERVICES

The Hon. C.V. SCHAEFER (17:10): I move:

That the Legislative Council—

1. Notes the Resolution of the Residents of the Northern Flinders Ranges, viz:

   We the residents of the Northern Flinders Ranges move that the proposed current health plan is unacceptable in its current form, and request that the minister himself consult with the residents of all towns that will be affected by any further drastic changes to hospitals and health services in their towns; and

2. Requires the Premier and Minister of Health to respond to the resolution as a matter of urgency.

I have moved this motion in a somewhat unusual form at the request of the residents of the Northern Flinders Ranges who attended the public meeting in Quorn a week ago, but I am sure their sentiments express those of the thousands of people I have now seen at these public meetings throughout northern and western South Australia. They asked me to move it because they were not convinced that there was any other way that it would be brought before the parliament, so I have done that on their behalf, but it has given me a chance to raise again with great sincerity the genuine concerns I have about this ill-conceived and badly devised plan for country health in South Australia.

This government started this I believe with its now carried new Health Act, and in that act it took the step of scrapping regional health boards and then abolishing local hospital boards, so now there is no-one from the local areas to refer to and indeed no-one to consult. There are HACs, as they are euphemistically called, which are health advisory committees which have no autonomy and no power. The government gave assurances in this and another place that the assets that had been built up by small country hospital boards, many over generations, would remain the property of those country hospital boards. Certainly, as long as I can remember, fund raising has been done and bequests given to the local hospital.

There has always been a great sense of ownership of the local hospital, and in some places the previous hospital boards had considerable assets. In the case of one small hospital where I attended a public meeting a couple of weeks ago, the community had assets in excess of $380,000. However, all of these new health advisory committees have been told that the most they can spend out of their own money—raised by them and invested frugally over many years by

them—without seeking the permission of the minister is $5,000, and in this case it is $5,000 out of over $380,000.

That seems to me to be the beginning of a centralist move, which has then gone on to develop into what is now the Country Health Care Plan. In some ways I feel sorry for minister Hill, because I think he has been conned by his own bureaucracy. I served for eight or 10 years on a local hospital board, and I remember that the minister at the time, Dr Cornwall, tried to introduce something similar, and it was largely nipped in the bud at that time. So, there have been bureaucrats around with this centralist plan for a very long time.

The plan seeks to set up three levels of hospitals in South Australia: very much the haves, the might haves and the definitely have nots. The haves will be four general hospitals: one at Berri, which happens to be in minister Maywald's electorate; one at Mount Gambier, which happens to be in minister McEwen's electorate; one at Whyalla, which is the only Labor country seat; and one, because they could not think of anywhere else to put it, I suppose, at Port Lincoln.

If you look at the geography of that: Port Lincoln is bounded on two sides of its triangle by sea and is at the southern most extremity of Eyre Peninsula; Mount Gambier is very close to Victoria and is, again, bounded on two sides by sea; and Berri is fairly close to Mildura and New South Wales. So, while they will service their local communities, and I am sure will service them quite well, the idea of them being a catchment for country people is quite ludicrous.

There have been many stages in the evolution of this plan, but in the early stages the minister quoted at various times that 85 per cent of country people were within 90 minutes of one of these general hospitals. Well, only if you do not count the sea. If people from Port Pirie, Wallaroo, Moonta and so on cannot cross by hovercraft or something to Whyalla, there is no way that any of them are within 90 minutes of one of these general hospitals.

Similarly, very few, if any, of the residents of Eyre Peninsula are within 90 minutes of one of these general hospitals. So, even at the top level, the plan has been ill-conceived and ill thought out. I think I have previously said that we do not have enough specialists in South Australia to service the waiting lists in the metropolitan area, and yet suddenly we are going to have four general hospitals fully equipped and with resident specialists. It is a puzzle to me where any of those resident specialists will come from.

I move now to the might haves. There are 11 community hospitals under this scheme which, we have been told, will be given additional services, but nowhere in the budget is it pointed out where the additional services will come from or who will pay for them. We then move to the 43 that are now called GP Plus Emergency. Basically, they lose their acute beds and become little more than first aid posts.

I only personally realised how concerning this is when the doctor from Port Broughton described what an acute bed is. An acute bed is anything that is not an observation bed. So, what this would essentially mean is that, if someone had an operation at one of the general hospitals or one of the community hospitals, they could not go back to their own small hospital for post-operative care. They could not go back to their own hospital for postnatal care. Should they have an accident and need to be stitched up and have antibiotics administered, they could not do that in their local hospital. So, where are their family going to stay, or are they going to be visited? The answer to those questions is no.

Having seen the outrage that this has caused, minister Hill has now started to do backflip upon backflip upon backflip. The 43 have now become 14, but the rest of the 43 have only been offered a stay of execution. They are not free. They are still on death row; it is just not immediate. Dr Steve Holmes, who is chair of the Regional Doctors' Association, said in *The Advertiser*:

> Successive country health plans have failed, but this government has gone one step further. It has planned to fail. Not only that, it has planned who will fail first and in what order.

That is exactly what the government has done. I think this is a cynical attempt to set country communities against each other. I am glad to say that it will not work.

At the last two public meetings that I have been to the personnel from the towns which have had a stay of execution but which are still in the 43 have said, 'One out, all out. If anyone loses their privileges we will all go.' But as someone else said to me, 'There is more than one way to kill a sheep. You do not have to cut its throat; you can just put it in a paddock with no food and water.' I think that is what this government will do: it will slowly starve these smaller hospitals of

budgets and privileges until their doctors can no longer stay there and practice their profession, and then those towns will have no doctor and no services.

Again, Dr Steve Holmes was the doctor at Blyth when the Labor government at the time closed the Blyth hospital. He has a very illuminating set of slides showing all the small businesses that closed in Blyth within 18 months of their hospital closing. That is what we can look forward to if this government is not stopped.

It is interesting to note that not just country people are objecting. We have had the country GPs, the Rural Doctors Association of Australia, the Rural Doctors Association of South Australia, Dr Tony Lian-Lloyd from Quorn, Dr Peter Rischbieth, Dr Mackinnon, and the Nurses Federation of Australia all stand up at public meetings and condemn this plan. So, it is not just the Liberal Party playing politics. This is a threat to the very fibre of country people.

For those of you who are not terribly concerned about this, let's hope none of you have a car accident and that none of you go fishing and have an accident, because there will be no health services and they will not be accessible within 90 minutes. The volunteer ambulance services are overstretched as it is, so there is unlikely to be transport. Most of the places do not have airstrips—and I note members opposite yawning—but there are unlikely to be methods of shifting patients who are badly injured, and those who have to decide whether or not they are badly injured are unlikely to be doctors.

This comes at a time when we are actually beginning to win over the problem of a lack of country professionals. Within the next five or six years, I am assured by the Rural Doctors Association that we will have sufficient graduates to fill many of the positions that we are told by Mr Hill will not be filled. There will be sufficient graduates but, if they do not have a working hospital to go to, they will naturally go interstate thereby making this a self-fulfilling prophecy.

I will continue as long as I can to fight this. I think it is the worst piece of planning that I have seen in my 15 years in parliament. I have now been to six of the public meetings and at each one of those there has been a huge crowd. Last night at Kimba, it was estimated to be between 300 and 400 people in a district of 1,200 people. Quorn would have a similar population and had a similar number in attendance. The people of Quorn were so incensed that they asked me to move this motion on their behalf and I am happy and proud to do so on their behalf, but I suppose it will fall on deaf ears. I suppose the government will do nothing about it. I suppose someone will get up and move an adjournment and that will be the last we will hear of this motion, but at least my conscience is clear.

Debate adjourned on motion of Hon. J.M. Gazzola.

LOCAL GOVERNMENT (NOTICE OF MEETINGS) AMENDMENT BILL

The Hon. SANDRA KANCK (17:26): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. SANDRA KANCK (17:26): I move:

That this bill be now read a second time.

One of the wonderful things about local government in this state is that almost all meetings of council and their committees are open to the public. Residents and ratepayers have the expectation that they can walk into most of those meetings, sit down and watch their elected representatives at work and, in some cases, keep a watchful eye on them, but to do that they have to know that the meetings are happening.

This right to know about these meetings is enshrined in section 84(2) of the Local Government Act, which requires the CEO to give notice of meetings of council by placing an agenda for a meeting on public display at the principal office of the council at least three days before the date of the meeting. However, this section of the act is outdated. It has not caught up with amalgamations, which means that many residents live a long way from the principal council offices. In the case of country councils, the principal office can be 100 kilometres or more away, and this section of the act does not explicitly refer to committees and subcommittees of the council.

My amendments to sections 84 and 88 would require that a copy of the agenda of council and committee meetings be placed on public display at each office of the council that is open to the public during ordinary business hours. This matter of display of meeting dates in council offices came to my attention because a constituent contacted my office to complain that a meeting of a committee of the Copper Coast council in Kadina was not advertised at the council offices in

Moonta, 17 km away. The council had complied with the Local Government Act, but complying in these minimal circumstances is not conducive to community interaction and accountability. My amendments to sections 84 and 88 would also require that the CEO ensure that the notice and agenda for such meetings be placed on a website.

Having checked the web, my staff found that in 12 councils chosen at random (six city councils and six country councils), most do use the internet for notification of at least some of their meetings. Mitcham, Playford, Walkerville, Adelaide and Burnside appear to advertise the full range of meetings. You would expect this of larger city councils, but there are surprising anomalies such as Norwood, Payneham and St Peters Council which displays council and DAP meeting dates, but not those of other council committees. The Copper Coast, Goyder and Ceduna councils advertise all council and committee meetings. Light Regional Council advertises council and DAP meetings and refers to other committees that meet as required but, as of yesterday, none of these were advertised.

Port Augusta City Council advertises council and DAP meetings and the meetings of the corporate services and infrastructure committee. They seem to have only one committee, which is quite unusual, or perhaps they have others but do not advertise them. The City of Port Lincoln advertises a range of meetings but also refers to committees that meet as required. It is not clear whether these are advertised. While the use of the internet to advertise council and committee meetings appears to be widespread, it is not universal and also not consistent. My Copper Coast constituent asserts that information about the times and location of meetings is not always accurate. Making this a legal requirement would ensure councils do lift their game on this front.

In summary, under current legislation councils can minimise scrutiny simply by doing the minimum, that is, by displaying notices and agendas only in their principal office. The Copper Coast is a good example. This council could—I am not saying that it did—hold a meeting in Kadina affecting people in Moonta and Port Hughes and only display the notice in the Kadina town hall. The people in Kadina would not care about the meeting and the people of Port Hughes would not know about it. My amendment closes that loophole. It will have no impact on the majority of councils already doing this, but if any councils are trying to avoid scrutiny this will create greater openness. It will force councils trying to avoid scrutiny to be more open and will cost almost nothing to implement. It is a sensible move ensuring local government accountability and promoting community involvement.

Debate adjourned on motion of Hon. J.M. Gazzola.

RIGHT OF ASSEMBLY BILL

The Hon. SANDRA KANCK (17:32): Obtained leave and introduced a bill for an act to provide rights in relation to assemblies held for the purposes of genuine advocacy, protest, dissent or industrial action. Read a first time.

The Hon. SANDRA KANCK (17:32): I move:

That this bill be now read a second time.

On 17 June 8,000 teachers had their protest march rerouted down North Terrace instead of taking the time-honoured route of protest down King William Street. On that day I announced I would be asking the Minister for Police about restrictions on marching down King William Street and said that if I did not get a satisfactory answer I would introduce a bill to protect our rights of assembly. I did not receive a satisfactory answer, so here is the bill.

The first I heard of this new arrangement for marches and protest rallies was an article in the *The Advertiser* on Thursday 12 June, which said that some marches between Victoria Square and Parliament House would be banned on the grounds of safety. *The Advertiser* reported that the ban related to the tramline extension and safety issues, but that major events, such as the Christmas pageant or celebration parades, would be exempted from the ban.

My office then contacted SAPOL for clarification and was told that each request to march was subject to a risk assessment and that obviously they would not close off King William Street for three men and a dog. I was reassured. However, the very next day it was reported that protesting teachers would be forced to take a different route down North Terrace. As it turned out, around 8,000 teachers marched on Tuesday 17 June—hardly three men and a dog. My experience over 30 years or so that I have joined rallies from Victoria Square to Parliament House has been that, where only a small number of marchers attend, we have still marched down and the police have blocked off just one lane. The police have always shown common sense in how they regulate small

and sometimes spontaneous marches. Members may recall that on Tuesday 17 June I asked the Minister for Police the following questions:

1. Why were the teachers not allowed to march down King William Street today?

2. Will other political rallies and marches be permitted?

3. Will other large events that require the closure of King William Street, such as tickertape parades for returning Olympians, a premiership winning Port or Crows team, or soldiers returning from Iraq or some other tour of duty, be permitted?

4. If these other events are to be allowed, can the minister outline the criteria that will be used to make an assessment about which rallies are to be permitted?

The minister said that it was a matter for the Adelaide City Council but that it was decided on the advice of the police. The police told my office that there was no blanket ban and that it would be decided on a case-by-case basis. Adelaide City Council advised that it automatically took the advice of the police.

The ABC 891 morning program then revealed that there was an agreement, with the introduction of the tram, between Adelaide City Council, SAPOL and the public transport division that King William Street could no longer be utilised for marches and parades, with the exception of NAIDOC, the Christmas pageant, the City to Bay Fun Run, and one-off events such as this year's Olympic parade. However, a Conlon staffer contacted the morning program and said that the minister does not have a problem with the use of King William Street for protesters. So, is anyone confused?

Adelaide City Council has done what it can to clear up this mess. On 30 June it passed a motion from Councillor Anne Moran that attempted to protect democracy and provide certainty. The motion states:

That this council believes that the use of a ceremonial street such as King William Street for the purposes of peaceful and orderly marches or protests demonstrates the strength of our free society in democracy, and therefore adopts a policy that, despite the construction of the tram line by the state government, the citizens of Adelaide and South Australia should continue to have the peaceful and orderly use of King William Street to celebrate or to protest as has been the tradition of this city, and directs the administration to apply this policy when deciding on or providing comments about requests.

Councillor Moran deserves particular commendation for her efforts, but the clear conclusion from this whole debacle is that there is no solid protection for our rights. Any council could do away with them by refusing a permit to march. A politicised police force could penalise selected protesters by advising the council to refuse a permit to march, and no one would be the wiser. We cannot assume that protesters can take an alternative route. That, too, is up to people who do not have to account for their decisions. Importantly, the state government will not stand up for our rights. It was conspicuously silent throughout this whole affair; hence the need for this bill.

It is also important to remind ourselves that we live in a time when basic rights are progressively being taken away. Who would have thought, for example, that a South Australian could be sent to gaol for who they know, not what they do. But that is what we agreed to under the Serious and Organised Crime (Control) Act when we passed provisions relating to criminal association. Under this new act, a person can go to gaol for going fishing with their uncle if that person is or has been a member of an outlaw motorcycle gang. Obviously, most members think that we are under such extreme threat from motorcycle gangs and organised crime that this sort of measure is justified. However, we are on the slippery slope to what one commentator has called a 'marshmallow dictatorship'.

If that sounds extreme, think about the anti-annoyance laws that the New South Wales government introduced for World Youth Day. Under those provisions, a person could have been fined $5,500 for wearing a T-shirt that offended a youth day tourist. Fortunately, these provisions were thrown out by the court. The court explained that the word 'annoying' was wide enough to encompass any observable act a human being can do. *The Australian's* 18 July edition covered the Federal Court's questioning of the New South Wales Solicitor-General. One of the judges asked the New South Wales Solicitor-General the following question:

How about barracking for the Dockers while you are sitting in the middle of a bunch of Swans supporters? I've done that.

The court threw out the law on a technicality, not on a point of principle. It was simply too subjective and beyond the regulation making power conferred under the World Youth Day Act. With this government, it could be that we will even see something like that in South Australia. It appears that

if parliaments dot their i's and cross their t's they can take away any freedom and any form of expression. If you can outlaw a T-shirt, why not outlaw printed material such as leaflets or even magazines? If a Catholic hoedown demands such measures, what controls will state governments institute during a visit from a Chinese government trade delegation? After all, there could be billions of dollars worth of contracts at stake. That is why this bill matters. It is one small attempt to protect a tradition and the right of protest in this state and country. The key provisions of the Right of Assembly Bill are:

- it confers a general right of assembly, which affirms our inalienable right to assemble in a public place for protest;
- it specifically deals with the impact of the Serious and Organised Crime (Control) Act by stating that attendance at an assembly does not amount to association or communication with another person present at the assembly;
- it enables the minister to exempt protests from laws under which they could otherwise be prosecuted, such as road traffic and public order offences. Importantly, this provision is an option for protest; protest organisers can still go to the council for permission and seek exemption from the minister only if the council refuses them;
- it requires that the minister set out the grounds on which such an exemption is refused to a person and prepare a report for parliament as to why that exemption was refused, with particular reference to the risk to public safety, within six days;
- it provides for the right of appeal to the District Court against a decision by the minister to refuse to grant an application for exemption; and
- it requires a report on the operation of the act by 30 September each year. This report would give details of applications for exemptions that were granted and those that were refused, giving grounds for that refusal. A copy of that report should be laid before both houses of parliament.

In summary, this bill would not stop police from making reasonable judgments about the safety of a particular event, and it would not automatically replace the process of applying to council for permission to march, but it would provide the ability to go over a council to the minister. It would also ensure that decisions to refuse marches and protests were explained to applicants and to the parliament. More of the sunshine that we heard about from the Hon. Mark Parnell in another motion a few weeks ago in relation to donations from developers!

It would be much tidier and more effective to protect our basic freedoms through a comprehensive charter of rights; that way, measures which might infringe on rights would be prevented rather than tidied up afterwards in this piecemeal fashion. However, for as long as a charter of rights remains off the agenda, we are reduced to this very unsatisfactory reactive and scattergun approach to protecting rights. This bill is simple and inexpensive to implement. It will change very little but, by affirming the right of assembly and protests, and ensuring transparency, it will prevent some of our rights from being denied.

Debate adjourned on motion of Hon. B.V. Finnigan.

SELECT COMMITTEE ON COLLECTION OF PROPERTY TAXES BY STATE AND LOCAL GOVERNMENT, INCLUDING SEWERAGE CHARGES BY SA WATER

The Hon. I.K. HUNTER (17:43): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON PRICING, REFINING, STORAGE AND SUPPLY OF FUEL IN SOUTH AUSTRALIA

The Hon. B.V. FINNIGAN (17:44): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON ALLEGEDLY UNLAWFUL PRACTICES RAISED IN THE AUDITOR-GENERAL'S REPORT, 2003-2004

The Hon. B.V. FINNIGAN (17:44): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON THE ATKINSON/ASHBOURNE/CLARKE AFFAIR

The Hon. R.P. WORTLEY (17:44): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON FAMILIES SA

The Hon. C.V. SCHAEFER (17:45): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (17:45): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON SA WATER

The Hon. M. PARNELL (17:45): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON THE PROPOSED SALE AND REDEVELOPMENT OF THE GLENSIDE HOSPITAL SITE

The Hon. T.J. STEPHENS (17:46): On behalf of the Hon. John Dawkins, I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON IMPACT OF PEAK OIL ON SOUTH AUSTRALIA

The Hon. SANDRA KANCK (17:46): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON STAFFING, RESOURCING AND EFFICIENCY OF SOUTH AUSTRALIA POLICE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:46): I move:

That the committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

STATE CYCLING STRATEGY

Adjourned debate on motion of Hon. M. Parnell:

That the Legislative Council notes—

1. The following actions under objective 2 of the State Cycling Strategy (entitled Safety in Numbers)—

   (a) include in all new urban road projects or road upgrades safe, direct and attractive cycling facilities that are planned, designed, constructed and maintained in accordance with 'Austroads, Guide to Traffic Engineering Par 14—Bicycles'; and

   (b) extend and improve cycling routes along dedicated public transport corridors (e.g. Glenelg Tramway and the Willunga-Marino Rail Corridor);

2. State government investment of over $500,000 so far on creating an uninterrupted cycle pathway between Glenelg and the city as part of the City of Glenelg tramway cycling route project;

3. Strong support for a shared use pathway for pedestrians and cyclists across South Road as part of the public consultation on the South Road Upgrade Glenelg Tram Overpass project;

4. The need for major transport infrastructure in response to declining fuel supplies and the need to reduce greenhouse pollution, to include appropriate facilities for cyclists and pedestrians;

5. Poorer public health outcomes in the western suburbs of Adelaide, emphasising the importance of providing active transport opportunities; and

6. The negative impact on traffic flow along South Road if an on-demand street level crossing is provided to cyclists and pedestrians to enable safe passage across South Road;

and calls on the state government to ensure that the proposed tram overpass across South Road at Black Forest includes a shared use path for cyclists and pedestrians along the elevated platform tram corridor.

(Continued from 18 June 2008. Page 3352.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:47): I rise to speak on behalf of the opposition in support of this motion, particularly in relation to the bike path overpass over the tramline on South Road. I am sure that, when the minister makes a contribution shortly, she will talk about the important announcement that she and the Minister for Transport made last night. I think that it is important to acknowledge that this has been a backflip by the government as a result of pressure brought to bear by a range of lobby groups. An article on page 32 of the paper today states:

> The state government is to design a bicycle overpass for the northern side of the Glenelg tramway overpass following public pressure. *The Advertiser* revealed last month that a planned cycle and pedestrian path on the South Road tram overpass had been dumped. The move angered lobby groups, who said that the amended plans would block the popular 10-kilometre tramway cycling route. Minister Patrick Conlon and road safety minister, Carmel Zollo, last night announced a plan to build a bicycle facility.

I think this is an example of good, sensible pressure on government, in a parliamentary sense, by members here and by the public organisations, such as Bike SA, and a whole range of other lobby groups. While I know that we have a hefty agenda of private members' business, I will make a few comments and let the minister speak, after which the Hon. Mark Parnell may wish to sum up, and we may get this done before dinner.

Given our increasing fuel prices, increasing awareness of and reaction to climate change and greenhouse gas emissions, and a community awareness that we need to be more active, there has been a tremendous increase in cycling over a number of years. In particular, I will mention some of the very important and groundbreaking initiatives the Hon. Diana Laidlaw launched when she was minister for transport in the previous Liberal government.

We are certainly seeing all over the world now a whole range of initiatives where bikes are made readily available by governments for people to actually pick up and ride. I noticed recently looking at a website called Biking Barcelona, there was a model where—and this is a pretty broad description of it—the government owns many thousands of bikes and they are situated at stations all over the city. I will use my example of living in Mitcham. I could wander to the Mitcham bike station, hop on a bike, ride into the city on a protected bike lane that kept me safe from other traffic, dump the bike at a registered station here in the city, go about my daily work here in Parliament House and then if it was cold, or wet, or I had other meetings or other commitments, I would not necessarily have to ride home because I had already dumped that bike back into the station.

There are initiatives like that all over the world, and I think they are groundbreaking initiatives and something that we need to look to as a state as to how we can actually encourage more cycling and having dedicated shared pedestrian and bike paths. Taking the bikes out of mainstream traffic is certainly an important step forward, certainly for my own personal safety but also as a parent of three children. I would love to see them riding a lot more, but I also want to make sure they are safe.

I certainly support the government. I would not necessarily say I congratulate it for doing it, but I congratulate it for realising that it had got it wrong and that the public and parliamentary pressure was such that it needed to do something about it.

I will just quickly mention some of the things the Hon. Diana Laidlaw did. On 31 March 1999, we saw a spectacular increase in the number of bicycles carried on trains as a result of the 'Bikes travel free' government initiative that led to an expansion of the scheme and funding for the upgrade of rail cars. I think few people realise that that was certainly an initiative of the Hon. Diana Laidlaw.

It is interesting to look at some of the facts and figures. In January 1998, TransAdelaide carried 4,500 bikes on its trains, and in January 1999—12 months later—that number had doubled, so you can see that there was actually a market there for that sort of initiative. We have had a major focus in South Australia on bicycles. We have had the 'Bikes free on trains' initiative and the Tour Down Under bicycle race. Unfortunately we have seen some misjudgements with the government's commitment in relation to the Tour Down Under. We have been hosting the Australasian VelOZity bicycle conference and we are helping South Australians to realise that cycling is healthy, environmentally sound, socially responsible and fun for transport.

We also saw that in May 1999 local government received an extra $750,000 to help with cycling initiatives, and that was part of the $2.3 million the Liberal government set aside for council bike subsidies. In August 1999, the state government announced $2 million for a partnership with local government authorities throughout the state to fund cycling projects.

Then, in November 2000, the minister of transport the Hon. Diana Laidlaw announced that Golden Grove was to get its first park-and-ride commuter facility, not only for cars but for bicycles as well. There was actually a commitment to provide cycling facilities and a safe lock-up area for bicycles at Golden Grove.

In 2001, the state government was entering a $2 million partnership with local authorities throughout the state to fund cycling projects such as the installation of bike lanes across metropolitan and regional South Australia, construction of off-road cycle paths, implementation of local area bike plans, delivery of a Bike-Ed program for primary school children and a variety of promotional activities to encourage cycling.

Mr President, you can see that the Liberal Party has had a long and proud history of supporting cycling in this state and, as I said, we are pleased that the government has bowed to the pressure of the lobby groups and common sense and has agreed to build this bike path.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (17:54): Clearly this government does recognise the value of cycling and indeed aims to promote cycling and walking as alternative forms of transport to motor vehicles. Yes, Adelaide's landscape and climate are conducive to cycling, and we are focused on encouraging more people to cycle and providing more facilities and infrastructure for people to do so. We know that safe cycling and the provision of good cycling infrastructure are important to both the environment and the health of the community, and we understand that cycling safety is a critical deciding factor for people as to whether they take up cycling or cycle more than they already do.

This financial year, funds totalling $2.15 million have been specifically allocated for cycling facilities and the safety program provided in South Australia. This includes over half a million dollars for cycling education and the Tour Down Under sponsorship, as well as BikeEd, a nationally accredited bicycle education program provided to South Australian primary school students aged between nine and 13 years. About 4,000 children receive the safety and wellbeing training each year, with approximately 38,000 children having undertaken the program.

An amount of $450,000 has been allocated for the Arterial Road Bicycle Facilities Program to improve cycling conditions and safety on arterial roads, including intersection modifications and the installation of bicycle lanes. Bicycle lanes are installed by a combination of methods: the reallocation of available road space, road widening and the restriction of on-road parking. An amount of $738,000 has been quarantined for the State Black Spot Cycling Project and $431,000 for the State Bicycle Fund. Subsidy funds are made available to councils on an up to dollar for dollar basis for the development and implementation of suitable cycling initiatives, some of which I have already placed on record.

In early 2006, the government released Safety in Numbers—A Cycling Strategy for South Australia 2006-10. The strategy provides a framework for all state government departments and agencies to promote more people cycling safely more often. The vision of the strategy is that cycling is embraced throughout the community as an activity that contributes significant health, environmental, economic and social benefits for all South Australians.

Safety in Numbers outlines how cycling contributes to multiple targets in South Australia's Strategic Plan. The strategy commits the government to providing safe facilities for cyclists in all new arterial road projects or road upgrades in urbanised areas. So, as part of the general road upgrades, even more cycling facilities will be constructed in the coming year to improve the cycling network.

Honourable members would be aware that we made an announcement today that a bicycle overpass for the northern side of the Glenelg Tram Overpass project will be designed as a further step to provide free-flow traffic on South Road. This government is aware of the importance attached to an overpass for cyclists across South Road, however, some construction issues needed to be taken into account. A number of complex issues needed to be addressed, including: the potential to retain tram services during construction, minimising the impact on significant trees and major underground services. In particular, we believe that a bicycle overpass on the northern side will minimise the impact on significant trees.

I am advised that only 50 cyclists currently cross South Road near the tram crossing, but it is expected, and accepted, that this number will increase as further sections of the city to Glenelg cycling route are completed. The City of Marion is currently designing a section to the north of the Morphettville Racecourse, and council is to be commended for its initiative in this regard.

I can assure the chamber that this is not a backflip or a backdown, as it has just been described. A great deal of work has been put into this project for a very long time. Many technical difficulties needed to be overcome and a number of design and construction solutions needed to be explored before an announcement could be made. Nevertheless, the government has undertaken a great deal of community consultation about the issue and, despite there being concerns, the community was assured that this project was being given serious consideration, but more time was needed to explore all the options to ensure that the best decision was made.

Community consultation has occurred to get the project to the stage where it can be designed and built to completion. I know from my colleague in the other place, the member for Ashford (Hon. Steph Key), that there has been considerable interest in the issue of pedestrian access on the South Road tram overpass. I am aware that there has been a great deal of consultation with residents in the Ashford area about issues relating to cycling and pedestrians and, in particular, issues with respect to schools and aged-care housing and the communities that will be served by the overpass.

I know that the community has been very active about this issue and that the South Road Neighbourhood Action Group, which meets in the office of the member for Ashford, has been meeting with officers of the Department for Transport, Energy and Infrastructure for some time. The South Road Neighbourhood Action Group has been very vocal in raising issues relating to pedestrians, cyclists and other vulnerable road users, such as those in wheelchairs, or access for elderly pedestrians on walking frames.

Many of these issues have been resolved, with the member for Ashford and the local neighbourhood action group working together on solutions to ensure that vulnerable road users have the best access to crossings and that pedestrian safety is paramount. The member for Ashford should be commended for her work around these issues.

Since coming to office, the Rann Labor government has been delivering to the cyclists of South Australia. The announcement of the inclusion of a cycle overpass over South Road to continue the Glenelg tramway cycle route will please many of the state's cyclists. The overpass will form an integral part of the Tramway Park project and will provide a safe and convenient way for pedestrians and cyclists alike to cross South Road. The new bridge is another step towards Tramway Park becoming a reality.

The Glenelg tramway bike route is already very popular with commuter cyclists. They currently use the paralleling roads to travel between Glenelg and the CBD via Unley. For those members who are not aware, Tramway Park will one day be a new linear park along the length of the Adelaide to Glenelg tram corridor, a distance of 10 kilometres. The linear park will provide a formal green travel corridor along the tramline between South Terrace in the city and Brighton Road, with the bridge being a key part of this.

For the information of members, the Tramway Park Concept Plan was coordinated by Planning SA and jointly funded by local government (the Cities of Adelaide, Unley, Marion, West Torrens and Holdfast Bay) in consultation with a number of state government agencies, including DTEI. The provision of a bridge over South Road will complement the four signalised crossings of arterial roads already constructed by DTEI at Morphett Road, Cross Road, Marion Road and Goodwood Road and the existing shared use paths in Unley and Plympton. The construction of the bridge will provide a fillip for the complete development of Tramway Park.

There now needs to be support from the councils along the route to play their part in developing the route further. The City of Marion is currently doing this, with the intention to begin

construction in early 2009 of the vital missing link of the route along Morphettville Racecourse. DTEI is providing financial assistance of $100,000 to the council for this link, together with Planning SA, which is providing a major contribution of funding towards completing this key section. So, whilst further work is to be undertaken over the next two to three years, we will see some exciting development.

I would like to place on record the contribution of the Hon. Mark Parnell in progressing this issue and diligently representing the interests of the cycling community. We all know that he is a keen cyclist and advocates for other cyclists. However, I again place on the record that this is not a backflip. Important engineering considerations were required: it is part of a very important cycling corridor. So, I again thank the Hon. Mark Parnell, but we as a government are committed to ensuring that, where possible, new developments include cycling infrastructure, and encouraging the design and development of new projects that consider the needs of all road users, including cyclists and pedestrians.

The Hon. M. PARNELL (18:00): I will be very brief. I thank the Hon. David Ridgway for his support for the motion. I also thank the minister in particular for her announcement today giving effect to the substance of the motion, which is to ensure that we do get a cycle facility across South Road. This is a victory for common sense, and I am very pleased that the government has listened to the community on this one.

For the benefit of members, I understand that the rally proposed for next Sunday will now be called off. I know a number of members would have wanted to attend, but I think that they can now make other arrangements for Sunday. I know that the members of the Bicycle Institute of South Australia and Bicycle SA are looking forward to working with the government on finetuning the proposals for this overpass. In particular, we need to ensure that, if the overpass is to be on the north side of the tram overpass, it does adequately connect with the bulk of the cycle route which is on the south side of the tram route.

In relation to the minister's comment about the small number of people who currently seek to cross South Road at this point, that is precisely because there is no crossing and it is very difficult to cross South Road. I am sure vast numbers of people will use this commuter route once the government has the Glenelg to city cycleway fully in place. This will be an important addition to that route. With those words, I thank members for supporting the motion.

Motion carried.

[Sitting suspended from 18:03 to 19:45]

PIPI FISHING QUOTA

Adjourned debate on motion of Hon. C.V. Schaefer:

That the regulations under the Fisheries Act 2007 concerning Pipi Units, made on 13 December 2007 and laid on the table of this council on 12 February 2008, be disallowed.

(Continued from 18 June 2008. Page 3372.)

The Hon. C.V. SCHAEFER (19:48): I sought leave to conclude the last time I was speaking to this motion. My understanding was that the minister was going to negotiate with the shadow minister to try to reach a compromise in this matter. I understand that that has not happened. In fact, as it has been related to me, it seems that scuttlebutt has been circulating that we are seeking to totally deregulate the industry—all sorts of things which are simply not true. I think we should proceed with this motion and I seek the support of my colleagues to disallow.

The Hon. CARMEL ZOLLO (Minister for Emergency Services, Minister for Correctional Services, Minister for Road Safety, Minister Assisting the Minister for Multicultural Affairs) (19:49): I wish to inform the council that the government is bemused. The member is aware of the exhaustive consultation process undertaken by Primary Industries and Resources SA Fisheries Division, the office of the Minister for Agriculture, Food and Fisheries and members of the opposition. Indeed, both the members for Hammond and Finniss were integral contributors in the setting of the exceptional circumstances quota through their involvement on the Exceptional Circumstances Panel.

In fact, the Exceptional Circumstances Panel consisted of the Minister for Fisheries as chair, three members of the opposition (one of whom, the member for MacKillop, was unable to attend) and two industry representatives. They and other members were also present at the

meeting of Lakes and Coorong fishers on 17 October 2007 when unanimous decisions were made in relation to the setting of a quota for this important fishery. The introduction of a quota management system in the Lakes and Coorong pipi fishery is aimed primarily at protecting and improving the biological sustainability and economic productivity of the pipi fishery. The introduction of the proposed quota management system follows an extensive two-year review process that was underpinned by significant industry consultation and involvement.

Quota management is a standard fisheries management tool with demonstrated success in South Australia and in fisheries around the world. The majority of the larger, more successful fisheries in South Australia are managed under systems of individual transferable quota, including the blue crab fishery, three abalone fisheries, two rock lobster fisheries and the sardine fishery. The trend in increased catch and effort and declining catch efficiency in the pipi fishery over more than a 10-year period has been a growing cause for concern for fishery managers. Under the previous scheme there was significant potential for activation of latent effort (that is, licences with pipi access that have not previously targeted the resource becoming active).

Current protracted drought conditions in the River Murray have increased this risk as the health and availability of other fin-fish species in the Lower Lakes and Coorong areas of the fishery decline. The development of a human consumption market for pipi has increased its value and contributed to increasing catch and effort in recent years. It has become the most important species in the Lakes and Coorong fishery in terms of both value and production. From 1 July 2006 a food safety program was established to regulate pipi sold for human consumption.

These regulations introduced water testing, harvesting and processing requirements for relevant licence holders for the first time. Many licence holders sell pipi for human consumption directly to Melbourne or Sydney markets. PIRSA Fisheries has no way of validating the proportion or quantity of pipi sold as bait or for human consumption markets by individual licence holders in the fishery in the past. Discussions between the Department of Primary Industries and Resources South Australia (PIRSA) Fisheries and the fishing industry began in November 2005, when agreement was reached that the Southern Fishermen's Association would engage with fisheries' managers to develop options for the future management of the pipi resource.

On 22 November 2005 PIRSA Fisheries advised all licence holders of its concerns about the levels of catch and the effort in the pipi industry, and indicated that other long-term management measures would be developed in consultation with the industry to strengthen the management framework in the fishery. During the following 12 months PIRSA Fisheries formally met with industry representatives five times to progress the development of management options. Many alternative options were considered during this review and at the industry workshops. These included more restrictive gear regulations, area closures and seasonal closures, determining effort units, 'shelving' fishing effort, 'pooling' fishing rights for auction among licence holders and using an 'Olympic' quota system where all participants fish without any individual limit until the total allowable commercial catch is taken.

None of these options were generally regarded as suitable by the industry, and no alternative options were provided by the industry to address concerns about the stock. The effect on current commercial operations, in terms of uncertainty in access security, was also a major factor. During this time, a scientific stock assessment report for pipi was published which suggested that the resource was in its weakest position for several years and that the trends in the fishery data were particularly concerning, given the high levels of catch and latent effort in the fishery.

At the request of industry, a two-day workshop was convened at Goolwa on 20 and 21 December 2006 with stakeholders in the pipi fishery to develop new management arrangements for the fishery. Many options were considered, and discussion resulted in general agreement that the fishery should move to a quota management system. A formal investment warning was issued by PIRSA Fisheries on 16 January 2007, following this decision to adopt a quota management system. It advised that, should historical activity in the fishery be used to allocate a future access, only pipi fishing activity prior to and including 21 December 2006 would be considered.

An industry working group was established to advise PIRSA Fisheries on the arrangements associated with the introduction of the quota management system. PIRSA Fisheries formally met with the working group four times during 2007, before the new management arrangements were finalised. The minister established an independent allocation advisory panel—known as the panel—comprising a presiding legal member, an economic member and a fishing industry member. The panel was required to provide advice to the minister on the most appropriate method for

allocation of the pipi resource among licence holders, with an authority to take pipi for commercial purposes in Coorong coastal waters. Industry was invited to comment on the panel's terms of reference before they were finalised.

The panel wrote to licence holders and placed advertisements in local newspapers, inviting written and oral submissions from interested parties. The notice also advised of a public meeting to be held at Wellington on 8 June 2007. Fifteen written and 13 oral submissions were made representing 30 of the 32 fishery licences. Written submissions and records of oral submissions were made available to all licence holders in the fishery. The public meeting was well attended and provided interested parties with a further opportunity to provide information to the panel.

The panel submitted its report to the minister in July 2007, recommending a mechanism for the allocation of quota entitlements in the fishery. The panel recommended that the quota be issued based on a combination of access entitlements and catch history over the past 3½ years in a ratio of 32:68 (access entitlement to catch history). The minister accepted these recommendations and advised industry of his decision. Copies of the report were provided to the industry.

The minister then considered submissions received from licence holders between August and October 2007, on a range of issues associated with his decision on allocation. The minister held a briefing for all members of parliament on the introduction of a quota management system for Goolwa cockles in the Balcony Room of Parliament House on 17 October 2007.

The minister also chaired a meeting with local parliamentary members and all licence holders at Parliament House on 24 October 2007. A number of unanimous decisions were made on the allocation mechanism and the quota management system for pipi. This included that 75 tonnes of quota would be set aside to address exceptional circumstances cases and that an exceptional circumstances panel would be established immediately to consider applications of hardship.

The exceptional circumstances panel met on 12 November 2007 to consider submissions regarding quota allocation in the fishery. It was chaired by the minister and comprised the local parliamentary members for Hammond and Finniss, with two fishing industry representatives. The member for MacKillop was an apology and did not attend. It was agreed that additional quota units should be allocated to six licence holders based on their exceptional circumstances applications.

In December 2007, PIRSA Fisheries advised licence holders of the proposed new quota management arrangements and also that a TACC of 1,150 tonnes had been agreed with the industry group. Licence holders' appeal rights under sections 111 and 112 of the Fisheries Management Act 2007 were outlined. No formal appeals were made to the allocation process.

Since the regulations were made on 30 December 2007, a number of licence and quota transfers have taken place, with significant economic investment in the fishery. The removal of the existing quota management arrangements, which have been in operation for an entire fishing season, would now place the pipi fishing industry in complete economic and social disarray and have a significant financial impact on licence holders. It would also leave PIRSA Fisheries with very limited management options to protect sustainability of the pipi resource. It is likely that the current closed season would have to be significantly extended to ensure that the resource is not over-exploited.

I note from the motion of a member in another place that the opposition supports quota-managed fisheries in preference to effort-based fisheries but believes that one fisher has not received the outcome he was looking for in the allocation process (I will come back to this fisher's case shortly) and that fishers who harvest for human consumption should be treated differently from those who harvest for the bait market. The minister agreed to further consider whether the human consumption and bait markets could be treated differently. Having considered this concept, the minister advises that pipis are freely traded between different uses and that he does not accept nor support the notion that there are distinctly differentiated beach-based operations.

I advise all members that a number of licence holders would like more quota but, in reality, if you rob from Peter to pay Paul, someone must lose out. The quota pie is only so big, and it is not possible to recognise every person's desires in implementing this quota system. The fisher referred to in the disallowance motion (Mr Alexander) bought his Lakes and Coorong fishing licence in October 2004 for $100,000, but he chose not to commence his fishing operations until November 2006.

The independent panel allocated him 10 to 67 units, based on access and catch history. As a consequence of the industry putting 75 tonnes back on the table, the Exceptional Circumstances Panel allocated a further 10 units (or 11.5 tonnes) to Mr Alexander. He is a major beneficiary of the Exceptional Circumstances Panel's distribution of the EC quota; in fact, his allocation has exceeded his total historical catch for the entire 2006-07 fishing season. I am advised that Mr Alexander now has a licence valued at $125,000, with a 20 to 67 unit pipi allocation (which equated to 24 tonnes last season and currently trades at $6,000 to $8,000 per unit). I am advised that his investment in 2004 of $100,000 is now worth in excess of $250,000, following the introduction of these regulations.

Finally, I advise the chamber that the Lakes and Coorong Fishery was awarded certification by the Marine Stewardship Council on 16 June 2008, and this was fundamentally based on the management arrangements in place for the fishery. To disallow these regulations now would result in major biological, economic and social problems in this fishery. Many fishing families would be adversely affected and their businesses compromised in the absence of the certainty provided by the regulations we now have in place. Important financial and contractual decisions may not be executed, all as a consequence, I am advised, of one disaffected licence holder in this fishery who has had more than a fair hearing in relation to his personal situation. The government does not support the disallowance motion, and I urge all members to consider the facts very seriously when voting on this disallowance motion.

The Hon. M. PARNELL (20:05): The Greens support the move to a quota regulated fishery because we believe that is a sensible way to protect this resource for years to come. As the minister has said, it is almost inevitable, when you move to a quota regulated fishery, that there are swings and roundabouts; there will be winners and losers. The aim of the exercise must be to treat all people as fairly as possible without losing sight of the overall objective of moving to a quota regulated fishery, which is to preserve the resource into the long run.

I have had a great many conversations with a number of stakeholders in relation to this. I have received a very thorough briefing from the shadow minister, the Hon. Mitch Williams, and I commend him for the effort that he put into presenting material. I had an equally thorough briefing from the minister and from Will Zacharin, the Director of Fisheries.

I have had a range of cockle fishers contact me, from Mr Alexander, who is not happy with the current arrangement, to a number of other fishers, who have urged me not to support the disallowance motion. I note that Tom Robinson is one who has written to me and phoned me a number of times on behalf of the Goolwa Cockle Working Group, and also a Mr David Backen has contacted me and urged me to not support the disallowance motion.

We have to be careful in this matter not to think of this as a popularity contest, where we simply tot up the number of people for and against. What we must do, as I said, is be as fair and balanced as we can, bearing in mind that there will always be people who believe they should get more. On balance, I think that the process the government has gone through, including the establishment of the exceptional circumstances panel and the allocation of additional exceptional circumstances quota, has sought to treat all of the stakeholders as fairly as possible.

I will not be supporting the motion to disallow these regulations. I hope that the regulations will stand and that the quota regulated fishery will succeed in its aim of preserving this resource into the future so that it can continue to exist, both in its own right and as a resource for people.

The Hon. SANDRA KANCK (20:08): It is important that we look beyond marine life as being just for the taking; as merely a resource for us to exploit. Ecosystems are exactly that; they are systems. That means that there are component parts and they are all interdependent. So, having regulations that control the rate of exploitation of pipis, or cockles, as they are also known, is important. We need regulations that ensure sustainability.

The essential argument to support the disallowance of these regulations is that they are not fair to everyone; that they tip the balance in favour of some fishers to the detriment of others. It is not a simple argument; it is not black and white, by any means. Like the Hon. Mark Parnell, I have heard from a variety of people. I met with Steve Alexander and Gary Hera-Singh, I have received a fax from the Goolwa Cockle Working Group and my staff have taken, I think, three phone calls from fishers who are members of that particular group. It is a complex situation and not black and white. I suppose it is summed up in probably one part of an affidavit of Steve Alexander's, which says:

As a consequence of the regulations the quota allocated to my active licence does not even come close to what I estimated would be realistically required to keep our business viable and, in fact, such an allocation would not even provide our business with sufficient income to meet the business overhead running costs.

In that affidavit he explains that they took out a loan of $150,000 through Elders Rural Bank to finance the initial purchase of the licence in 2004. He states:

We used a $30,000 overdraft towards purchasing equipment for the building of a cockle purging facility so that cockles could be sold for human consumption. We took a further $10,000 loan from the National Australia Bank towards purchase of our beach vehicle and spent approximately another $5,000 equipping the vehicle with graders. We spent thousands more on miscellaneous items, including rakes, bags, wetsuits, cockle graders, labelling, business name registration, HACCP and food safety accreditation.

It seems that, as so often happens in these rationalisation processes—we saw it in the dairy industry some years ago—the small business operators are the ones who end up being the hardest hit, and it certainly seems to be the case in this instance. Ultimately it appears that, although we are talking in particular about Steve Alexander's situation, these regulations may well mean that people like Steve will have to sell out in order to be able to pay the loans they have to the banks, and the winners, of course, are always the big guys. I have a certain sympathy for the little guy in these circumstances.

Having a commercial fishing licence is somewhat akin to having a taxi licence in the city, and it is clear from Steve Alexander's affidavit that it was partly seen as an investment. It has value and can be sold later in life if needed and can act like a form of superannuation for the self-employed, but in the case of Mr Alexander, which is the basis for so much of this motion, it may be that his licence has been devalued as a consequence, and it does not have that resale value.

Last month I attended the launch of the Marine Stewardship Council's certification of products from the Southern Fishermen's Association. The Marine Stewardship Council website states:

The MSC is an independent, global, non-profit organisation which was set up to find a solution to the problem of overfishing. We were first established by Unilever, the world's largest buyer of seafood, and WWF, the international conservation organisation, in 1997. In 1999 we became fully independent from both organisations and today we are funded by a wide range of organisations, including charitable foundations and corporate organisations around the world.

We spent two years developing our environmental standard for sustainable and well managed fisheries. This standard was put together following worldwide conservation with scientists, fisheries experts, environmental organisations and other people with a strong interest in preserving fish stocks for the future.

We reward environmentally responsible fisheries management and practices with our distinctive blue product label. If you are concerned about overfishing and its environmental and social consequences you will increasingly be able to choose seafood products which have been independently assessed against our environmental standard and labelled to prove it. Our label will assure you that the product comes from a well managed fishery and has not contributed to the environmental problem of overfishing.

The invitation to attend the launch had on it the following quote from an SFA and WWF partnership brochure:

The Southern Fisherman's Association believes that MSC certification, coupled with independent science, aggressive environmental partnership with local conservation groups, and active communication of our role as environmental watchdogs to our local community will guarantee our future. If, like most fishermen, we just keep fishing and don't work for the future, we won't have a future.

The Southern Fishermen's Association is only the 27th area globally to achieve such certification. It means that it will now be able to put the MSC logo and this statement on all the packaging that contains its produce and on its letterhead. When I read out information about the MSC, I mentioned that the World Wide Fund for Nature was involved in its formation. A representative from WWF was at the launch. A statement from the Southern Fishermen's Association states:

As a commercial fishery that operates inside a National Park and includes a RAMSAR wetland of international importance, the SFA understands that the fishers have an obligation in responsibly managing the resource on behalf of the community. This means not only maintaining the environmental integrity of the region but wherever possible to enhance it.

These statements are clearly not taken lightly. In checking out the MSC website, I saw from its December newsletter that it had taken away that certification from a lobster fishery because of doubts that the resource was being fished at a sustainable level. Having the certification is a badge of honour for the SFA. The Marine Stewardship Council gives out such accolades very rarely, and it is clear from looking at the website that it keeps an eye on the fishing grounds to ensure that the certification continues to be deserved. In many ways, it is pleasing to know that our fishers in that

area are doing things in such a responsible manner, and that these regulations are an add-on, albeit a very good one, to what is being done there.

In supporting the motion, I understand the importance of these regulations and the facts that came to me from the Cockle Working Group, which indicated the group's concerns about what might happen if the regulations are successfully disallowed. I indicated to Gary Hera-Singh and Steve Alexander, when I met with them, that the process of disallowing, even if successful, may not necessarily achieve anything. As I told them—and they were very crestfallen to know this—the very next day the minister can reintroduce those regulations.

I spoke with the minister yesterday about this motion, and he told me that he in fact was going to do that—if we succeed, tomorrow he will re-gazette the regulations. From that perspective it may not achieve much. Yes, the minister will reintroduce these regulations tomorrow if we succeed in passing this disallowance motion. Perhaps he may need to do so to ensure that all the rules are followed and that the sustainability can be guaranteed. However, I invite him to have one more look at this situation to see if there is a way that all the cocklers can be guaranteed a continued existence in this particular fishery. I will be supporting the disallowance.

The Hon. A. BRESSINGTON (20:19): To start, I would like to make the point that this debacle, if you like, basically comes down to one group of cockle harvesters, whose operations have been split down the middle by these regulations and the issuing of licensing and whatever else.

At the beginning of this they were all talking to each other, but there has now been a split because the minister appears to have preferred to lean towards a working group that represents only 30 per cent of the cockle harvesters in this state; they are getting more than their fair share. Some of the people from this working group have been cockle harvesters themselves for only five years, whereas the ones on the other side of the fence, the ones the Hon. Sandra Kanck was talking about, who are associated with the Southern Fisheries Association and who have been involved in that certification process for sustainability, actually represent 70 per cent of South Australia's cockle industry.

Through this entire process we have been led to believe that these regulations were being disallowed for just one man, Mr Steven Alexander. He has been portrayed as someone who is out there trying to grab more of a quota than he has been allowed, that he has invested money in this industry and is now just a little peeved because he has not been given the allocation he thought he would get. That is actually not true; it is not about one man. I also met with Gary Hera-Singh, a third generation fisherman who has been involved in all this for quite some time and who has also been involved in the certification process. He came to see me today. They actually represent 70 per cent of this industry.

Mr Steve Alexander is the man who has put himself out there—he is the one who has done the lobbying, the one who has raised the issues—and it seems that, for convenience's sake if you like, it has been made simply about him. It is not; there are 11 or 12 other family businesses that will go to the wall if these regulations are allowed and if the minister refuses to bring these two groups together and renegotiate these regulations. The smaller harvesters of cockles are small because they choose to be; they have specific contracts for specific quotas and all they want to do is be able to get the quota to fulfil those contracts. They are not asking for many, many more tonnes of quota.

Neither side of this—neither the working group nor the other side of this argument—are disagreeing with the fact that we need a quota management system. Everyone is agreed that that is the way this industry needs to go; everyone is agreed that sustainability is the key to this, because they have made investments in this. It is a lifelong investment; they did not intend to be in this industry for two or three years, make a killing, and then bugger off. They expected to be in this for a very long time. It is interesting that many of those in the 70 per cent group that is represented on the other side of this are long term cockle harvesters. Another gentleman who came in to see me yesterday has been in this business since 1994, and he has had a raw deal out of these regulations.

There is a whole lot more information about this that I believe members of this place have not been given. If they had pursued it they would have uncovered the fact that the story we got from our briefing and so on was only a snapshot of the overall story. The whole 'little guy' thing, the 'Steve Alexander the little guy', the 'one-off', the 'we're making an exception to the rule for one man', is just not true. We need to get our head around that.

The quota management system is not up for debate; none of these guys want to see this industry run by a non-quota system. That is established.

As I said, there are families who will be adversely affected by these regulations and a small group, representative of 30 per cent of the industry, who will gain. Tell me how that works out. Whether or not it is economic rationalism, there is no need to send people to the wall when what we need to do is bring a spokesperson from each side to put across their point of view to the minister and have it listened to.

We have had debates in this chamber many times about this government's form of consultation. We hear all the time, 'It was an extensive consultation process and, at the end of it, everyone agreed.' That has not actually been the case. Today, my information from four of these people was that one meeting was held to discuss management fees for the cockle industry, and there was an agreement that there needed to be a fee. At the end of the meeting, it was agreed that they would go away and think about what had been proposed, and they expected a second meeting, but it never happened.

Mr Steve Alexander, who has been held up as the one-man show of this, has not even had access to the minister (Hon. Rory McEwen), who has refused to meet him on several occasions because he does not want to hear what he has to say.

The Hon. J.S.L. Dawkins: Surely, not Rory!

The Hon. A. BRESSINGTON: Yes. I have spoken to both sides of this issue—to the working group and to people from the other side—and I have found it to be a highly confusing situation. There is much more to this than meets the eye: the fact that PIRSA cannot verify the catches, that people are allowed to have their allocation and that the catch is weighed in 20-kilo bags. Every bag is ticked off as a bag, but it could contain only five kilos of pipis.

Allegations have been made or alluded to that perhaps this bigger conglomerate of pipi harvesters has not been quite honest about the fact that it has not filled these bags and pushed up the quota. Of course, when the quota has been estimated, the actual catch rate has gone down. I am told that the figures and graphs can be provided to the minister, but he has just not been interested in hearing this side of the argument. There are concerns about how PIRSA is conducting itself. The whole thing is basically a mess, and I have also heard that it is a problem with not just the pipi sector of the fisheries but right across the board.

I ask the minister, as did the Hon. Sandra Kanck, to take this opportunity to sit down and do some conflict resolution. At one stage, these two groups were talking to each other and working together, but something caused a split. It is not all about quotas. As the Hon. Mark Parnell said, this should be a quota-based system, and all these cockle harvesters agree with that. No-one is saying that they do not want a quota system.

I urge the minister to consider not reinstating these regulations tomorrow but to take some time out and think that this could be a win-win situation. The other 70 per cent of this group of people are not asking for a major increase in quota: they are asking for a fair system of working out these quotas, rather than their catering just for people who represent 30 per cent of the industry.

If the minister decides to go ahead and reinstate these regulations tomorrow, then I would urge members of the Legislative Review Committee to have an inquiry into this with just these two groups that are involved: get all the information and maybe bring in the executive officer of PIRSA, Mr Will Zacharin, and ask him some revealing questions, because—

The Hon. Carmel Zollo: You should make sure you go and see the transcript after.

The Hon. A. BRESSINGTON: Make sure I go and see what?

The Hon. Carmel Zollo: I'm sure the report will come to parliament. It's all right.

The Hon. A. BRESSINGTON: Well, when you have two groups of people who are in such conflict about this—and it is basically not about the issues that have been raised in here; it is not about whether or not we go to a quota system—then someone has been misinformed. The other side have been involved in this certification process for sustainability and whatever else, and the 30 per cent who are quite happy with these regulations have not been involved in that process.

We are talking about sustainability. Why would you not go with the group that have put in the effort to do this independently of PIRSA and have done it out of their own pocket and taken the time to make sure that they have a reputable business? I would hope that the Legislative Review

Committee would have an inquiry into this and that one of the members on that committee would actually propose that if the regulations go back. I am not quite sure if the regulations will go back to Legislative Review or not, but I have been told that it is possible for that inquiry to occur. I support this motion in opposition to these regulations, and I hope that there can be a reasonable outcome for both sides concerned with this matter.

The Hon. C.V. SCHAEFER (20:31): I thank members for their contributions. All that needs to be said about pipi tonight probably has been said. The Liberal Party's view has not changed. There is a certain amount of injustice at least to the method which has been used, and we would seek to vote on this motion.

The council divided on the motion:

AYES (10)

Bressington, A.	Dawkins, J.S.L.	Hood, D.G.E.
Kanck, S.M.	Lawson, R.D.	Lensink, J.M.A.
Lucas, R.I.	Ridgway, D.W.	Schaefer, C.V. (teller)
Stephens, T.J.		

NOES (8)

Darley, J.A.	Finnigan, B.V.	Gazzola, J.M.
Holloway, P.	Hunter, I.K.	Parnell, M.
Wortley, R.P.	Zollo, C. (teller)	

PAIRS (2)

Wade, S.G.	Gago, G.E.

Majority of 2 for the ayes.

Motion thus carried.

PORT WATERFRONT REDEVELOPMENT

Adjourned debate on motion of Hon. M.C. Parnell:

That the Legislative Council notes—

1. The open letter sent to Premier Mike Rann from a group of prominent Australians calling on the Premier to ensure that opportunities are fully explored to integrate Port Adelaide's maritime heritage and character into the Port Waterfront Redevelopment in an enlightened way;

2. The importance of historic working boatyards and related marine heritage as a tangible and integral element of the sense of place of Port Adelaide and LeFevre Peninsula;

and calls on the Premier to—

1. Allow the three remaining historic working boatyards in Jenkins Street, Birkenhead, another year of operation beyond 30 June 2008 to enable a thorough Burra Charter assessment of their significance; and

2. Ensure greater recognition of the importance of Port Adelaide's marine heritage in the overall Port Waterfront Redevelopment.

(Continued from 18 June 2008. Page 3354.)

The Hon. R.P. WORTLEY (20:37): The government opposes this resolution for very good reasons, which I will outline. The local heritage listed buildings and structures—Harts Mill, Fletchers Slip and associated buildings—will be retained and redeveloped in a way that will sympathetically integrate them into the new development. The Land Management Corporation is working to retain other items where possible, including the remnant wharfs such as Musgrave Wharf, the old cranes at Dock 2 and potentially a portion of the Port Adelaide Sailing Club building.

A cultural mapping exercise of the development area initiated by the Land Management Corporation is also being undertaken. It involves recording an understanding of the 'working port' through stories, memories and themes, as well as physical elements, such as structures, artefacts and other remnant industrial activities.

Cultural mapping consultants will recommend how these elements can be incorporated into the new development or interpreted through other mediums. Methods of interpretation may include the development of public art, precinct signage, informing the project's urban design and built form,

or collection, preservation and display within existing curatorial institutions. Cultural mapping to date has included the history of Jenkins Street boat yards and the Musgrave Wharf structure. The Jenkins Street tenants (Messrs John Stockton, Andrew McFarlane and Kingsley Haskett) have all been extremely helpful with the cultural mapping exercise.

An honourable member interjecting:

The Hon. R.P. WORTLEY: You didn't know that, did you? While they are talking to you or you are talking to them, they are out there cooperating with this very sensible development. The Land Management Corporation is being assisted in this exercise by heritage consultants Mulloway Studio and the Cultural Mapping Steering Group, including representatives from Newport Quays, SA Maritime Museum, the Port of Adelaide branch of the National Trust, the City of Port Adelaide Enfield and the Port Adelaide Historical Society.

The decision to relocate the marine industry was made many years ago on both environmental and commercial grounds, and that decision will not be changed. The reality is that the boat-building businesses at Jenkins Street, Birkenhead are no longer focused simply on wooden boat building. Work today involves spray painting, working with plastics and metals and generating fine dust from antifouling paint and fibreglass.

The government has invested $21 million in Marina Adelaide at Largs North to provide a new environmentally sustainable hub for maritime industries on the Port River and has tried to facilitate the Jenkins Street shipwrights relocating to Marina Adelaide. The current position is that, of the Land Management Corporation's three Jenkins Street tenants, one has already vacated, and the Land Management Corporation anticipates signing documentation that will secure vacant possession of the other two tenancies by mutual agreement between the Land Management Corporation and the parties involved.

The government will continue to work in a responsible way and engage with the Port Adelaide community to maximise the history and heritage of the Port, where possible, and to ensure that the maritime character of the Port is retained.

The Hon. J.M.A. LENSINK (20:40): I am delighted to follow that contribution, as dubious as it was. I rise to indicate that the Liberal Party is supporting this motion, and I would like to outline the reasons why. A number of the members of the Environment, Resources and Development Committee of this parliament, including Mr Wortley, went to Port Adelaide on a minibus and received a very extensive briefing on the historic sites at risk in our port.

I will not repeat any of the details from the open letter, because the mover of this motion (Hon. Mark Parnell) read the letter in its entirety into the record in his contribution on 18 June, as well as naming all the distinguished people who put their signature to that letter. For those who might accuse us of being anti-development, I would like to state that it is really just asking for a stay of execution for these working boat yards to enable a proper assessment of them to be made.

Port Adelaide was the earliest settlement site in South Australia and, therefore, is crucially important, not only as a place for the import and export of cargo and the transit of people for fishing but also for the construction and servicing of boats and ships. Searles Boat Yard, A. McFarlane & Sons and Central Slipping Company are rare survivors of the continuous maritime activity in Jenkins Street at Birkenhead. These surviving boat yards at Birkenhead are living evidence of the importance to the growth up to the present day of South Australia's major port and the vital trades and activities that supported the craft using the port.

In 2001, the LMC called for registrations of interest for a waterfront redevelopment. The billion dollar Newport Quays development was announced in 2004, to turn 52 hectares of government-owned land into medium and high density waterside residential development. There is no dispute that development of Port Adelaide is a positive move for the area. However, the major concern in relation to the redevelopment is that Port Adelaide's maritime heritage is at risk of losing essential physical elements of its history as a working port. It has been identified by the National Trust as a site at risk.

I note that the Port Adelaide branch of the National Trust is the newest branch in South Australia and, interestingly, is now the largest. I think that is directly related to the fact that the LMC has changed its agenda in terms of redevelopment more times than it has changed its socks and, indeed, I think it has indulged in some fairly shady behaviour in its treatment of people in the local area who are making a meaningful living out of this area and who have a historical and a heritage claim on the region, which is just effectively being driven over with a bulldozer.

The government has been the landlord of the boat yards in Port Adelaide and has sold on particular sites to third parties. A number of different operators, whether it be people at the boat yards or some of the fishermen, have tried to obtain parcels of land so that they could continue their operations. In fact, they have been fobbed off. They have heard on the grapevine that particular parcels have been available and then, when they approach the LMC, they are told that they are not available and then they have been on sold to developers.

Indeed, I think the LMC has even acquired parcels of land at massively inflated prices, which has driven up the value of adjoining land. From a taxpayer point of view, that in itself is highly questionable. One example about which I have been advised is a piece of land that was worth $390,000 and which, some six years later, was purchased by the LMC for some $7.4 million. I am not sure where on earth in South Australia you can get those sorts of windfalls, but if the LMC has that attitude, I would be willing to sell it a piece of land any day of the week.

The LMC is driven by Messrs Foley and Conlon. It is interesting that, in 2002 and 2003, Treasurer Foley gave undertakings to the boat yards in particular but which he is now not interested in fulfilling. Indeed, in the initial expressions of interest and throughout some of the proposals over a number of years, it has been proposed that the boat yards be incorporated in the Inner Harbour as working boat yards. However, these current developers have demanded that they be provided with a greenfield site and, indeed, I am told that they will sue the government if the boat yards stay. I wonder at what cost that will be to the taxpayer if that takes place.

This is a deal that has been in so many places over the years that, it is fair to say, it has not been properly planned from the outset and the agenda which should have been stuck to has not been. Marinas were not part of the original plan. The government often cites the pollution from the boat yards, whereas the EPA continues to provide the boat yards with a licence, which is a very strong indication that they are not a problem. Indeed, when we visited that site, we were shown where the tins of paint and so forth are placed in the event of a king tide. The operators are given a fair amount of notice and so they are able to place anything that might be hazardous at a much higher level.

We know very well that much of the pollution that has gone into the Port River has come from other sources, whether it be from Penrice, stormwater, local drains in the area, or the old treatment plant at Royal Park which was operated by SA Water. I think it is unfair for the government to make those sorts of claims against the boat yards: it is just an excuse for it to put another nail in the coffin and it is dishonest.

My final points are as follows. Some interesting funds have been raised at that particular site involving Adelaide Progressive Business (or whatever the fundraising arm of the Australian Labor Party is called) and I think that, if we had an ICAC in this state, then that issue alone would certainly be referred to it. I think that some of the plans that have been published are very unimaginative. When we drove around the area, I have to say that I was not impressed with the quality of some of the construction, and I would predict that some of those apartments will be the ghettoes of tomorrow. In fact, I do not know why you would want to live in a high-rise that distance from the city and next to a noisy railway track. We saw some good examples of—

The Hon. P. Holloway interjecting:

The Hon. J.M.A. LENSINK: Yes, how far away is that? That will be next century under you guys. Indeed, the chairman of the local National Trust, Tony Kearney, was generous enough to show us his apartment which, from memory, was an old flour mill. It was quite innovative and very attractive. In comparison to those apartments, it is a hundred times more liveable than the apartments that have been built.

I question many elements of this particular development. I think government ministers' ego have got in the way of this and it is a disgrace.

In relation to the preceding speaker's comments, of course the heritage-listed items will be preserved but a number of items have not yet made it onto the list. We know that heritage listing is a problem, as we saw recently at Stepney where, thankfully, the council has realised the error of its ways and pulled back from bulldozing historic cottages. It is my view that this government's attitude is that if it is not listed do not give it a second chance but, rather, just bulldoze it. For that reason I support the motion.

The Hon. SANDRA KANCK (20:51): As a former Broken Hill girl, I am one of the many thousands of Broken Hill people who at Christmas time would be involved in the exodus of

600 kilometres—I remember from my primary school geography it was 320 miles—to Taperoo to what was called the zinc mine holiday camp.

Port Adelaide became part of my world at a young age because of that. It was the place we went to shop if we needed a new pair of thongs or new bathers. So many times I stood there on the wharf and watched ships come in or go out, with old *Tusker* the tug boat strongly pulling and pushing and issuing forth black smoke. I talked to sailors, sometimes not very successfully because they did not speak English. It was an extraordinary place. There is a great history to Port Adelaide. Unfortunately, as a result of the redevelopment that is occurring, sadly that history is being destroyed.

I wholeheartedly support this motion. I know that later tonight or tomorrow we will be discussing Marble Hill, which is a case of a failure of public imagination, but here we are discussing how the public and private sector can combine to destroy our heritage and the sense of place that used to exist in Port Adelaide.

The Hon. Mark Parnell has outlined a detailed case to support his motion. I want to go briefly through the logic of the government's decisions and return to the theme of failure of imagination. We have lost an important part of our history, but I know that the government does not really care about history and heritage. Nevertheless, it should also consider that we have lost an important economic asset—and that is when it starts to take note.

The world is full of apartment towers by waterfronts. Their residents may soon enjoy the view, although, if this government has its way, soon all they will have are views of other apartment towers. They are certainly not unique. No-one would travel to Port Adelaide or South Australia to look at them.

But if we had preserved the boat yards we would have a traditional industry using historic tools and instruments—and that is the sort of thing that affluent tourists will come to see. Those affluent experiential tourists are likely to become more important as rising fuel prices reduce, if not wipe out, the budget tourism that we have come to know. Also, it would have increased the richness and diversity of the port for both residents and visitors. If the developers had had any vision, they would have been clambering to keep the boat yards going. It would not have been difficult or expensive to preserve those boat yards. They are a very small part of a 52-hectare project worth $1.2 billion.

No doubt, the government will argue that the South Australian Heritage Council is on its side. The council recently determined that the boat yards could not be considered of state heritage significance because the Heritage Places Act does not allow use to be considered in determining significance and, if the yards ceased to be used for building boats, the structures alone do not meet the criteria for listing.

This does not let the government off the hook. The Heritage Council might have to consider technicalities, but the government does not have to miss the wood for the trees. If it really had an appreciation of heritage and a vision for how to integrate the past and the future, it could have kept the boat yards; but, instead, the Land Management Corporation has ordered the tenants out and intends to demolish the boat yards even though the developers do not need that land for another five years. This charade also demonstrates how inappropriate it is to have the Land Management Corporation reporting to the state Treasury. Making money is its ultimate object, and any hint of resistance to the development must be aggressively swept aside by this state government.

When I was a member of it, the Environment, Resources and Development Committee made a recommendation to the government that the Land Management Corporation should be transferred from Treasury to urban planning, but that recommendation was turned down. What we are seeing now—and demonstrated through this project—is a ruthless drive to crush opposition in this state, and it is something that is relatively new. I hope that it will backfire and that it will spark a new wave of heritage activism; and, if that happens, I would certainly welcome it. This motion, however, is not part of that coming wave of activism: it echoes the sentiments of the establishment. People, such as Sir James Hardy and Professor Philip Cox (an architect), have called on the Premier to give the boat yards another year of life to ensure that the opportunity to integrate them into the development has at least been explored. I am pleased to be supporting this motion.

The Hon. R.D. LAWSON (20:56): I rise briefly to indicate my personal support for this motion, and to make only this comment: in South Australia there is a great tendency of governments to feel that any new buildings represent progress. That is certainly the case with this particular government, and I must admit that previous governments have similarly had that view.

However, if one looks dispassionately at the quality of the buildings being constructed in South Australia and the developments, the designs, the materials used and the environments created, etc., one will find, unfortunately, that ours are very much second grade. It is driven by developers who say that, unless we spend only the amount of money we have available, the rate of return in this state will not be available to them and therefore they will go elsewhere.

Governments capitulate all the time to that sort of rhetoric, and that is exactly what we have got at Newport Quays. There is an opportunity to preserve a fantastic marine environment, but the government has decided to capitulate to the developers who say, 'We will use this space not to create something that is unique, that has real quality, that preserves the real history and tradition of this state. No, let's demolish it and we'll put up more cheap apartments—as cheap as we can possibly build them. We will get the highest possible price for them and people will buy them,' but we squander—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The planning minister is speaking. He is defending it. What sort of planning minister is this? This is the planning minister who is in the pocket of developers who take no notice at all—

The Hon. P. HOLLOWAY: Mr President, that is a totally unacceptable claim by the Hon. Mr Lawson, and I demand that he withdraw.

The PRESIDENT: The Hon. Mr Lawson—

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

The PRESIDENT: Order! The Hon. Mr Lawson should withdraw that last remark. It was a very unparliamentary remark and it should be withdrawn.

The Hon. R.D. LAWSON: I am happy to withdraw the remark and to say that this is a planning minister in a government which bows down at every possible occasion to the demands of developers, and that is quite happy to squander the heritage of this state and to ruin what is unique in this state in the interests of some development.

The Treasurer is the prime example of a Philistine in relation to this. He is very happy to have apartments spread across the whole of Port Adelaide. That may be great for the number of people who live there. It might be a pleasant sort of environment, but it is nowhere near as good as it could be and it is nowhere near as good as it should be. We are simply, as I say, squandering opportunities. I am very happy to support the honourable member's motion.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (21:00): I was not going to enter this debate but, after some of the outrageous comments made and the appalling contribution by the Deputy Leader of the Opposition, who raised a number of allegations without evidence, of course, because she does not have any. The deputy leader made allegations with lots of sleaze thrown in but with no substance at all, no facts at all.

If members opposite think that those boatsheds are so great, why do they not shift them down to St Peters, on the banks of the Torrens? Why not put them there? What a tragedy it was that the Hon. Michelle Lensink was not over in Melbourne to save Docklands and the asbestos and iron sheds there. What a pity she was not in Darling Harbour in Sydney, with its millions of people, to save that and keep it as some sort of memento for history.

What I think is outrageous is that the Hon. Michelle Lensink and the Hon. Robert Lawson were denigrating the quality of houses that people want. If people do not like them, they will not buy them. However, as I understand it, people are paying lots of money for apartments there. Who is the Hon. Michelle Lensink to tell people what they can and cannot buy, what is good and what is bad housing?

The Hon. J.M.A. Lensink: I would not tell them what they could and could not buy.

The Hon. P. HOLLOWAY: That is what you are saying. What is wrong with the old Liberal Party that once believed in choice; that people could choose to live in the type of housing that they want? If people are spending $1 million, which I understand they are for some of these properties, because they want that, why should they not do so? What sort of heritage are we preserving? We had nonsense from Sandra Kanck; this romanticism that somehow or other Port Adelaide has been a—

The Hon. J.S.L. DAWKINS: I take a point of order. The Leader of the Government has been here long enough to know that he should refer to members in this place by their correct title.

The Hon. P. HOLLOWAY: The Hon. Sandra Kanck, in her comments, talked about a romantic notion of Port Adelaide as a port and, of course, it was about 50 years ago—but how long is it since ships came into the inner harbour at Port Adelaide? Whether the Hon. Sandra Kanck likes it or not, the world shipping industry has changed and they now use much bigger ships. Why does she think we have just dredged Port Adelaide out to 14 metres?

That is the future of shipping. There will be great big ships that keep getting bigger—there was Panamax, post-Panamax and Cape size. They keep getting bigger and bigger and that is why we are spending tens of millions of dollars dredging the port at Outer Harbor. That is the future. We are not getting ships in there, other than a few tourist ones. Let us have none of this nonsense that Port Adelaide is somehow or other like it was 30 or 40 years ago, or ever will be again. It will not; it cannot.

The other thing that I think needs to be addressed is the nonsense about preservation. The fact is that we all know what the Liberal Party's record was in relation to heritage and preservation: it was an appalling one.

The Hon. R.D. Lawson: You are outdoing us!

The Hon. P. HOLLOWAY: No, I am not outdoing you at all. What I have done, through the planning system, particularly through our latest planning review and what we are doing in relation to character, is to preserve what is good about our city. What we need to do is not just keep old buildings, particularly rusty iron sheds, for the sake of keeping them when they have no purpose. We have to have a use for them.

On North Terrace are three buildings that have been empty for over a decade. They are deteriorating even though they are on a heritage list. I am talking about the Gawler Chambers and the buildings next to David Jones. They have all been empty for more than 10 years. There are a number of other buildings around this city which have been boarded up for years. If you do not have a viable use for them then that is all they will become.

I suggest that perhaps the Hon. Michelle Lensink visit Vancouver and have a look at a modern city on one side and, next to it, behind the old gas town, are 2,000 drug addicts. Vancouver has become the drug addict centre of North America. Why? Because they have kept all their old buildings on a heritage list but no-one can fix them and, therefore, they are deteriorating. They have been taken over by squatters and it has become the drug capital of North America. Part of the reason is because—

Members interjecting:

The Hon. P. HOLLOWAY: That is what happened there because a whole lot of buildings have been allowed to deteriorate and they have had squatters move in. There, next to one of the most beautiful cities in North America, you have this problem in historical areas.

Members opposite should start living in the real world. I know that, politically, what they are trying to do is win a couple of seats by trying this new-found 'green' appeal they have about heritage, but heritage is more than a couple of rusty iron sheds. How long is it since those boat yards made a genuine wooden historical boat? What sort of boats do you think they are building down there, and why does it need to be in a rusty iron shed?

There has been a great deal of self-serving nonsense spoken in this place by members. This is all about politics. They do not really give a damn about what happens in Port Adelaide, and they never have and they never will. You try to get someone to keep rusty iron sheds up at Burnside or up where they live.

The Hon. J.M.A. Lensink: We did. We wanted to keep the one at Glenside.

The Hon. P. HOLLOWAY: Well, perhaps they should start living in them. Perhaps that is what they need to do. Perhaps they should move into them, or put them up next door to where they live if they think they are so fantastic. Cities have to grow and evolve. We have to keep what is good about our city, and we have to preserve our character. However, that will not happen if we preserve every building beyond a certain age—in particular, iron sheds that are rusting. To make heritage live, you need to ensure that the heritage buildings are alive and working and that they still have a use and an economic value, otherwise they will end up like some of those buildings we

have along North Terrace that have been vacant for 10 or 15 years and probably will be for ever more.

The Hon. M. PARNELL (21:07): It gives me great pleasure to close this debate and to bring honourable members' attention back to the fairly modest motion that is before us. Had I known that these boat yards would become drug havens, I may not have moved the motion. What I will say, by way of defence of this motion and in urging honourable members to support it (and on this I agree with Paul Holloway), is that heritage is not just the fabric of buildings. It is not just the sheds—tin, rusty or otherwise. Heritage is about function, history and the sense of place that is Port Adelaide.

I would agree with people who say that these boatsheds are not the prettiest structures in South Australia. I do not subscribe to a theory that heritage is elderly gentlemen in a captain's cap and cable sweater smoking a pipe amongst lobster pots and rolls of rope—and I especially do not want them smoking pipes because that is bad for you. The point is that this motion is not about saving every last building in the old Port Adelaide. There are only three left. In the second reading, I referred to figures from Sydney Harbour, where there are hundreds of working boat heritage items left. We are down to the last three. So, the question for us is whether or not we should give these last three another year of life so that a proper borough charter heritage assessment can be undertaken.

As far as I know, Sir James Hardy is not a member of the Greens. But I was happy to read into *Hansard* his open letter to the Premier published in *The Advertiser*, because there is a growing awareness not just in South Australia but around the country and overseas. Heritage boat magazines in the United Kingdom have bemoaned what is happening to Port Adelaide's heritage.

The question has to be: what is the great urgency to get these people out and to demolish these properties now? We know, from the Newport Quays project staging, that there is no intention to do anything with this site for the next few years. In other words, the reason for getting these people out and demolishing these heritage buildings now is to avoid political pain and to prevent the growing community concern from actually becoming a winnable campaign.

I was at the very first meeting of the Development Assessment Commission where the Port Adelaide rezoning was discussed. There were hundreds of people in that hall. The overwhelming theme from all of them was that: yes, we need to revitalise the Port; and, yes, we need development, but we can do it, and we must do it, in a way that is sympathetic with the character of the place, with its history and boat building heritage.

The Hon. Paul Holloway says that we do not build great massive ships in the inner harbour any more. Well, no, we do not, but the Environment, Resources Development Committee members, on a trip to these boat yards, saw a large number of old wooden boats and more modern boats that were in there for repair. There was a huge boat up on the slipway in for repair. There were some ancient vessels (over 100 years old) in for repair.

They built the Popeye boats there, for goodness sake! Whatever you think about the Popeye boats, they are a part of South Australia's heritage. I do not think anyone is about to get rid of the Popeye boats: they were built at Searles Boatyard. The boat yards have been on the Port River pretty well ever since the Port was settled.

Let us not get too carried away with reinterpreting this motion as being whether you are for or against the Port redevelopment. That is not what this motion is about. What the motion does is note the concerns that have been expressed by heritage and maritime experts from around the country, and it calls on the Premier to allow these three remaining historic working boat yards in Jenkins Street, Birkenhead another year of operation (not forever) so that we can do a proper and thorough borough charter assessment of their significance. Secondly, we call on the Premier to ensure greater recognition of the importance of Port Adelaide's maritime heritage in the overall Port Waterfront redevelopment.

This is not a referendum on everything that is happening there. What it is saying is that we have demolished most of the heritage, and there is a little bit of it left; let us give it one more year of life so that we do the proper assessment and we can make sure that we do not actually kill the goose that has laid the golden egg, because Port Adelaide does have that heritage, and the people who move there—even those who move into the new apartments—do want some sense of place and I think they do want to know that there is some heritage left in Port Adelaide. I urge all honourable members to support this motion.

The council divided on the motion:

AYES (10)

Bressington, A.	Dawkins, J.S.L.	Kanck, S.M.
Lawson, R.D.	Lensink, J.M.A.	Lucas, R.I.
Parnell, M. (teller)	Ridgway, D.W.	Schaefer, C.V.
Stephens, T.J.		

NOES (8)

Darley, J.A.	Finnigan, B.V.	Gazzola, J.M.
Holloway, P.	Hood, D.G.E.	Hunter, I.K.
Wortley, R.P.	Zollo, C. (teller)	

PAIRS (2)

Wade, S.G.	Gago, G.E.

Majority of 2 for the ayes.

Motion thus carried.

MARBLE HILL (PROTECTION) BILL

Adjourned debate on second reading.

(Continued from 18 June 2008. Page 3357.)

The Hon. SANDRA KANCK (21:18): This bill makes the best of a bad situation, so I will support it. The sensitive restoration of Marble Hill should mean that one of our finest buildings will be preserved for future generations to enjoy, but they will have to enjoy it from a distance because our history has been privatised. With a little imagination it could have been different.

This is a magnificent structure on a fine expanse of land in a beautiful setting. It should have stayed in public hands for everyone to enjoy. Prior to the sale, the Friends of Marble Hill were tossing around ideas, such as developing a Sovereign Hill inspired sound and light show based on the 1956 bushfire. This would have made Marble Hill a major tourist attraction and, with the right management, could have brought it close to self sufficiency. That is the sort of proposal that should have emerged from the government's call for expressions of interest in the future management of Marble Hill. The way that process morphed into a deal for the sale of Marble Hill has left a bad taste in the mouths of South Australians, who want to see our heritage preserved and accessible, and it was deeply upsetting to the Friends of Marble Hill. I remind members of what minister Gago said on 26 July 2007—almost a year ago—in response to a question from the Hon. David Ridgway about the process. She said:

> Expressions of interest have been sought to encourage the widest range of innovative proposals for the future management of Marble Hill that will provide—

and listen to this—

> for future public access while conserving the heritage significance of the site.

Somewhere along the way this shrank to a private sale. It is a matter of constant amazement to me that the richer we as a society grow the more our imagination shrinks. We are in the 18th year of economic expansion—the longest boom in our history. We are in the midst of the development boom, and we are told that we are on the edge of a mining boom. Climate change and even the death of the Murray do not seem to be affecting the fundamentally rosy view, or at least rhetoric, of our leaders, so we must assume that everything is okay. Yet it seems that we are less and less able to afford to preserve and expand heritage. Long ago, when we were much poorer, Don Dunstan bought Ayers House and restored it rather than see it demolished. Why can't we do that now?

I am supporting this bill because it is the best we can do as a consequence of this state government's impoverished thinking. I congratulate the Hon. Ms Lensink on her initiative. It has several important features. It ensures that Marble Hill must be kept available to South Australians and visitors; it mandates that Marble Hill must be open to the public on at least 10 occasions each year; it ensures Marble Hill must be kept on the South Australian Heritage Register; and it requires both houses of parliament to approve any heritage agreements. Despite that, South Australians will

lose most of their access to Marble Hill, even under this bill. Last year, Marble Hill was open for 37 days, and under this bill it will be open for only 10 days per year. I understand the purchasers were aiming to restrict this to three or four days a year. As I say, this bill makes the best of a bad situation.

It is important to pay tribute to the Friends of Marble Hill. This fine group of people worked hard to keep Marble Hill open. They provided tens of thousands of visitors with a glimpse of South Australian history. The way that they were shunted aside and shut out of this process was disgraceful and disrespectful. I urge the Bishops to be more sensitive than the minister has been and to consult with the Friends of Marble Hill in the restoration of the mansion.

The final word and graphic example of how the government views this process should go to Ernie McKenna, the President of the Friends of Marble Hill, who sent out an email to supporters early last week. It states:

> On Sunday 13th July 2008 I, as President on behalf of Friends of Marble Hill, locked up the ruin and closed the site to the public for the last time. We had 500 visitors come and thank me for what the group has done over near 15 years. This was a very difficult and emotional time for me personally. A number of visitors were unhappy that 'Good News Mike' or Gail Gago had not made a special appearance with the media to thank me and the volunteers personally for what we have done. I simply replied, 'Well it can't be good news then!' I do find the attitude of the state government in not making the effort appalling. The thank you was left to Peter Goers and ABC interviewer Ashley Walsh and some of the general public. I would also point out that local member Lindsay Simmons who was going to visit never attended.

I support the second reading and this bill.

The Hon. M. PARNELL (21:23): I, too, support this bill but I do so with the full knowledge that it is a sub-optimal outcome. The difficult decision, I guess, that has to be made is whether or not hanging onto Marble Hill in public hands for another 55 or so years might yet result in a publicly funded and publicly owned restoration project coming to the fore. That has not happened, and the government has gone down the path that it has. I think the real tragedy with the arrangement that the government has entered into with those who will be the new owners is that there will be no role for the community. The Hon. Sandra Kanck has paid tribute to Ernie McKenna, president of the Friends of Marble Hill and I echo that sentiment to Ernie and all his fellow hard-working volunteers on behalf of the Greens.

The reason I am supporting this legislation is that it does make some improvement on the arrangements for public access that had been proposed by the government. It is still only 10 times a year, but that is better than three or four times a year, and I commend the Hon. Michelle Lensink for putting forward this improvement. However, I support the bill with some reluctance because I would like to think that, as a society, we could have kept our heritage in public hands, and allowed groups like the Friends to continue their good work.

I know from correspondence I have received from the Friends that they have given up, partly because when the new owners go in there will be public liability insurance issues. Currently they are covered by a government policy, but they will not be after this deal goes through. I understand the group is currently looking at being wound up, and I think that is a tragedy for South Australia—that a group of volunteers, who have given their own time for many years to look after our collective heritage, now find that they have no more work to do. That is sad. With those brief remarks, I indicate that the Greens will support the bill.

The Hon. R.D. LAWSON (21:25): I rise to support the bill, and also to make some comments about it. I must say that my support for this bill is not exactly 100 per cent. I, too, commend the Marble Hill volunteers, who have done a marvellous job in difficult circumstances; they have not been greatly supported by governments over the years. However, I also commend the new owners of Marble Hill, Mr Edwin Michell and his wife Dr Bishop, who are, I believe, doing this state a considerable service by investing their own funds—

The Hon. B.V. Finnigan interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Mr Finnigan will have an opportunity to make a contribution in a moment if he wishes. The Hon. Mr Lawson has the floor.

The Hon. R.D. LAWSON: I commend them for expending their own funds in restoring a building which, if it did not have this form of investment, would not be restored. Once restored by them, in accordance with the agreement they have entered into with the government, it will be a worthy restoration—and, knowing both individuals, I am sure it will be a worthy restoration.

I was fortunate enough to be minister at the time when arrangements were made for the state Treasury building—a building that had lain unused for quite some years and which was unsuitable for public service officials—to be restored and redeveloped, and put to a use which was to the benefit of the community. I am proud of the role I played, notwithstanding the opposition of some traditionalists to changing the use of the Treasury building from public to private. I believe that has been a successful venture, and I believe the restoration of Marble Hill, given the commitments of the Michells to continue public access (although not as much access as one might want)—

The Hon. B.V. Finnigan interjecting:

The ACTING PRESIDENT: Order!

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Lawson has the call. The Hon. Michelle Lensink and the Hon. Mr Finnigan are both out of order.

The Hon. R.D. LAWSON: The gurglings from the Mingbool marsh will not stop me making this contribution. I believe this bill is an improvement on the arrangements entered into, and I do not believe the bill (as some might suggest) is a way of frustrating what is essentially a sound proposal.

The Hon. I.K. HUNTER (21:30): The Hon. Michelle Lensink indicated that the Marble Hill (Protection) Bill is required because the heritage values of Marble Hill need to be protected. We agree that they certainly need to be protected, but we believe that the agreement the government has entered into will do precisely that.

Our legislation and heritage systems have worked for 30 years and continue to work well. In 2003, the government undertook a review of heritage in South Australia. We identified some areas that needed improvement, and we established new directions for heritage in South Australia. The Heritage Places Act 1993 was amended in 2005 following public consultation to strengthen the provisions in the act and to ensure that it was strong enough to protect heritage in South Australia.

Marble Hill is, indeed, special. It is one of a number of special and iconic state heritage places on our South Australian Heritage Register. The only thing that is different about Marble Hill is that the government is proposing a change in ownership, from public to private ownership. Private ownership is not unusual. The vast majority of our state heritage places are in private ownership. It follows, therefore, that the conservation and maintenance of heritage values are not inconsistent with private ownership. In many cases, private owners have purchased heritage places because they are passionate about heritage.

Private owners often contribute a significant amount of their own resources to conserving and restoring heritage places for the benefit of us all. The proposed sale of Marble Hill into private ownership will not alter its status as a State Heritage Place on the South Australian Heritage Register.

The special nature of Marble Hill has been recognised by the government in the processes that have been and are being followed. The expression of interest documents made clear that proposals had to respect, protect and interpret the heritage values of Marble Hill. The heads of agreement, which have been publicly released, acknowledge the understanding of the parties in order to achieve special protections through a heritage agreement under the Heritage Places Act 1993 and a repurchase option.

The repurchase option permits the government to reacquire Marble Hill if the owners do not fulfil their commitments within a reasonable time frame. This provides an extra level of security for the state. The heritage agreement provides numerous protections, including reconstruction of the residence and non-division of the land, to ensure that the surrounds cannot be adversely impacted by inappropriate development, future public access and, of course, future use.

At this point, I acknowledge the work of the Friends of Marble Hill over many years in caring for and promoting the importance of Marble Hill within the story of our state and the community. The Friends of Marble Hill is one of a vast number of individuals' and community organisations involved in conserving, maintaining and promoting our heritage.

The government will ensure that the public continue to have access to Marble Hill and that everything the owners do to it will contribute to its conservation for future generations through a heritage agreement under the Heritage Places Act 1993. I point out that the Hon. Ms Lensink's bill

tries to cover not only much of the same ground as the Heritage Places Act 1993 but also a range of other areas that are already adequately protected through legislation.

The bill attempts to prescribe development, future uses of the site and safety of the public. These areas are more than adequately covered by the Development Act 1993 and associated regulations and the Building Code, as well as the Occupational Health, Safety and Welfare Act 1986. I will also take the time to explain that the effect of the Hon. Ms Lensink's bill would be not to prevent any dealings with Marble Hill but to make them more bureaucratic and complicated.

For example, if it were required merely to lease tearooms to a commercial operator, before this could take effect a heritage agreement authorised by both houses of parliament would need to be approved—just to lease out tearooms. It would similarly complicate any sale process without providing any additional protections. In conclusion, the government considers the Marble Hill (Protection) Bill is unwarranted and overly restrictive. Consequently, we on this side do not support it.

The Hon. J.M.A. LENSINK (21:34): In my second reading contribution, I outlined a number of aspects of this bill and why I thought it necessary. I will rebut some of the remarks that have been made by the previous speaker.

First, it was said that a number of private people own heritage homes. Well, yes, that is true, but this is different, because it is a government property which is going into private hands, and that makes it quite specifically different from your average heritage residence. I did state in my second reading contribution that we support private investment for these purposes. I do know Edwin Michell and Patricia Bishop, and I know that they have been involved in significant heritage restoration and do understand the significant heritage values of this site.

It was also stated that the heritage agreement would provide additional red tape. I would say that it will provide additional protections. There is no guarantee that under the ownership of any subsequent owners (unless there is some lodging of this with the parliament) those protections will be made. It is the same principle as that which was agreed to by this government in relation to Beechworth Gardens.

I think the process in this whole history since the expressions of interest were first opened has been flawed. I think the Friends of Marble Hill have been treated appallingly and locked out of the process. I would like to particularly thank them as well, publicly in this place today, for the work that they have done for no benefit for themselves, and yet they have not been consulted.

The Hon. G.E. Gago: They have.

The Hon. J.M.A. LENSINK: Well, we know what consultation means to you. There is a further email from Ernie McKenna which we received yesterday and which some members in this place would have received. It states:

> I just wanted to let you know some further information. If the Marble Hill property is allowed to be sold the new owners have agreed with us that once they sign the purchase documents, the Friends of Marble Hill will not be able to operate on the property. The reason for this is that whilst the property is owned by the government—

Actually, I think the Hon. Sandra Kanck pointed this out, but I do reiterate that this is a very sad state of affairs. Questions were raised about the Friends of Marble Hill and whether they would eventually be locked out, and I think we know what the answer to that is. It would have been far preferable, instead of having an expression of interest where nobody was allowed to know what was going on, to have an open tender which, indeed, might have brought some commercial interests out. We have heard about the old Treasury building and, while people may not enter all parts of that property, at least they are able to go into the courtyards and into the licensed premises when it is open. I would have envisaged that something like that would have been preferable.

Also, I would reiterate that, when this property was first established, it would have cost the government of the day a very large sum of money, so it has cost the state and the people of South Australia a great deal. We think that this could have been done differently and, as the Hon. Sandra Kanck has said, we have tried to make the best of the situation, and we would just like to establish some principles that will be attached to the parliament in a similar way as the government agreed to do with Beechworth Gardens for the future benefit of all South Australians.

The council divided on the second reading:

AYES (12)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.

Hood, D.G.E.	Kanck, S.M.	Lawson, R.D.
Lensink, J.M.A. (teller)	Lucas, R.I.	Parnell, M.
Ridgway, D.W.	Schaefer, C.V.	Stephens, T.J.

NOES (6)

Finnigan, B.V.	Gago, G.E. (teller)	Gazzola, J.M.
Holloway, P.	Hunter, I.K.	Zollo, C.

PAIRS (2)

Wade, S.G. Wortley, R.P.

Majority of 6 for the ayes.

Second reading thus carried.

In committee.

Clause 1.

The Hon. P. HOLLOWAY: I would like to ask the Hon. Michelle Lensink what impact this bill—if it is passed—will have on anyone's desire to enter into any agreement to restore this building. As she is imposing a number of conditions, what impact does she believe this bill will have on the likelihood of Marble Hill eventually being restored?

The Hon. J.M.A. LENSINK: It will impact on the ground floor residence principally and it may, indeed, have some restriction. We have sought information about the proposal, but it is not yet available. So, the imposition will be to have some access to the ground floor, not to the upper parts of the building. In that sense, it may encumber to a degree, depending on the ability of the architects to manage that.

The Hon. P. HOLLOWAY: If it makes it less attractive to have the restoration, does the honourable member believe that it is preferable to leave Marble Hill as a ruin, as it is now, or to have it restored?

The Hon. J.M.A. LENSINK: The answer to that is no. As I stated in my second reading explanation, we do not believe that the outcome ought to be that it is left as a ruin.

The Hon. B.V. FINNIGAN: With respect to what the deputy leader just said about the ground floor and the first floor, I do not quite understand what she was suggesting—if they restore the first floor, that would not be subject to the restrictions that are in her bill?

The Hon. J.M.A. LENSINK: The property is subject to a heritage agreement, which is being negotiated with the government. This might well be something about which the minister is able to advise, but I assume that it provides the outline that the building must be restored in a way that is sympathetic to the original building. The question from the Leader of the Government was whether this bill would make it less attractive for the proprietors or make it more difficult for them in any way. My answer to that is that there will be some access to the ground floor. So, they are quite separate issues.

The Hon. G.E. GAGO: My question relates to some of the significant negotiations that took place with the proponents. As members know, expressions of interest went out and, although a number of people made inquiries, only one submission was put forward. That is, no doubt, because it is a very costly exercise to take over a ruin some 50 years of age that has deteriorated gradually over those 50 years. Significant negotiations took place, but I am not able to give the details of those. Nevertheless, the proponents made it very clear with respect to the conditions that were set down, and said that they were needed for a successful agreement regarding this proposal.

Has the member inquired of the proponents as to whether they would be prepared to accept such conditions? My understanding is that they would not and, in fact, it is highly likely that they will withdraw their proposal and, again, this and successive governments would be left with an ongoing deteriorating ruin, which is a shameful situation for us all and for successive governments, when one considers the importance of this building. Has the member inquired of the proponents whether they would be prepared to accept these conditions? My understanding is that it is likely the proponents would withdraw if these conditions were imposed upon them, and we would again be left with a 50-year old declining ruin.

The Hon. J.M.A. LENSINK: At the start of her question, I think the minister referred to negotiations with the department. Obviously, not having been privy to those negotiations, I cannot answer that aspect of it. Both my leader, Martin Hamilton-Smith, and I have been in communication with Mr Michell and Dr Bishop. We have met with them and we have provided them at each stage with copies of the bill, my second reading speech and our media releases, and they have certainly not indicated to us that if this bill were passed they would withdraw from the process. So, that would be news to me.

As I have stated in response to previous questions, I understand that there would be some greater encumbrances on access to the ground floor, which might impact on the way in which the design of the architecture is undertaken, but I do not believe that that is a hugely onerous issue, in terms of providing some access for future public use.

The Hon. G.E. GAGO: Did the proponents in those discussions indicate that they would be prepared to continue with the agreement, with these conditions imposed?

The Hon. J.M.A. LENSINK: I am not sure whether that is the same question asked in another way, but the answer is that they have not indicated to us that they would withdraw from this process.

The Hon. G.E. GAGO: The question was: did they indicate that they would accept those agreements and continue? It is quite a simple question.

The Hon. J.M.A. LENSINK: They have not made such an indication.

The Hon. B.V. FINNIGAN: Will the mover indicate, if the proponents made the position clear that they would not continue with their proposed redevelopment should this bill pass, would she then withdraw the bill or would she seek to have the bill continue and be passed by both houses?

The Hon. J.M.A. LENSINK: That is a hypothetical question. The bill is before us, and I am not prepared to withdraw a bill on the basis of a hypothetical question. I fully understand that, if you were in the proponents' position, you would rather that this bill was not passed because it gives you less flexibility in terms of the architecture and so forth.

The Hon. B.V. FINNIGAN: The Hon. Ms Lensink was assuring the committee that she and the Leader of the Opposition (the member Waite) in another place had had meetings with the people who have entered into this agreement, namely, the proponents of the development. I assume the purpose of meeting with them and providing them with the second reading explanation and a copy of the bill, as the honourable member indicated she did, was to assure them that this bill did not represent a threat to their plans and to their intention to develop this site. Is that why that information was provided?

If the honourable member is saying that it does not really matter whether the proponents are happy or not happy with this bill, she would proceed with it, will she indicate what was the purpose of meeting with them? It seems to me that the honourable member is trying to assure the committee that, as far as she is aware, this bill does not represent a threat to the redevelopment. If that is the case, it seems to me then that the honourable member would have been meeting with the proponents with the purpose of seeking that assurance so that the development would not be jeopardised by this bill.

The Hon. J.M.A. LENSINK: It has absolutely been provided to the proponents to ensure transparency so that they are fully aware of our intentions. I assume that, having not had any protestations from having sent through my second reading, that means there is no further comment on the issue from the proponents.

The Hon. P. HOLLOWAY: I ask the shadow minister for environment whether, as a consequence of the passage of this bill the agreement falls through, a future Liberal government would commit any money to the restoration of Marble Hill?

The Hon. J.M.A. LENSINK: That is a highly hypothetical question, and I think that our treasurer in waiting (the member for Goyder) might have something to say before that. It is not anticipated that this deal will fall through.

The Hon. G.E. GAGO: As I indicated, extensive and quite prolonged negotiations took place with the proponents in putting this agreement together. It was not a simple thing and it did take a great deal of time, and a number of different considerations were put on the table throughout these discussions. As I said, I am not at liberty to give the detail of those because of the

commercial in confidence nature of the negotiations, but I am of a very strong mind, given my knowledge of those negotiations, that it is highly likely that the proponents will withdraw from this agreement if these restrictions are put in place.

Given that the shadow minister for the environment is not sure whether or not the proponents will withdraw, is there nothing to be gained from deferring this motion until that information is clarified with the proponents so that we are very clear about the future of this agreement? Would the member consider deferring this amendment until the position of the proponents is clarified once and for all as to whether or not they will proceed with the agreement?

As I said, there is nothing to be lost. If the proponents are in agreement—as the honourable member seems to indicate—we have lost nothing, other than a few weeks or a month. The governor's residence has been ruins for 50 years so I do not think a few weeks or a month will make much difference. We all would be very clear, once and for all, about whether or not we are back to square one, faced with a 50-year-old declining ruin. My question is: will the honourable member withdraw that to clarify the situation once and for all?

The Hon. J.M.A. LENSINK: The answer is no. The minister seems to indicate that she believes that, should this bill pass, it will not proceed.

The Hon. G.E. Gago: It could jeopardise it.

The Hon. J.M.A. LENSINK: If she has any information to that effect, it would have been prudent to provide it to us because I did indicate to all members—

The Hon. G.E. Gago: It's your bill.

The Hon. J.M.A. LENSINK: But I am not the government. I am not privy to that information. I indicated to all members that I wished to proceed with this bill. Now the minister is asking me to delay it so that information can be obtained that she alleges she is privy to. I am not sure how that works.

In relation to the significant negotiations about which the minister has been talking, a number of questions seeking detail have been asked in this parliament and we have been told, 'Don't you worry about that, we'll let you know in due course.' Frankly, had there been more transparency in relation to the negotiations or more information been provided to the parliament over the past 18 months (or however long it has been going), it would have allayed not only anxiety of the Friends of Marble Hill but also a lot of other people who have been raising concern.

I cannot help but think that the government has something to hide. In good faith I have sought to proceed with the bill and now I am being asked by the minister to delay it so that some information can come out via some other means about which she already knows.

The Hon. J.M. GAZZOLA: Will the Hon. Michelle Lensink indicate whether the proponents of the redevelopment support the bill?

The Hon. J.M.A. LENSINK: I am pleased that so many members in this chamber are suddenly interested in heritage matters. I assume they would rather it did not go ahead because, as I have said in answer to previous questions, it would make the arrangements for the redevelopment less flexible for them. I think on balance they would probably rather that it did not go ahead. I think that is very understandable. In my second reading explanation and again tonight I have said many times that we believe in the heritage aspects being preserved in an agreement which is protected by this parliament.

The Hon. J.M. GAZZOLA: Is the Hon. Michelle Lensink asking us to support a bill based on her assumptions?

The Hon. J.M.A. LENSINK: I have had no indication they would not.

The Hon. B.V. FINNIGAN: I apologise to the mover if, as she is indicating, she is frustrated that members are taking an interest in legislation which we are being asked to pass. Would the mover indicate whether she or the Leader of the Opposition in another place gave any assurances or indications or said anything to the proponents of this development when meeting them and in communications with them that they had nothing to fear from this bill because it would not pass the lower house as it was an opposition bill?

Will the honourable member indicate whether she or the Leader of the Opposition in another place gave any assurances or indications to the proponents when meeting with them in

relation to this bill that they had nothing to fear from the bill because it would not pass the lower house?

The Hon. J.M.A. LENSINK: I do not recall that we had a conversation about whether it would or would not pass. Maybe the minister would like to advise whether the government will support it in the lower house. We did assure the proponents that our intentions on this were about public access and the other issues I have talked about already.

The Hon. G.E. GAGO: I am sure that the honourable member has researched her bill thoroughly. I wonder what the cost implications of her bill will be to the proposal that the proponents have put forward?

The Hon. J.M.A. LENSINK: I do not think we are able to provide that. I did speak to Dr Bishop about this and, because it is at such an early stage, she was not able to advise. I understand that they have met with their architects, and so forth, but I do not think even the Bishops would know how much the overall cost would be for the restoration, let alone what impact this will have. I think that no-one would be able to predict that with all the best information in the world unless they happen to be a heritage architect who knew what all the current costings and so forth of specific heritage fittings would be.

The Hon. G.E. GAGO: Given that the honourable member has no idea of the cost implications of her bill, I would have thought it would be prudent to wait until planning had progressed to a degree where some more detailed costings might be made available and transparent to the parliament so that we can make a truly informed decision about the future of this important heritage site. Is the honourable member willing to wait until planning is more progressed so that detailed costings might be made available to inform the council?

The Hon. J.M.A. LENSINK: I think, quite frankly, that is a red herring. This government is quite uncomfortable with this bill, because it is principally about putting the access and the existing heritage agreement that the government will sign with the proponents into the parliament. Why it is so scared of that and keeps raising these red-herring issues is beyond me.

The CHAIRMAN: Order! I remind opposition members introducing private member's bills that they have the same responsibility as government members who introduce bills to explain the bills. It is always handy for members to know what something is going to cost when voting to spend taxpayers' money.

The Hon. B.V. FINNIGAN: Just following up on a question from the Leader of the Government in relation to what the Liberal opposition's position is should this bill lead to the collapse or the withdrawal of the current agreement, the mover indicated that that was a hypothetical and so she could not address it. Can I clarify that it is the position of the honourable member and the Liberal opposition that they have no policy regarding whether Marble Hill would be restored at government expense, kept in public hands or sold or leased to a different private operator if this agreement were to fall over as a consequence of their bill?

The Hon. J.M.A. LENSINK: I think that if we look over the history of this debate—

The Hon. G.E. Gago interjecting:

The Hon. J.M.A. LENSINK: And your past inaction, minister.

The Hon. G.E. Gago interjecting:

The Hon. J.M.A. LENSINK: I feel a parrot moment coming on! If we take it back to where we were prior to the election (so, when we last were in charge of this issue), the Friends of Marble Hill were providing a great deal of access, and weddings and a number of public events and so forth were being held there; so it was being used legitimately as a government property with community access. We have been presented in this government's term with a situation whereby we have been very concerned about private sale, public access and so forth. We have attempted to make the best out of this situation. I am not prepared at this point to lock a future government into saying whether or not we would provide a complete restoration. That is just foolhardy. We are going to get back into government and find all sorts of messes that we need to clean up, from the mental health system to our coastal waters.

The Hon. P. Holloway: That has a high priority, does it?

The Hon. J.M.A. LENSINK: I am sure it will when we are back in government.

The Hon. B.V. FINNIGAN: I gather that the honourable member's answer is that the Liberal opposition does not have a policy or, if the Liberal opposition does have a policy, it is to preserve the previous status quo. If that is what she is suggesting, can she indicate whether a future Liberal government would be prepared to meet the costs of the ongoing maintenance of the site as a ruin, and any costs that would arise to ensure that it is kept in a state that the public are able to access without there being a risk to their safety?

The Hon. J.M.A. LENSINK: The answer to that would be yes. It is basic occupational health and safety.

The Hon. SANDRA KANCK: I am perplexed about what is going on at the moment. We had a division and the government clearly indicated that it is opposed to this bill. If it passes here tonight it will go to the House of Assembly where the government will oppose it, so that means that the bill will be defeated. It seems to me that what is going on here is some form of time-wasting by the government.

Members interjecting:

The Hon. SANDRA KANCK: I think we should—

The CHAIRMAN: Order!

Members interjecting:

The Hon. SANDRA KANCK: —proceed swiftly to a vote because there is no purpose—

The CHAIRMAN: Order!

The Hon. SANDRA KANCK: —in this questioning.

Members interjecting:

The CHAIRMAN: Order! I remind the Hon. Ms Kanck that it is rather ironic that she would stand up and say that when the government is not, in her opinion, responding to questions continually when it seems that the other side might be holding up the debate she says the government is not doing its job. The government has the right to question any member who brings in a private member's bill—and that is exactly what it is doing—and I will continue to allow it to do so, and any other member who wants to question the member who introduced the bill.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. P. HOLLOWAY: Clause 3 of the bill provides:

> Marble Hill must be kept reasonably available as a community facility for the benefit of South Australians and visitors to this state.

What advice has the member had from parliamentary counsel as to what 'reasonably available' means?

The Hon. J.M.A. LENSINK: I have not specifically sought that. It is a word that is used commonly in legislation.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.M.A. LENSINK: It has, from what I understand, well-defined meanings within the statutes and in common law.

Members interjecting:

The CHAIRMAN: Order!

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

The CHAIRMAN: Order!

The Hon. P. HOLLOWAY: Clause 3(1) talks about Marble Hill being kept reasonably available.

The CHAIRMAN: Order! We will get through this a lot quicker if we allow the person on their feet to ask questions so that the mover of the bill can listen and answer.

The Hon. P. HOLLOWAY: This is just a technical question. Subclause (1) is a principal clause which provides that 'Marble Hill must be kept reasonably available as a community facility', but then subclause (3) specifically provides that the person in occupation must ensure that it is open to the public on at least 10 occasions for at least four hours between 9am and 5pm on each occasion in any calendar year. My question is: how do subclauses (1) and (3) stand together? Does subclause (1) provide an additional requirement over and above the specific requirement in subclause (3) and, if so, what is it?

The Hon. J.M.A. LENSINK: I do not believe it does provide an additional requirement for public access. The reason for subclause (3) is that we believe that like-for-like access ought to be the position. We have given some ground in stating 10 occasions instead of 12, which is what it has been. Indeed, my understanding is that in the last six months Marble Hill has been open for an additional 29 days. We do not think it is reasonable that the proponents should have to deal with that number of open days, but we do believe that some form of like for like (that is, 12 days to 10 days, rather than the requirement that the government has, which is three days) is suitable.

The Hon. P. HOLLOWAY: If you have subclause (3), which sets minimal conditions under which Marble Hill will be open, why then is subclause (1) necessary? Subclause (1) puts a general principle that it is 'reasonably available as a community facility'. If it has to be open, as a minimum, at those specific times, why is subclause (1) in this bill? What additional measures does subclause (1) provide that subclause (3) does not?

The Hon. J.M.A. LENSINK: I believe that those two clauses are entirely consistent.

The Hon. P. HOLLOWAY: But do they mean the same thing? That is the question. If subclauses (1) and (3) mean the same thing, why are we bothering to have subclause (1) included? If it does mean something different, what is that difference?

The Hon. J.M.A. LENSINK: I can only repeat the answer I have already given: that it is consistency.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order! The Hon. Ms Lensink does not need any protection from the back bench.

The Hon. B.V. FINNIGAN: Subclause (2)(b)(ix) provides:

> for any other purpose approved by the heritage minister, with the concurrence of the South Australian Heritage Council.

Given that paragraph (b) sets out eight fairly extensive purposes, I wonder whether the honourable member can indicate what purposes she contemplates subparagraph (ix) applying to.

The Hon. J.M.A. LENSINK: For the benefit of the honourable member, the first eight are reasonably specific and outline options. We are not saying that one of each must be done every year, and so forth. Subparagraph (ix) is really similar to provisions that are included in a number of bills which we pass every day, which anticipate things that we might not have thought of. I can try to be creative for you and say that it might be a re-enactment, or it might be a play or any number of things, but it would need to be approved; it is protected. It would not necessarily be a rock concert if the heritage minister did not deem that was appropriate.

The Hon. B.V. FINNIGAN: Clause 3(3), provides:

> The person in occupation of Marble Hill must ensure that Marble Hill is open to the public on at least 10 occasions, for at least four hours...on each occasion, in any calendar year.

Can the mover indicate whether those 10 occasions can occur on 10 consecutive days? It appears to me that 'for at least four hours' could involve two occasions on a single day.

The Hon. J.M.A. LENSINK: I am not quite sure what was the intention of asking that question, but I think it is fairly clear; it is plain English.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order! Perhaps the Hon. Mr Stephens would like to explain the bill to us.

The Hon. B.V. FINNIGAN: My last question was a relatively simple one: can the mover advise whether the 10 occasions can be on consecutive days, or whether two occasions can occur on the same day, in accordance with this clause?

The Hon. J.M.A. LENSINK: I suppose the answer to that would be yes.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill reported without amendment.

The Hon. J.M.A. LENSINK (22:16): I move:

That this bill be now read a third time.

The council divided on the third reading:

AYES (10)

Dawkins, J.S.L.	Hood, D.G.E.	Kanck, S.M.
Lawson, R.D.	Lensink, J.M.A. (teller)	Lucas, R.I.
Parnell, M.	Ridgway, D.W.	Schaefer, C.V.
Stephens, T.J.		

NOES (8)

Bressington, A.	Darley, J.A.	Finnigan, B.V.
Gago, G.E. (teller)	Gazzola, J.M.	Holloway, P.
Hunter, I.K.	Zollo, C.	

PAIRS (2)

Wade, S.G.	Wortley, R.P.

Majority of 2 for the ayes.

Bill thus read a third time.

Bill passed.

PUBLIC AND ENVIRONMENTAL HEALTH ACT REGULATIONS

The Hon. J.M.A. LENSINK (22:22): I move:

That the regulations under the Public and Environmental Health Act 1987 concerning controlled notifiable diseases, made on 1 May 2008 and laid on the table of this council on 6 May 2008, be disallowed.

This motion relates to regulations that have been tabled by the government to include effective surveillance to commence, particularly for influenza, to identify an anticipated seasonal epidemic. Influenza is a notifiable disease in all Australian jurisdictions except South Australia, and 'laboratory-confirmed influenza' is included in the draft national notifiable diseases list of the National Health Security Agreement. It is also reportable to the World Health Organisation if the case is from a new serotype. Rotavirus is a notifiable disease in Queensland, Western Australia and the Northern Territory, and New South Wales and Tasmania are planning to do likewise. The vaccine has been included in the national immunisation program.

Essentially the Liberals believe that notification for early detection of a major public health problem should be supported. However, both the Royal Australian College of General Practitioners and the AMA are opposed to these regulations. The AMA has stated that it sees no point in unconfirmed cases being reported because, unless the patients are actually tested, the data is of little value and it is just more paperwork for doctors when it is on suspicion only. The College of General Practitioners has a similar argument and also points out that it could have the impact of creating an overload for the Department of Health.

There has been in the past a significant increase in the reporting of salmonella, cryptosporidium, Ross River virus, Q fever, and so on. With the HIV issue, the Stuart McDonald case was badly managed by this government. In 2006 this government opposed the member for Bragg's private member's bill to make staphylococcal infection a notifiable disease. That virus was responsible for infecting 11 babies last year at the Burnside hospital and its most virulent strain leaves victims on antibiotics for life and in some cases with amputations. We recommend that in this case these regulations be disallowed as being inappropriate and adding to the workload for the health system.

Debate adjourned on motion of Hon. I.K. Hunter.

DESALINATION PLANTS

Adjourned debate on motion of Hon. J.M.A. Lensink:

That the Environment, Resources and Development Committee inquire into the environmental impacts of the proposed desalination plants at Port Stanvac and Port Bonython, and in particular—

1. the introduction of additional salts and chemicals into the marine environment;
2. the adequacy of tidal movements to disperse brine and chemicals;
3. the potential impact on a range of marine flora and fauna;
4. the potential impact on commercial and recreational fishing sectors;
5. the potential impact of contamination leachate from the location; and
6. any other matter

(Continued from 18 June 2008. Page 3363.)

The Hon. M. PARNELL (22:26): As a member of the Environment, Resources and Development Committee, I am happy to support this motion, which calls for a referral to that committee of the environmental impacts of the proposed desalination plants at Port Stanvac and Port Bonython. I have spent a great deal of time over the past year looking at desalination in both these locations, in particular looking at the environmental impacts. I think this is a worthwhile enquiry for the ERD committee to undertake.

Some members might think that such an enquiry is not necessary, because we have been assured that an environmental impact statement will be done as part of the desalination plant for either or both of these projects should they advance that far. However, I do not think that the EIS process itself is sufficient, because that process does not enable members of the public or members of this parliament to engage in any meaningful debate with the scientists and experts whose views we are invited to accept at face value. We can all make submissions to the EIS when it is published, but there is no process as part of the Development Act procedures for us to sit down and ask questions of the scientists whose views we are being asked to accept.

The honourable member's motion lists a number of things that the ERD Committee will be required to inquire into, including, for example, the potential impact on a range of marine flora and fauna. I took the opportunity recently to have a look at SA Water's development application for the desalination plant at Port Stanvac. Whilst the document is entitled 'Major Development Application', my understanding is that it relates only to the pilot project. It states:

Past marine surveys in the vicinity of the Port Stanvac site, including an extensive survey conducted by the University of Adelaide (Cheshire and Kildea 1993; Cheshire et al. 1996) from 1992 to 1996, approximately 1 km south of the Port Stanvac site, and surveys of the intertidal rock platforms at the site by the University of Adelaide (Womersley 1988) and Flinders University (Benkendorff 2007 in press) have not recorded any listed rare, threatened or endangered species in the region.

I can tell you why they did not find any listed rare, threatened or endangered species, and that is that there are not any listed rare, threatened or endangered marine species. The National Parks and Wildlife Act schedules do not extend to the listing of fish, crustaceans or, to my understanding, any sea plants at all, so of course you do not find anything rare, because none of these things have been listed in our regulations. There may well be some commonwealth lists under the Environment Protection and Biodiversity Conservation Act—I have not looked at those—but, certainly, state law is entirely inadequate when it comes to listed rare, threatened and endangered species in the marine environment.

If that is the best that SA Water can do, I think that some extra scrutiny by parliament will be worthwhile. I acknowledge that a more thorough process is to be undertaken to investigate the

marine environment. The SA Water website shows some of the inquiries that are to be undertaken; yet, as I said before, we will not have any opportunity through formal government processes to ask questions of those experts. I am very much looking forward to doing that, and I think the ERD Committee is the appropriate forum.

I do note that the ERD Committee has before it a number of inquiries that are still under way, including one that was referred by parliament in relation to transport. We will have to make some progress on that before we can take on too much work, but I would hope that the committee can work on these in parallel. However, in terms of the pecking order, I think we will have to make a start on the transport inquiry before we can get into this. That does not mean we should not support this motion. The Greens are happy to support it, and I urge all honourable members to do likewise.

The Hon. SANDRA KANCK (22:32): Desalination is a technological fix—and, by fix, I do not mean a solution. If South Australia is to address its water problems, the first thing we must do is stop growing our population. More people creates more demand for more water. 'Populate or perish' was the mantra in the 1950s; it should now be 'populate and perish'. Clearly, we are not able to deal with our water supply with the current population; it is therefore madness to actively seek to increase the population, as this government is doing.

There are things we can do now to reduce water usage. One of these is to place water restrictions on industry, which is something this state government has so far failed to do. It has put restrictions on irrigators and on domestic water users, but it has put no requirement on industry to make any sacrifices. It is not as if it cannot be done, and I urge the government to take note of the success of Brisbane City Council in getting reductions in industry water usage.

Sensible water charging is another way of dealing with the situation, but what the government has just implemented has already been demonstrated to be flawed.

An honourable member interjecting:

The Hon. SANDRA KANCK: That is true. Ninety per cent of my total annual water bill is charges, and under those circumstances there is really no incentive to reduce water usage—although I still work to achieve that. We need to restructure the billing to reduce those upfront charges and instead include them in the price of the water itself. Then, when there is decent feedback in there for the consumers, they will start to reduce their water usage.

The Democrats also advocate the removal of household water restrictions as part of that; with strong price-related feedback, consumers would naturally limit and rationalise their water usage. It would then be up to them whether or not they wanted to spend that very costly water filling their spas and swimming pools, or having hour-long showers if they so desire, or using it to produce their own fresh fruit and vegetables.

This fixation the government has with desalination plants represents a denial of the reality of population pressures, and it denies other realities as well—particularly the reality of climate change. There is a huge irony in the enormous amounts of energy that will be used to desalinate water when it is the cumulative impact of emissions from energy use that has caused rapid climate change. So, the logic of this government is to solve a problem created by emissions by emitting more.

Last year the World Wide Fund for Nature released a report entitled 'Making Water—Desalination: option or distraction for a thirsty world?', and I would like to quote little bits and pieces of that. It states:

> Our knowledge of impacts [that is, impacts of desalination] is largely based on limited research from relatively small plants operating in relative isolation from each other. The future being indicated by public water authorities and the desalination industry is of ever larger plants that will frequently be clustered together in the relatively sensitive coastal environments that most attract extensive settlement.

That is certainly the case with what is happening here, with the Port Stanvac location being right alongside the extensive settlement of urban Adelaide.

When completed, the Port Stanvac desalination plant will provide no more than 20 per cent of Adelaide's water—and less than that if we keep increasing our population. Might we be better off using that money on water buybacks, substantially increasing the rebate for plumbing rainwater tanks into homes, offices and factories or simply giving away household grey water diversion kits?

Reverse osmosis desalination, which is the technology that will be used at both the Port Stanvac and Port Bonython plants, is highly energy intensive. We have been told that the projects will be carbon neutral (whatever that means), but in both cases we know that they will buy energy off the grid, which will put much more pressure on electricity prices. Nevertheless, we are assured that there will be carbon offsets, but the details are scarce, if not non-existent.

Instead of carbon offsets, why not avoid the pollution in the first place and use a different technology, such as solar distillation? One of the problems associated with desalination plants is the issue of intake, and that is the major reason a trial is going on at the moment at Port Stanvac. Last week, evidence given to the Natural Resources Committee was that the trial is not about the outlet and dispersal of the brine: it is about only the intake.

The intake is an important part of the terms of reference in this motion, one of which is about the potential impact on a range of marine flora and fauna. When you suck up small organisms and plankton, you suck up part of the marine food chain. When you destroy that, what impact will it have on other parts of that marine food chain? This question has not been answered in relation to either Gulf St Vincent or Spencer Gulf.

The report of the World Wide Fund for Nature on desalination does not paint a pretty picture of the chemicals involved, and the first term of reference we are looking at relates to the introduction of additional salts and chemicals into the marine environment. The report states:

> As described in assessment documentation for one plant—

this is one plant only; it may be different for what is proposed at Port Stanvac and Port Bonython—

> a typical pretreatment process to prevent fouling of the membranes includes the removal of suspended solids, chlorination or disinfection of the water, the addition of iron chloride as a coagulant and sulphuric acid to adjust pH. Several times an hour the filtration system is backwashed with a 12 per cent solution of sodium hypochlorite, a biocide. On the way to the membranes the feedwater is treated with an antiscalant (phospinocarboxylic acid) at a rate that depends on the quality of intake water—in this case it was forecast at about 4-6 mg/L. The antiscalant is discharged with the brine.

I think it is really important to recognise that much of the public discussion has been about the brine going back into the water, but there are also these extra chemicals. The report continues:

> The product water is then treated with lime to bring its acidity into line with drinking water standards. Sodium metabisulphite is added to the discharge water to neutralise any free chlorine. A broad-spectrum biocide (containing 2,2 dibromo-3-nitrilopropionamide) is added to the filtration and RO systems at approximately weekly intervals to prevent growth of microorganisms. Two to four times a year, depending on the degree of membrane fouling, both filtration and RO membranes undergo 'chemically enhanced cleaning' with acidic detergents.
>
> Most, if not all, of these treatments are discharged with the waste brine stream although the discharge of the cleaning waste to sewer was raised as a possibility for this particular plant. Gross characteristics of the discharge water compared to the intake water include a small increase in temperature, increased acidity, a doubling of suspended solids and increased iron and sulphate content. The biocides used are described as breaking down in relatively short periods and most are described as having a low potential for bioaccumulation.

Well, I suppose I should say that is a relief about that last sentence, but when I hear something like this, it causes even more disturbance in my mind about what is proposed in what is, effectively, a closed system in these two gulfs. It really is important that the ERD Committee, in looking at this, goes into this aspect of the chemicals in very fine detail to find out just what it is that SA Water and this government have in mind.

Ian Kowalick, Murray-Darling Basin commissioner and former head of the Premier's department, told a Water Wednesday forum at Adelaide University that I attended a few weeks ago that desalination doubles the cost of water. Yet, we have been told by this government that we are going to have desalination and we are going to pay handsomely for it. The decision was made because this government has failed over a period of six years in its water planning.

Ian Kowalick also told the forum that St Vincent's Gulf is a very difficult location in which to build a desalination plant. He is correct, because it takes a full year for a complete replacement of the water in that gulf. In summer, the water simply circulates clockwise for a number of months (I think about five months) during which no fresh water enters. In Spencer Gulf, where the Port Bonython plant will be located, it takes 18 months for a complete replacement of the water. Yet, in both cases, with government blessing, the intention is to deliberately increase the salinity of those waters plus add some of those chemicals that I talked about a short time ago.

John Ringham of SA Water also addressed the same forum, and some of the things he had to say took me aback. He said that any desal plants we build have to be expandable in the

future. I wonder how many people know that the Port Stanvac plant is set for further expansion. He said that Port Stanvac has good dispersal characteristics compared to other parts of the gulf, which leaves me wondering. Localised dispersal must surely be taken into account in a total salinity budget, particularly over time for St Vincent's Gulf because it is going to go back in and mix with the rest of the water. The longer period of time over which it happens is obviously going to increase the concentration of both brine and chemicals.

In addition, I found out from what John Ringham had to say that there is an environmental study taking place at the present time at a cost of $3 million and then there is another project team assessing the best funding model. No figure was given on how much that will cost. Then, we had another speaker. Fortunately, we had Professor Randy Stringer who hails from the United States, I think, and who talked a whole lot more sense than the Australians who were speaking.

Rather than the supply side of the equation, he talked about demand management. He talked about how our ecosystems are themselves infrastructure. He questioned the basis on which South Australia classifies itself as water stressed given that we export water 'like crazy' when we export goods such as meat and I would, of course, add things like wine. He said that political will and common sense are needed and that we must be willing to pay the true cost of water.

I almost cheered when he talked about demand management rather than supply management. I go back to what the World Wide Fund for Nature report had to say about this:

> ...the quite possibly mistaken lure of widespread water availability from desalination also has the potential to drive a major misdirection of public attention, policy and funds away from the pressing need to use all water wisely. Desalination in these terms is firmly in the long established tradition of large infrastructure supply side solutions to an issue in which the demand side of the equation is usually poorly considered...

That is most certainly the case here in South Australia. Among the arguments being put forward to justify a desalination plant is the one that says that we have to reduce our reliance on the Murray. Adelaide is the only capital city in Australia that is dependent on the Murray. That dependence has meant that we have taken some responsibility for it and that we have a continuing interest in it. Perhaps these moves to disconnect ourselves from the system might not be in the Murray's interests, because if we in South Australia—and Adelaide in particular—do not pay the river the attention it deserves, who else is going to care for it?

I met with Dr Ian Dyson of Flinders University to talk about the Port Stanvac proposal. He raised the issue of decades of phosphate sedimentation associated with the North Christies sewage treatment works being stirred up in the process of attempting either to take water into the desal plant or to quickly jet it out afterwards. Because it is so close to Adelaide, much of the debate is about Port Stanvac, but the BHP Billiton proposal will also be looked at as part of this referral.

At a presentation I attended, convened by the Nature Conservation Society, a report was presented which demonstrated that, in a laboratory setting, a 10 per cent increase in seawater salinity caused squid eggs to die. The location of that particular desalination plant so close to the giant squid-breeding ground is a matter of great concern. Again, I note term of reference No. 3: the potential impact on a range of marine life, flora and fauna. The World Wide Fund for Nature makes this comment in its report:

> WWF proposes an approach similar to that recommended for large dams by the World Commission on Dams that says that proponents should first assess the need and then consider all options to select the best solution.

I observe that that has not happened in South Australia. The report continues:

> Desalination plants, accordingly, should only be constructed where they are found to meet a genuine need to increase water supply and the best and least damaging method of augmenting water supply, after a process which is open, exhaustive, and fully transparent and in which all alternatives, especially demand side and pollution control measures, are properly considered and fairly costed in their environmental, economic and social impacts.

As the Hon. Mark Parnell has observed, the EIS process is unlikely to allow that to occur. The ERD Committee's having a look at what are quite limited terms of reference—but still important—is a worthwhile option.

I am supporting this referral to the ERD Committee, given that the government has failed to look at alternatives and is foisting these desalination plants on us. I hope that, given the speed at which the government is proceeding in this regard, the ERD Committee will be able to juggle this new reference. It might mean that it will be put in the difficult position of having to handle two references side by side. I know that that has been done in the past by the ERD Committee, and it can be done again. I commend the Hon. Michelle Lensink for coming up with this motion and the terms of reference.

The Hon. I.K. HUNTER (22:49): I rise to make a contribution in this debate following the contribution of the Hon. Mark Parnell and the Hon. Ms Kanck. They raised some very important issues of concern that need to be considered by an appropriate assessment process. However, the government feels that the best assessment process is one that is carried out by the independent statutory authority and not a duplicated process through the ERD Committee. Consequently, the government will be opposing the motion.

The developments of desalination plants are already put through due process, which includes assessment of potential environmental impacts. As a result of the current drought conditions faced by South Australia, the interest in the development of desalination plants by both the private and the public sector has increased. The planned Adelaide desalination project will provide an extra level of water security for Adelaide. It is the one climate independent component of the government's four-way water security strategy.

The Environment Protection Authority has responsibilities under the Environment Protection Act 1993 to prevent, reduce, minimise and, where practicable, eliminate harm to the environment. The independent statutory authority will exercise these responsibilities, along with formal responsibilities under the Development Act and regulations, in applying the principles of ecologically sustainable development when assessing any proposed developments.

The environment is at the forefront of planning for a desalination plant at Port Stanvac, and the state government is fully committed to understanding and managing any possible impacts on our precious environment. On 17 April 2008, the government declared the Adelaide desalination plant a major project under the Development Act 1993, which means it will be subject to a comprehensive and rigorous assessment process to ensure that all environmental issues are identified and addressed.

The first stage of the assessment process requires a submission by SA Water for a formal development application, which will then be examined by the independent Development Assessment Commission. The DAC will decide what level of detailed assessment is required and issue formal guidelines for the conduct of that assessment.

In preparation, wide ranges of environmental studies have commenced. These studies are considering the environment both offshore and onshore at Port Stanvac and are providing important baseline information to inform the design process and the development of approaches to mitigate any impacts. The potential sensitivity of marine species to the discharge is being assessed through a series of eco-toxicological investigations and these studies will provide information about the dilution requirements for the design. A whole of gulf salt water balance model has also been commissioned to assess any long-term effects of extracting fresh water from the Gulf St Vincent.

A key component of all these investigations is the hydrodynamic modelling. Hydrodynamic modelling will be used to predict the rate of the dilution and dispersion of the discharge and to inform design requirements for the diffuser to ensure that the discharge will mix rapidly with the surrounding sea water to minimise any impacts.

An environmental site assessment is being undertaken to better understand potential impacts at the Port Stanvac site. This will inform management of any constraints that may be imposed during construction and operation of the desalination plant, including any special requirements for management or disposal of excavated materials in accordance with EPA requirements and guidelines. The investigation program has been scoped to address information gaps or requirements as identified from reviews of existing site assessment information.

A range of marine investigations are underway to characterise and classify the distribution, abundance and condition of marine habitats, species and communities in the Port Stanvac region. The investigations incorporate a marine characterisation study, including a desktop review of existing biological data and video and diver surveys to identify marine habitats and species. Full cover habitat mapping to define habitats in the region and assessments of water column, larvae and fauna living in the sediments are also being undertaken.

The aim of these investigations is to identify whether there are ecologically important habitats and sensitive species or species of conservation significance associated with the marine and coastal environment at Port Stanvac. This information will be used with the outputs from the modelling and other marine investigations to inform the design, construction and operation of the plant to minimise potential impacts on sensitive marine species or environments.

An independent technical review panel for the marine environmental investigations has been established to strategically peer review the investigations that are being undertaken. This process will ensure that the major environmental issues are being addressed. Detailed technical reviews of key studies are planned to ensure that the studies and their methodologies are robust and that the conclusions drawn can be supported by the data presented.

In relation to the proposed desalination plant for Port Bonython and potential impacts on the Spencer Gulf marine ecology, the Olympic Dam expansion project was declared a major project, and the state government requires a full EIS statement from BHP Billiton in relation to its proposed expansion. As part of this EIS, the government has requested studies to investigate potential impacts of the proposed desalination plant. This process will ensure that potential environmental impacts associated with the desalination plant will be adequately considered by government in deciding whether to approve the proposed development.

The outcomes of environmental investigations will provide important baseline information to inform the design and construction process and to minimise any impacts. The project will also be subject to a comprehensive and rigorous assessment as part of the major development assessment process to ensure that all environmental issues are identified and addressed. The government will oppose this motion. The state government is committed to ensuring that the environment is fully considered as we move forward on the most significant water infrastructure project in this state's history. The actions proposed would be a duplication of process and would not provide any improvements to the procedures already in place.

The Hon. J.M.A. LENSINK (22:55): As I stated in my explanation on 18 June, an article was published entitled 'The footprint of a desalination process on the environment'. I note that I did not state that it was published by a number of Israeli researchers. Members would be aware that Israel has a number of desalination plants, as well as being advanced in this particular technology. These days it is probably almost a motherhood statement to say that water and environment are the challenge of our generation.

When I was at this water trade mission in Israel, along with a range of people, one of the people whom I will not name but who was very deeply involved in a water utility in another Australian state said that they could not understand the attitude of SA Water and that on their regular hook-ups they would continually say that they are praying for rain. We started to enter difficult conditions in terms of water challenges in 2003, and now we are at the point at which all South Australians (front and centre) are concerned about water supply. I say that because I do not want it to be misconstrued that I am opposed to desalination, but it is new to South Australia and we want to know whether these particular locations will present a problem.

There have been mushrooming reports in the press and also at public meetings of some of the potential dangers of some of these particular desalination plants on our gulfs. The gulfs are unique in that they do not flush water as often as would necessarily enable the fair distribution of the discharge, and that perhaps a place such as Cape Jervis would be a better location for a desalination because of the much faster moving ocean tides, rather than just the local tides.

The Hon. Sandra Kanck referred to a meeting of the Nature Conservation Society, at which I believe the Hon. Mark Parnell was present. I, indeed, became aware of it via one of our Legislative Council candidates, Rita Bouris, who is a member of the Friends of Gulf St Vincent, and I attended that meeting at her invitation. We heard from the Adelaide desalination project people from SA Water, including their marine scientist. We also heard from a Ph.D. student by the name of Jackie Dupavillon—and the Hon. Sandra Kanck referred to her particular studies of some sea life. We also heard from a scientist by the name of Dr Jochen Kaempf who is from the School of Chemistry, Physics and Earth Sciences at Flinders University. He has been on the public record in relation to these issues, as has Dr Kirsten Benkendorff and Dr Ian Dyson who comes from a different discipline being a sedimentologist.

It strikes me that, when you have very well qualified scientists of different disciplines saying, 'Hang on, maybe we need to look at this', then it is a good thing to look at it. In relation to the EIS, I would be the first to say that this will duplicate the process, but the information that SA Water is collating through various studies will not necessarily be made public. At the meeting on 3 July, the SA Water scientist said that the reports would be made available, but I think that the public needs to have access to all that information through a public process.

When I hear comments from the government about minimising impacts on the environment, I think what does that mean? Does that mean that, if we do proceed with this—and

the evidence says that further seagrasses might be wiped out or particular species of squid or coastal floor-feeding creatures—that we minimise the impacts because we said, 'Well, at least we took them into consideration?'

Does it mean that, if we realise that is the situation and we are advised that entire species may be made extinct, we say, 'Maybe this is not the right location for this plant.' Desalination is part of the solution for our water crisis. We have peaky rain—if I could describe it in those terms. I understand that most of our rain comes within a narrow range of months, so our rainfall can be fairly unpredictable. We are fortunate that July might have above average rainfall.

In the future we all want access to water for critical human needs. I say that because we are not opposed to desalination, but the alarm bells have been rung. The internal process of government is not transparent to the community. Therefore, I believe that there is no harm in the ERD Committee taking on these terms of reference, just for reassurance of our community.

Motion carried.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 22 July 2008. Page 3540.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (23:03): I rise as one of a number of speakers from the opposition to speak on this bill. This year, rather than give a wide-ranging critique of the budget, I might make a few general comments and then devote comment to the areas of planning, mineral resource development and police—a portfolio from which the minister was sacked today because he has not been able to hold down the portfolio.

It is interesting to make some initial observations of the budget and, particularly, the financial performance of the government over the past six years. Having been a small business operator and dealt with budgets and cash flow budgets, gone to the bank manager to extend my overdraft and paid off loans, I am intrigued when I look at this budget and other budgets over the past six years. From a budget perspective we have seen cash blow-outs of $184 million, $467 million, $487 million, $370 million and $374 million. There are significance variations from the predicted expenditure.

Mr President, I know you have been around the traps for a long while. You cannot run a proper business—and the state of South Australia is a business, with the present board of directors doing a reasonably poor job—and we cannot continue to run the state with blow-outs totalling in some cases almost $0.5 billion a year. Of course, the government has been quite fortunate to mask that. At the same time that it has had those cash blow-outs it has had windfall revenue gains of the order of $528 million in the first year and $794 million. That is almost $1 billion of windfall gain. Then it had figures of $595 million, $521 million and $493 million.

The Hon. R.D. Lawson: Plus the SA Water rip-off.

The Hon. D.W. RIDGWAY: Yes. The Hon. Robert Lawson interjects about the rip-off from SA Water.

The PRESIDENT: I remind members that interjections are out of order.

The Hon. D.W. RIDGWAY: I realise that interjections are out of order, Mr President, but it was an important interjection and I thought I should make sure that I responded to get it on the record. In fact, if one looks at the 2006-07 windfall gain, one sees that it is $493 million, which is the only one since this government came to office that is under half a billion dollars. In six years the government has received in excess of $3 billion more in unbudgeted extra income. It would be a little like, Mr President, if you were back in your shearing days getting paid $1.20 a sheep, at the very best, and suddenly you were getting paid $1.80. Every time you bent over and pulled a sheep out of the catching pen to shear it, you were getting 50¢ more than you actually thought you were getting.

The Hon. R.D. Lawson interjecting:

The Hon. D.W. RIDGWAY: No, I am sure he would do more than two sheep a day. He was a very good shearer, I have been told. It is quite amazing, when we consider the mechanisms we have today for monitoring business, budgets and money to make sure that we live within our means, that we have a government which has continually had significant blow-outs over the time it has been in office but which has been so fortunate to have had a strong federal economy and a

strong state economy that have delivered in excess of half a billion dollars every year in windfall gains.

I will also pose a number of questions which I hope, when he responds next week, the minister does answer; unlike last year when a number of us asked questions—I did and also the Hon. Rob Lucas posed questions—

The Hon. J.S.L. Dawkins: So did I.

The Hon. D.W. RIDGWAY: And the Hon. John Dawkins posed some questions. Unfortunately, the minister was either unable or chose not to provide any sort of answer to those questions. I will make further reference later in my contribution, but often we have a variance in statistical figures that are quoted, and we had one this week. The minister and I are often at odds with the number of full-time equivalent employees within the police force in terms of the Productivity Commission figures and the Police Commissioner's figures.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister interjects that the figures I used for—

The PRESIDENT: Interjections are out of order.

The Hon. D.W. RIDGWAY: I know that interjections are out of order, but I still think it is appropriate to mention that the Productivity Commission figures on police full-time equivalents are old figures, yet, back in February (and we are now in the seventh month, so, only five months ago), the minister stood up in this place in response to a question from the Hon. Bernard Finnigan and said that he was happy to talk about all the statistics the Productivity Commission had released, except, of course, the full-time equivalent figures which showed a reduction in police numbers.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister says that we did not include the non-sworn officers who are non-operational, and that is why, at the Budget and Finance Committee on Monday, we posed a question to the Police Commissioner about whether he can reconcile the figures SAPOL and the minister are quoting for full-time equivalent officers and those of the Productivity Commission.

The Hon. R.D. Lawson interjecting:

The Hon. D.W. RIDGWAY: Yes. Again, I know that interjections are inappropriate, but that is why he was sacked: he was not able to manage the police numbers. I have talked about police numbers to give the council some idea of this question. We have seen a significant increase in the public sector under this government. The Commissioner for Public Employment says that there are 17,017 extra employees. The budget papers say that there are 12,085 extra employees, but the Treasurer is quoted publicly as saying there are 9,287. There is a significant difference in those figures. Can the minister reconcile why the Commissioner for Public Employment is saying 17,017, why the budget papers say almost 5,000 fewer at 12,085 and why the Treasurer is quoting a figure of 9,287?

An honourable member interjecting:

The Hon. D.W. RIDGWAY: They are full-time equivalents. I will quote from a document:

> The following table summarises the different accounts of amount by which the public sector full-time equivalents have exceeded the budgeted full-time equivalents since this government came to office.

I am not necessarily saying that the Treasurer's figure of 9,000 is wrong, or that the Commissioner for Public Employment's figure is wrong, but I think it is appropriate and reasonable to ask the minister to come back to this chamber on Tuesday of next week and say, 'This is why these figures are different; they are counting different numbers.' The difference between 9,000 and 17,000 is almost double.

We accept that a number of public sector employees have been important, and in the time of this government we have had some 1,949 new nurses, approximately 600 teachers, 674 doctors and 303 police. That, according to the government's figures, totals 3,526. According to the Commissioner for Public Employment's figures, there are almost 13,500 more public sector full-time equivalents than were budgeted for. I think it is an appropriate and genuine question to ask the minister representing the government here to give an answer as to how those figures can be so different. Certainly, it is confusing. The minister does not like me quoting figures that he claims are

incorrect on police numbers. It is only fair that he give us a breakdown of how all those figures are arrived at. Given that it is Wednesday and we have until next Tuesday, I do hope he is able to bring back a response.

I have a few general comments in relation to what I think are going to be key issues towards the next election and vital to South Australia. The first one is water and water security in this state. We have seen a government which has been here now for six and a half years and which has basically just sat and prayed for rain. It ignored calls from the opposition to do anything about a desalination plant a couple of years ago.

Minister Hill (I think it was) answered and said we did not need one, then I think Treasurer Foley said it was not big enough, and then minister Maywald said no. Without any government resources, three opposition members (Hon. Iain Evans, Mitch Williams and I) travelled to Perth and looked at a desalination plant. We put together a policy, which the party endorsed, that Port Stanvac was the likely spot—

The Hon. J.S.L. Dawkins: We would have it built by now.

The Hon. D.W. RIDGWAY: Exactly. I understand the member is out of order, but I do think that is important. I am quite surprised that three members of the opposition, with no resources from government, could come up with something endorsed by the party to say that we should build a desalination plant and the logical place to build it would be at Port Stanvac.

The government said, 'We don't think that's a very good idea at all. We are going to put up a high level committee to work that out.' Twelve months later the Minister for Water Security (Hon. Karlene Maywald) announced that Port Stanvac would be the logical site. That is the sort of bumbling, bureaucratic government we have: it cannot make a decision and looks for every reason possible to avoid making one. South Australia is now at least 12 months, if not two years, behind where it would have been if the government had admitted that we were right and agreed that it should get on and build a desalination plant.

The Hon. P. Holloway: Even if we don't own the land?

The Hon. D.W. RIDGWAY: The minister interjects and says we do not own the land. You can compulsorily acquire anything if you choose to. I have been down there. The Hon. Bernard Finnigan is on the select committee and he has been there. There are hundreds of hectares of vacant farming land there. The government could have started acquiring it the day we announced the policy. It could have said, 'That's not a bad idea. We think they have a point. Let's go and have a look at it.' But, no, it plays around, delays things and puts South Australia's water security at risk.

Some weeks ago we talked about the Mount Bold reservoir. I think it was a Dorothy Dix question that the minister was answering at the time. It is quite interesting that the Mount Bold reservoir has almost fallen from the agenda of this year's budget. Last year it was an important part of a new initiative. However, the Treasurer recently stated on *Lateline* that the expansion of the Mount Bold reservoir would follow the completion of the desalination plant.

Recently the minister made some comments in this chamber that, with a desalination plant, it might put the water into Mount Bold. Of course, there is not enough water in the Murray. At the moment the water is pumped out of the Murray and is run down into the reservoir.

The Onkaparinga is under stress, almost as much stress as the River Murray. The minister has said, 'Oh, no, we're going to put water from the desalination plant into Mount Bold.' Clearly, the minister does not understand that it is about $1.30 a kilolitre to desalinate water, which takes out all the impurities, and then you have to put back in some of the minerals because you cannot drink the pure water that comes out of a desalination plant. As the Hon. Sandra Kanck said earlier, desalination is very energy expensive; it is not cheap to run. Having spent all that money, you do not put that water into an open-top, large reservoir to get contaminated again with bird droppings, dust, dirt, vegetable matter and all the things you find in a reservoir. So, clearly, this is a government that does not really have any understanding. This is $1 billion it is talking about spending on a desalination plant, yet it does not know what it is going to do with the water. Clearly, in cabinet someone does not explain these things.

In the past week, we have seen where a cabinet decision was made to increase water prices, yet in cabinet no-one actually understood that it was going to be back charged, that is, that the increased charges would apply to water that had been consumed in the six months prior to that. Surely, there is a responsibility on cabinet members to understand, and there is a responsibility on ministers to go in—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: They talk about other people. This is a government that says it is above all of that. This government claims that it is the best government we have ever had. All government members do is look backwards. The minister failed to inform cabinet, and the same thing has happened with the desalination plant. Someone has not informed cabinet exactly how it works. This is $1 billion the government is talking about spending, and this minister is talking about putting the water into a reservoir. It is just ludicrous.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Yes; water from the Murray goes into the reservoir, but there is not enough water in the Murray. There is not enough water in the Onkaparinga.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Oh, at some stage. You are talking about $1.4 billion to expand Mount Bold and, at some stage, if there is enough water, we will put the water in there. That is crazy.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister says that we are going to spend $1.4 billion on expanding Mount Bold and that one day, if there is enough water and if the Murray is not under stress and if the Onkaparinga has water, we will put extra water into it. That is a crazy suggestion to say that we are going to spend $1.4 billion just to maybe fill it up one day if there is enough water. Give me a break! No wonder he was sacked from the police portfolio. Also, if you look at stormwater harvesting—

Members interjecting:

The Hon. D.W. RIDGWAY: I am going to respond only to the sensible and intelligent interjections, not the others that are unintelligent and not sensible. Stormwater harvesting is an area where this government has absolutely failed. We have seen that the CSIRO has estimated that, in the past few weeks, 45 days worth of Adelaide's water supply has spilled into the gulf because the Rann government has no plan to capture stormwater. I know from leaks within the department that the Minister for Water Security has said that we have to come up with some way of capturing more stormwater, but we cannot afford to spend any more money. Clearly, the amount of stormwater that runs off Adelaide—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister talks about cotton growers. This is a minister who is part of a government—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order!

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! Perhaps the minister would like to make his speech in conjunction with the Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President. It is interesting that the minister talks about cotton growing. His government—the Rann government, the President of the Labor Party and six states and the federal government are all Labor. We have wall to wall Labor. I know that you are all rejoicing in that fact. Members opposite think that it is almost heaven that they have wall-to-wall Labor, yet they cannot agree on the Murray. I mean, give me a break! This is an opportunity for national leadership. What has Kevin Rudd done? He has done nothing; he has not provided any leadership.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister interjects with the name of the former prime minister, the Hon. John Howard. He had a plan. The states, all but Victoria—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: —did not want to sign it, because it was a dodgy deal done by Mike Rann, Kevin Rudd and Steve Bracks to thwart John Howard's plan. Well, now you have

thwarted John Howard; he is no longer prime minister. The ball is in your court. We have wall-to-wall Labor. It is your responsibility to solve the problems of the Murray. You cannot blame Liberal governments; you cannot blame John Howard; and you cannot blame us because we were in government six years ago.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: We are talking about leadership now. We have a Premier who is the President of the Labor Party. We have a new Prime Minister. If Mike Rann wants a bust of himself out in the hall like Don Dunstan, he needs to show some leadership on water. Kevin Rudd needs to show some leadership on water. They have done nothing. They have sat there and done nothing.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The minister will stop provoking the Leader of the Opposition.

The Hon. D.W. RIDGWAY: Thank you. We have seen—

The Hon. B.V. Finnigan interjecting:

The Hon. D.W. RIDGWAY: What is he on about? How can you concentrate when you get an interjection like that? Mr President, please protect me.

The PRESIDENT: I remind honourable members that the night is getting late and we should listen to the Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: I have 10 pages of notes here and I am not even halfway down the first page. We have seen in the past week that nearly $2 billion worth of dividends have gone from SA Water to general revenue since this government came to office.

The Hon. R.D. Lawson interjecting:

The Hon. D.W. RIDGWAY: Exactly. That is right: last week it picked up another 25 million and it is going to give only $10 million back. As I said before, this is a government that actually has no understanding of the real needs of this community. It has no understanding of—

The Hon. J.S.L. Dawkins: Rory had a pretty good understanding.

The Hon. D.W. RIDGWAY: Yes; that is right. The Hon. John Dawkins reminds me that minister McEwen said, 'That's the way we've done it for the past seven years; get over it', and then he gets promoted for an arrogant approach to the South Australian community. I mean, give me a break!

In its seventh budget, this government has not yet produced a tangible solution to our water shortage. It has talked about increasing Mount Bold, but that has slipped off the budget. It has talked about a weir at Wellington, but that has not happened. The Premier talked about having an independent body to oversee the Murray and federal intervention and the handling of it, but: 'No, we can't agree on that because we don't really like that idea', and now, of course, we have a COAG agreement that gives Victoria their existing water rights until 2019.'

This is a government that has absolutely failed South Australia on every measure in respect of water resources. Thankfully the minister opposite has retired for a moment so I will not be inundated with his ridiculous interjections.

I turn now to the mineral resource sector. In May this year, the Eyre Peninsula NRM board reported that ground water levels on Eyre Peninsula are at an all-time low. The report alone suggested that all projects and prospects in the Gawler Craton were in jeopardy.

I think that one of the greatest risks to the development of our resource industry—and I will touch on it in more detail shortly—is not only the skills shortage but water itself. During the estimates, on my behalf, the shadow water security minister asked the Minister for Mineral Resources Development whether the government had a strategy to cope with the shortage of water, or would every operation be left to its own devices, as Oxiana was with the Prominent Hill mine, where it actually had to go out and find its own water resource.

The minister stated that the resource infrastructure council has been set up, with Mr Paul Heithersay, who is a very well respected member of PIRSA who heads up the minerals division, and that the council's next meeting will be devoted to the topic of water infrastructure. One of the

questions I would ask the minister is: when can we expect a strategy to be implemented that will actually identify sources of new water for our burgeoning minerals industry?

The Premier and the government often talk about the minerals boom. We know that we have an exploration boom, not a mining boom, but water is one is one of the absolute key elements to that industry. If we do not have new supplies of water for that industry it will falter. You cannot mine minerals, crush them and process them without water. We have seen BHP having to invest in a huge desalination plant at the top of the gulf. Will that be the way forward or will we look for other sources of water? It is time that this government, above all other pieces of infrastructure for minerals (and I will touch on some of those issues later), realised that water is the key element.

The second issue, before turning my attention to the portfolio responsibilities, is country health. You, Mr President, are a country man, and the Hon. Bernard Finnigan talks about being the only member of the Legislative Council who lives outside the city. I ask him how many children in his family or among his friends have been born in a country hospital and how many in his family rely on regional country hospitals. Mount Gambier has been well served, because the Hon. Rory McEwen is the member for Mount Gambier and that hospital will be looked after in the Country Health Plan, but not other country hospitals.

The Hon. Carmel Zollo interjecting:

The Hon. D.W. RIDGWAY: Another minister who got sacked today just said that I am talking a load of nonsense.

The Hon. Carmel Zollo: I didn't get the sack, you moron.

The Hon. D.W. RIDGWAY: She called me a moron; that is unparliamentary, Mr President. Will she withdraw that interjection, please?

The PRESIDENT: The minister should withdraw, if that is the case.

The Hon. CARMEL ZOLLO: He put in an inaccurate description, so what is he going to do about that? You withdraw yours; I'll withdraw mine.

The PRESIDENT: The minister should withdraw the word 'moron'.

Members interjecting:

The Hon. J.S.L. DAWKINS: On a point of order—

The PRESIDENT: I expect both sides to withdraw their unparliamentary remarks.

The Hon. J.S.L. Dawkins: What was unparliamentary?

The Hon. Carmel Zollo: You said I got sacked—I didn't. I got another portfolio instead.

The Hon. D.W. RIDGWAY: Instead of sacked, I will say she was relieved of some of her responsibilities today.

The Hon. Carmel Zollo: And gained another one instead.

The Hon. J.S.L. Dawkins: You need to withdraw.

The Hon. D.W. RIDGWAY: You called me a moron.

The Hon. CARMEL ZOLLO: Mr President, I am happy to withdraw.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President. Last month the Minister for Health denied that 25 country hospitals would be closed and 43 had been made band-aid centres. The government's plan was to enhance four hospitals and bury Mount Gambier and Port Lincoln, while decreasing the services of 43 hospitals to GP Plus hospitals. Andamooka, Leigh Creek and many areas will not even get that: instead they will get some fly in and fly out again arrangement. Of the $3.8 billion health budget, around $1.8 billion goes to public health policy and bureaucrats and $2 billion to acute care hospitals. Of that, $1.78 billion will go to the eight or so hospitals in the metropolitan area and only $250 million, or one-seventh of the total acute care budget, will go to 68 hospitals in country South Australia.

In 2003 the Rann government said that it would not abolish country hospital boards, and by so doing wiped out the major critics of the Country Health Plan with its Health Care Act. The removal of country health boards was a tactical move to silence the advocates of country health, leaving country communities without a voice. In February this year this chamber voted on the

Health Care Bill. I remind members—and this is important because water and health in the country are two issues this election will be fought on—of my closing comments:

> If this bill is allowed to progress it will tear the heart out of rural health services in South Australia.

We passed the bill, abolished country health boards and look at what has happened. We took the teeth away from country communities; took the viable, vibrant voice of country health boards away from rural communities, and we have seen what has happened. I remind the chamber of the people who voted for the government's bill. Of course, it was the government, supported by the Hons Ann Bressington, Dennis Hood, Andrew Evans, John Darley, Sandra Kanck and Mark Parnell. The only voice that stood up for country health—one of the most important services the government provides to country areas—was that of the Liberal Party. Every other party said, 'We don't believe the Liberal Party; we're going to trust the government.'

The Hon. A. Bressington interjecting:

The Hon. D.W. RIDGWAY: The Hon. Ann Bressington asks, 'Why didn't you talk to us?' I said that the abolition of country health boards would tear the heart out of rural health in South Australia. I said that standing right here, yet, you all went and voted with the government. I am reaffirming this—

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: The Hon. Russell Wortley says that I am scaremongering. He has not been to the country. Has he been sick, or has his wife been in labour in a country hospital? No; she never has. He would not know. My father-in-law, who was recently diagnosed with lung cancer, had to travel to Mount Gambier for a period of observation and hospitalisation.

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: I beg your pardon? He was hospitalised in Bordertown. Under the new plan he will have to be hospitalised in Mount Gambier. He has no family in Mount Gambier, so not only can he not go to hospital in Bordertown, the family has to travel to Mount Gambier. The Hon. Mr Wortley is absolutely heartless, and has no understanding of the importance of country health to rural communities. Mr President, you have been there; you have lived in a rural community, and you know how important it is. I am just amazed that, at the end of the day, it was only Liberal Party members who voted against it—not the Greens, Democrats or Family First. None of them stuck up for country health, and we are now seeing—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Well, for hospital boards. They did not stick up for them, and we said that was the thin end of the wedge. Now we are seeing the thick end of the wedge, and those people need to be held responsible for that decision—the government and the people who voted to dissolve country health boards.

Of course, the government wants to justify its actions by saying that there is already a shortage in the workforce in country regions, so there needs to be a change in the model, but there are shortages in the city as well. That has not affected the decision to attempt to build the Marjorie Jackson-Nelson Hospital. Of course, we talk about consultation with hospital boards in country areas. I have been told that caucus and most of the cabinet were not consulted on the Marjorie Jackson-Nelson Hospital; it was something cooked up by the Premier and a couple of ministers, brought into cabinet and then dumped on the caucus.

The Hon. J.S.L. Dawkins: It isn't mentioned in the Strategic Plan, either.

The Hon. D.W. RIDGWAY: No. The Hon. John Dawkins interjects that it does not figure in the State Strategic Plan.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I understand that that is out of order, sir. When this government came to office, the Royal Adelaide Hospital had 850 operational beds. While this government spruiks the 800-bed hospital that it will have by 2016, it is now down to 650 operational beds at the Royal Adelaide Hospital. The government continually closes beds in our state health system, and we are worse off.

I will talk a little about mineral resources development. The Premier claims that we are experiencing a mining boom. We all know that we are experiencing an exploration boom, not a

mining boom. In estimates it was mentioned that, at the recent National Press Club event, Premier Rann said that South Australia's mining success is not due natural forces but to his government survey work and encouragement of exploration. It is interesting to note that, yesterday, the minister answered a Dorothy Dix question relating to 'PIRSA: 125 Years of Discovery', the geological survey work; basically, it was the department of mines' 125th anniversary. At that event a banner displayed the chronological history of the bipartisan achievements of the South Australian government—not the Labor Party, not Mike Rann's government, but 125 years of broad bipartisan support of our mining industry.

I will quickly highlight some of the milestones. In 1998, under the former Liberal government, the TEiSA program commenced with a $10 million commitment to provide geoscientific data. TEiSA was the forerunner to the PACE program. The minister claims that TEiSA was not funded, but it was funded until 2003. The minister came to office in 2002. The funding lapsed, and then, of course, the government created the PACE program. PACE was the logical extension of TEiSA.

In 1999 under the same Liberal government, the Resources Task Force reported to the government recommendations for adopting the targets that have been transferred to the current Labor government's Strategic Plan. Under a Liberal government, the Resources Task Force recommended certain targets for exploration and export, and, of course, they are the same targets that this government adopted for its plan. The Labor government did not change its targets, because it did not change the supporting TEiSA program; it simply rebadged it as the PACE program.

Mr Rann also said that his government's success was evidenced by the fact that there were only four mines operational when it came into office and there were now 10. Again, that is playing with statistics, as this government often does. First, the exploration licences that supported those 10 operations were all granted many years before the operations took place and many years before this government came into office, so the Premier cannot claim this increase in operational mines as a testament to his or his ministers' success in managing the mining sector. In addition, only one of those 10 operational mines has received his so-called successful PACE funding, making it evident that none of the real groundwork was encouraged or supported by the current government.

The Premier often talks about geothermal energy and how it is a wonderful thing for the future. Well, in 2000 it was the Liberal government that introduced a petroleum act regulations bill which provided a licence classification to allow geothermal exploration. If the Liberal government had not done that, we would not be where we are today.

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: Chuck him out! The Premier has just recently said that he has approached Prime Minister Rudd for funding from his infrastructure fund to help link up our exciting geothermal industry. Of course, if it were not a budget and legislative commitment from the previous Liberal government we would not have a geothermal industry today.

In 2001 it was a Liberal government that called for tenders and issued licences to facilitate the building of the SEAGas pipeline, thus guaranteeing the state's gas supply, and it was in 2001 that the Liberal government facilitated the first Australian multi-tribal, multi-community native title agreement, which facilitated petroleum production in the Cooper Basin.

The Rann government will continue to prevent capitalisation on our mining boom; they are relying on the success of mining giants like BHP, while prospective mines may never be realised because of blatant ignorance in relation to the need for infrastructure. As I mentioned before, we have not seen a commitment from this government on water for our mining industry. That is the single biggest limiting factor to expansion of our mining industry, and we have not had any commitment on it. I can see what will happen: unfortunately for you in your role, Mr President, this lot will lose government at the next election and then they will be on this side of the chamber saying that we have not invested in infrastructure to support our mining industry. They will be saying that ours is the government that has not invested in infrastructure.

I will now move on to planning. The government has been slow to act on the much needed reforms, and it is interesting to look at the chronology of its announcements. It has taken six months for the government to come to the table and talk about removing planning powers from the Adelaide City Council. In February the Leader of the Opposition, Martin Hamilton-Smith, launched a master plan for Adelaide, which was a wider vision of how we see the future of Adelaide as a

capital city for all South Australians and, if you like, the jewel in the crown for the middle and south of Australia. Of course, Labor's decision was nothing about a master plan or a vision: it was just an ad hoc decision that related to a single issue and a single decision by council. This is a government that is all about knee-jerk reactions to issues rather than having a long-term vision for this state.

The Liberals launched our planning principles some six to eight weeks prior to the government launching its planning reform, and it copied almost everything we did. I am surprised that the minister has not lost planning in the reshuffle today, because he has not had an original idea in the last 12 months. Everything he has done has been copied from a Liberal agenda.

It is interesting to look at the budget commitment for the planning reforms. The total budget for implementation is about $11.9 million, but only about $1.2 million has been allocated to the operations after implementation. So there is actually no commitment to ongoing funding to make sure Planning SA can deliver a quality outcome and provide a quality service. When we said that we would take planning powers from the Adelaide City Council we were not necessarily considering giving it to the Development Assessment Commission, which of course is Planning SA. So, I would like to know what the minister will do with the extra $1.4 million that the city council will lose in planning applications that now come to Planning SA. Will that extra $1.4 million be invested back into planning and supporting our planning system, or will it go into general revenue? I would like the minister to address that issue when he responds.

Given the recommendations that have been made, the resources for the operation are very limited. The recommendations include Planning SA becoming a separate agency, with the appointment of a CEO, a high-level management team and expert planning staff. It is interesting to read the statement, because how can the government ensure that skilled people will be on board by the time of implementation? If they are not, the skills will not be in place, with a budget commitment to employ people, and the reforms will fall flat.

I know that there is now a vacancy rate of about 20 per cent in local government assessment teams to assess developments at a local government level. Unless the government is prepared to put the resources and the budget behind these reforms, it will not get the staff it requires. Throughout estimates, minister Holloway conceded that very soon more people will be leaving than entering the workforce. The budget allocated to operate the new planning system is not sufficient to draw the expert planning staff who are needed.

The minister said that the Rann government has a track record of setting and keeping high objectives and that it needs to get those skilled staff to keep that up. He mentioned that it was trying to get 180 planners and that it was attempting to recruit them from other states, but is this government making employment opportunities appealing enough to retain the skills?

Today, I was talking to representatives from the Planning Institute of Australia. Last weekend, Planning SA placed advertisements in the newspaper for these positions; however, there were also advertisements for planners in Victoria and New South Wales. We were some 40 to 60 per cent behind the market, with salaries of between $65,000 and $85,000 being offered in South Australia, with comparable positions in Victoria and New South Wales attracting salaries of $120,000 to $130,000. This government talks about planning reforms but, clearly, it has not allocated enough resources to attract or retain key people. You cannot talk about reforms without putting in place the personnel to deliver them.

One of the questions asked during estimates related to planning reform and the recruitment of a Western Australian public relations company to do the promotion. We have a plethora of PR firms in South Australia yet, for some reason, this government chose to spend taxpayers' dollars on a Western Australian firm to promote its agenda, which seems quite crazy.

Forty-seven recommendations have been accepted, but no priorities have yet been set in the agenda as to which ones will be agreed upon first. It is interesting to note that there has been insufficient commitment to deliver those reforms. The minister knows that they are broadly supported by the opposition, yet we have not seen a commitment in a budgetary sense to implement them.

I move now to comments on police. It is fitting that the minister will shortly no longer be the Minister for Police, so I guess this is a little bit of a farewell commentary on his sacking. I question the government's priorities. It talks about committing $38 million to a new police headquarters when crime is worsening in our outer suburbs.

I speak to a number of police officers. I will certainly not name the LSA, or its commanding officer, but when they heard that the government was spending $38 million on a new headquarters they said, 'I would love $38 million spent in my LSA for more staff and more resources to actually make the place safe.' I think the sentiment being echoed across this state is that this government has its priorities wrong and that the dollars need to be spent on the ground.

In estimates, Commissioner Hyde admitted that the government had fallen some 70 recruits short in the past year. He said that he put that down to a timing issue, but he also considered that the tight labour market was making targets a challenge. Yesterday, the minister made an outrageous ministerial statement, when he accused me of undermining the Police Commissioner and every police officer in South Australia. In fact, I have never made comments that undermine the Police Commissioner or any particular individual police officers. I think they all do a fabulous job. It is the government that is undermining them by not resourcing them properly. The minister says that we have 4,144 police officers—

The Hon. P. Holloway: You tell us how much money they need.

The Hon. D.W. RIDGWAY: I will tell you when I am good and ready to tell you. We have 4,144 police officers today but, of course, at least 127 of them—and I suspect that the figure is a bit more—are nonoperational, so we will say there are roughly 4,000 operational police officers in South Australia. This government has made a commitment to have 4,400 full-time equivalent officers on the beat by 2010.

The beginning of 2010 is now only 17 months away, so I am sure that the government will say, 'Actually, we meant the end of 2010. Well, probably 2011.' The election is about 20 months away. We have roughly 4,000 officers on the beat according to the government's figures today (although I suspect it is closer to 3,800 and maybe 3,900 at a push) but, even using the minister's figure of 4,000 on the beat today, taking into account the loss of 360 officers through attrition and retirement in the next two years we will need close to 760 recruits over the next two years to deliver the 4,400 officers on the beat that the minister and the Premier have publicly committed to by the next election.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Well, that is what you have said you would do. You are the government. If we were the government, we would have delivered.

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: The minister says, 'What have we done?' but we are not the government. We are here to hold you to account and you will fail. They will not have 4,400 officers on the beat by 20 March 2010. They will not; they will fail. On 8 July, on radio FIVEaa minister Holloway conceded that there were not enough police to cover the anticipated violence in Hindley Street, and he expected local businesses to provide security guards to fill the gap left by police.

It is no wonder that he has been sacked. He has been sacked, and it is no wonder that he has been sacked. He cannot provide the leadership for this police force to actually step up to the plate. It is no wonder that they have relieved him of his responsibilities.

It is interesting to note too that the new laws to crack down on bikie gangs that were expected to be introduced at the start of this month are yet to come into effect, and we had to rush them through here. In fact, it was the opposition that suspended standing orders to allow us to debate that bill, and the minister was upset that we had taken the business of the day out of the hands of the government. We actually processed that bill, yet we are still to see it come into effect.

At a recent police press conference, the message was given that businesses should minimise the amount of cash kept on premises. They should be alert at all times and make sure that security equipment is functional. The message was that we have almost given up and surrendered to the hoons, the blaggards and the bikies in our community.

This is a minister who has shown no leadership and I am not surprised that he has been relieved of his duties. He likes to talk about statistics. He loves to quote the statistics that show him in a good light, but let us quote some of the statistics that actually show the real figures. The minister said recently that crime rates have gone down. He talks about the overall crime rate going down, but he talked about crimes such as motor vehicle theft. Cars are three times more difficult to steal today. Every car has an immobiliser. He talks about motor vehicle theft when the Liberal Party was in office. Cars are much more difficult to steal today. Home break-ins have gone down. I think

nearly everybody in this place would have a home security device. They would have a burglar alarm at their house.

Members interjecting:

The Hon. D.W. RIDGWAY: Well, some say no. I would think that the vast majority of them have them at their house because they have not had the faith in this government to deliver a safe community. They have had to take matters into their own hands. It is interesting to note that, between 2002 and 2007, attempted murder increased by 70 per cent; kidnapping and abduction increased by 116 per cent; armed robbery increased by 15.4 per cent; sexual assault increased; and assault generally increased. So, you can see that under this government the number of police on the beat is going backwards, and we are getting more crime. The latest Productivity Commission figures show that we actually went back by 20 full-time equivalents.

According to the Australian Institute of Criminology, last year nearly 200 guns were stolen in South Australia. These are legal firearms that are reported stolen—I am sure there are hundreds of illegal firearms stolen—and only three per cent are ever recovered. This minister and the government have failed to resource their police force. I think that the police force will be somewhat dismayed to see that the new minister probably has the worst track record that we have seen in the past six years, and a minister who has lost $1 billion with WorkCover. This is a minister who does not even know when to turn his sprinklers on and off when there are water restrictions. Goodness me—and they put this guy in charge of the police! I cannot believe that a minister who has lost $1 billion with WorkCover has not been sacked and relieved of his responsibility totally. However, he is merely shifted from industrial relations to police.

I have a couple of quick points in relation to the budget, and particularly in relation to urban development and the commitment from the government to extend the tramline to the Entertainment Centre and eventually out towards Football Park, Semaphore Road and elsewhere. My questions are: why was the tram extension made a priority when just last week the minister started the process of rezoning the land that was put inside the urban growth boundary at Gawler? When that was announced, the Treasurer said that it would be a great park-and-ride facility, where people can park at the Entertainment Centre and catch the tram into the city.

How does someone go to a matinee or daytime performance at the Entertainment Centre if the car park is full of people who have driven there to park and then catch the tram into the city? It is ludicrous to suggest that converting the car park of the Entertainment Centre to a park-and-ride will actually facilitate a better outcome for the community. I want to know why that was a priority instead of supporting rail infrastructure in the north and the south.

The other question I asked the Minister for Road Safety yesterday, which she was unable to answer, was: how much of the money allocated in the budget for the electrification of rail has been allocated to grade separation? For those members who do not know what grade separation is, it is an overpass or an underpass at a railway line. You cannot have a modern, fast and efficient electric rail service and level crossings. For example, the Mandurah and Joondanna trains travel into Perth at 130 km/h. The express trains fly into the city; you get a lot of people in very quickly, but they have total grade separation. There are no level crossings, so it minimises the risk. There is no way that cars, trucks or any traffic can get in the way of a train.

So, if we are to have a modern, fast and efficient electric rail service, we must have a commitment to separate the traffic from the trains. My question to the minister is: in all of the budget forward estimates and the wonderful $2 billion visionary plan for transport, how much has been allocated to grade separation? On those lines, are we to see the grade separation start from the CBD working out or will we see it from the extremities—Gawler, Noarlunga and beyond—working back in?

Clearly, without a commitment from the government and an overall plan to deliver this measure, this sort of transport revolution is just a joke. It is all just talk, as we have heard from this government year upon year. It is talk, talk, talk without actually delivering an outcome that makes our community safer, that reduces our carbon footprint and greenhouse gas emissions, and all of the things that we all realise are important to the future of this state. Unless it is actually planned and delivered properly, it will not be a reality.

I could go on for much longer, but I will conclude with a couple of quick questions of the minister, and I hope that he is able to answer them. My questions relate to the police and, in particular, to a couple of points in the budget paper. I refer to Budget Paper 4, Volume 1, page 4.22. In 2007-08, there was an estimated increase of almost 1,500 detected and recorded assaults

against the person. So, in 2007-08 there was an estimated increase of 1,500 assaults against the person. That target is increased in 2008-09 to 10,456.

A recent global liveability index placed Adelaide at 49th in the personal safety index, with Melbourne, Perth and Sydney ranking some 20 places higher. How does the minister intend to reach this target of an additional 230 detections and apprehension reports, and can he explain why, when we have record numbers of police, Adelaide ranks behind on a global liveability index—one of the international ratings that the Premier and the minister always talk about? Why is it that we rate behind Melbourne, Perth and Sydney, if you like, on a personal safety liveability index?

I refer to Budget Paper 4, Volume 1, page 4.18. I note that the general objective of the public order program is to improve wellbeing through the provision of police services to the community. Recently, a letter was sent to an opposition electorate office by the Department of Treasury and Finance. It related to security alarm responses in electorate offices and stated that SAPOL would no longer respond to single or continuous alarm activations. The letter stated, 'The vast majority of these types of alarms are false.'

My question to the minister is: how is this change in line with the objective of improving wellbeing within the community, and how will SAPOL respond to the few alarms that are not false and are a direct danger to the community and, in particular, electorate office staff? Has this letter only been sent to opposition electorate offices or has it been sent to all electorate offices? I have a couple of final questions that I would like to put on the record for the minister.

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: The Hon. Russell Wortley obviously does not like the questions I am asking. This is what the Appropriation Bill is about: putting questions on notice so that the minister can answer them.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The honourable member ought to ignore the Hon. Russell Wortley.

The Hon. D.W. RIDGWAY: After a while it is impossible to ignore him.

The ACTING PRESIDENT: I order you to do so.

The Hon. D.W. RIDGWAY: Thank you for your advice and protection. I refer to Budget Paper 4, Volume 1, page 4.17, which talks about work in progress. It states that the Golden Grove, Para Hills and Aldinga police stations combined have a budget of $120,000 for the financial year. Why are these projects not reflected in the current Capital Investment Statement, and can the minister advise what the $120,000 will be spent on?

I refer to the introduction of the minerals sub-program, which states the government's responsibility to regulate mining operations. On page 20 of *The Independent Weekly* of 20 June, it is stated that at the recent uranium conference BHP president Graeme Hunt gave a presentation which showed that the first major expansion stage of Olympic Dam would be to add a greenfield concentrator plant, with excess concentrate to be exported. One option includes a smelter expansion.

Will the state government support the options for expansion that were presented at the conference, including a possible smelter expansion? Should the proposal to export copper concentrate to China be pursued? Will the export licence granted to BHP allow for the extraction of uranium from ore before the copper concentrate is shipped? Is the government considering a different rate of royalty for concentrate as against fully processed minerals?

As I said earlier, I wanted to focus on some portfolios rather than on a broad ranging speech on a whole range of budget issues. I think I have covered them all reasonably well and, on behalf of the opposition, as its first speaker, I indicate that we will be supporting the Appropriation Bill. However, we look forward to a response from the minister, in particular, to the questions in relation to the full-time equivalent numbers of the public sector.

Debate adjourned on motion of Hon. B.V. Finnigan.

STATUTES AMENDMENT (BUDGET 2008) BILL

Adjourned debate on second reading.

(Continued from 18 June 2008. Page 3405.)

The Hon. R.I. LUCAS (00:00): At this very late hour—obviously legislation by exhaustion is the government's intention—I rise to support the second reading of the bill. On behalf of opposition members, I apologise to hardworking Treasury officers who have been delayed until this ridiculous hour and who, as I understand it, have only just been allowed to go home.

The Hon. B.V. Finnigan: All your private members.

The Hon. R.I. LUCAS: I think the Hon. Mr Finnigan knows that he and others were playing games earlier in the evening. Anyway, at least on behalf of Liberal members, I apologise to those hardworking public servants who have been delayed. As indicated, the opposition is supporting the bill. The shadow minister for finance, the member for Goyder, spoke briefly to the legislation in the House of Assembly and indicated the opposition's support.

Put simply, it introduces the tax change elements of the budget which have been introduced by the government and which we will consider in more detail in the Appropriation Bill debate over the coming two sitting days—as I understand it, tomorrow and next Tuesday. The Leader of the Opposition has commenced the debate on that this evening. I will not deal in great detail with the more broad budget related issues in this bill. I will refer narrowly and specifically to the issues that are canvassed here, and they are the two budget changes relating to payroll tax changes and also the changes relating, in essence, to what most people would colloquially refer to as the First Home Owners Grant.

In relation to the First Home Owners Grant, the government is introducing a $4,000 bonus, which, on a sliding scale, reduces for a home up to the value of $450,000. It is a benefit and a concession which I am sure will be welcomed by that section of the home purchasing community, namely, first home owners. I might say that it is modelled on the proposals made by the Liberal Party at the last election in 2006. The then leader of the opposition (Hon. Rob Kerin), as part of a tax relief package, promised a $3,000 bonus. This one is a $4,000 bonus, which, added together with the federal bonus of $7,000, totals $11,000—or, under the Liberal scheme, $10,000.

As the Hon. Mr Ridgway indicated earlier in welcoming some of the government planning changes in recent times following on from Liberal Party initiatives earlier, this one—

The Hon. B.V. Finnigan: The one you criticised yesterday.

The Hon. R.I. LUCAS: Well, the Hon. Mr Finnigan—although out of order—makes an erroneous interjection. I made no criticism of the policy decision at all. I just raised questions about transparency and accountability.

The Hon. D.W. Ridgway: Something you're afraid of.

The ACTING PRESIDENT: Interjections are out of order on both sides.

The Hon. R.I. LUCAS: It is something the Hon. Mr Finnigan is afraid of and, sadly, cannot understand, either. At the time the proposal from the Liberal opposition was criticised by the Labor government. There was criticism about bringing forward purchases in the housing market. The Treasurer and I think one other minister—I do not have the particular transcripts with me this evening—but certainly the Treasurer was critical of the Liberal Party proposition of a $3,000 bonus. It is amazing that two years later virtually the same policy is now introduced by the Labor government.

Clearly, concerns they were expressing about the Liberal policy in 2006 have been either jettisoned or forgotten. We in the opposition are not churlish. If it is a good policy—and Rob Kerin came up with that policy in the first instance—then we will welcome and support the modest relief it will provide.

The second tax relief measure is a policy proposal following on from a Liberal policy proposal; that is, at last we will see some increase in the payroll tax threshold. Members of the opposition in this chamber and also in the House of Assembly for a number of years have highlighted the fact that the payroll tax threshold in South Australia was the lowest of all the states at just over $500,000, compared with a threshold in other states and territories of just over $1 million. Some small businesses in South Australia were paying payroll tax at just over $500,000. Those same small businesses could have employed staff and paid salaries of around $1 million in some states and territories before they started paying payroll tax.

Prior to the last election, the Liberal opposition as part of its tax relief package committed to an increase in the payroll tax threshold. Therefore, we welcome the Labor government's finally

conceding the accuracy and value of the Liberal policy of 2006 by, at last, responding by increasing the payroll tax threshold.

The Hon. R.P. Wortley interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Wortley should cease interjecting.

The Hon. R.I. LUCAS: I suspect that the simple answer is that whilst they agreed with those policies they did not agree with other aspects of what the Liberal Party was putting at the last election. They did not reject this particular policy because even the Labor government, albeit reluctantly and in a delayed fashion, is now agreeing with and introducing it. It is increasing the threshold to just over $550,000 and, ultimately, to $600,000 as part of a phased increase in the threshold.

It would still be significantly less than the most generous thresholds of just over $1 million that exist in some other states and territories but, nevertheless, for the small number of businesses that will be assisted we certainly welcome that change from the government; I know it has been welcomed by the business community, as well. Also, a modest reduction has been foreshadowed in the actual rate of payroll tax from 5 per cent to 4.95 per cent.

Again, that is a modest reduction, but, certainly, it is one that the business community and the Liberal opposition would also support. I understand it is highly unlikely that officers this evening would have a ready answer, but Business SA has been campaigning for some considerable period of time for the payroll tax threshold to be increased to $800,000. I ask the government in its response to clarify, again, the full year cost of the eventual increase of the payroll tax threshold to $600,000. I make it clear that I am talking about the actual impact of the $600,000 increased cost, not a combination of the increase in threshold to $600,000 and the reduction in the rate from 5 per cent to 4.95 per cent.

Secondly, I seek from the Treasurer the best estimate from Treasury of a further increase in the threshold to $800,000, and what the full year cost of an increase in the threshold to $800,000 would be. As I said, this has been a policy for which Business SA and others in the community have been campaigning for quite some time. I think that before this bill passes it is not an unreasonable position for this chamber to be informed as to what the full year cost of an increase to $800,000 in the threshold would be. That is the only specific question I have at this stage, and that is why, from the opposition's viewpoint, we are happy to consider the second reading at this stage but to leave the committee stage for another sitting day.

The Hon. D.G.E. HOOD (00:12): I rise to make a contribution to this bill on behalf of Family First, and I will specifically be talking to the major taxation reforms outlined in that bill. Suffice to say that Family First welcomes both the measures contained in this bill as regards first-home buyers and payroll tax reductions—or, I should say, beneficial changes. I will start with the second by simply saying that the reduction of payroll tax is a welcome boost to business in South Australia, and we support it. The lifting of the threshold there is a boost to small business in particular, and Family First supports small businesses because, in many cases, they are also family businesses.

I will give an interstate comparison and simply remark for comparison purposes that the bill sets a 5 per cent payroll tax rate this financial year going down to some 4.95 per cent next financial year, with our thresholds up to $552,000 this financial year rising to $600,000 in the next. New South Wales has a higher taxing regime having 6 per cent payroll tax with a raised threshold this financial year from $600,000 to $623,000, then lowering to 5.75 per cent in the second half of this financial year. Victoria's rate is 4.95 per cent this financial year, down from 5.05 per cent in the previous financial year, and Queensland leads the way at 4.75 per cent.

Western Australia's rate is 5.5 per cent but interestingly has quite a high threshold of $750,000—under that no payroll tax is paid at all, although I note it is lower than the figure Business SA has been lobbying for. These comparisons on face value suggest that our payroll tax is still a little on the high side but, before other opinions are put forward, the question of cost of doing business in this state is a complex picture of which payroll tax is a significant but obviously not the sole component. We have just passed the payroll tax harmonisation legislation, and we hear a lot in this place about red tape for business from equal opportunities to other compliance legislation which raise the administration costs and hence the cost of doing business in South Australia.

In closing on that subject, we welcome the relief given to small business in particular in this budget, but we will have an open mind to calls from business or other parties for further reductions in years ahead; indeed, we would like to see the rate come down in the years ahead. It is a step in the right direction, but more can be done.

Family First has somewhat more to say about the second measure in this bill, and that is stamp duty relief for first home buyers. Honourable members will recall that I have asked questions about this issue before in this place on several occasions. For instance, on 27 March last year I asked the government a question about the threshold ranges, and I invite honourable members and readers of *Hansard* to look at that question which gives a background on the rises in those thresholds.

My question then was about the minimum threshold where a home buyer gets full stamp duty relief—they pay no stamp duty at all. At the time the threshold was a ridiculous $80,000. The Treasurer's reply on 19 June 2007 was largely couched in terms saying it was an issue in the mix, amongst other budget considerations. During question time on 3 June this year, I raised a question about stamp duty relief for first home buyers, noting the threshold range as from the 2004-05 budget was $130,000 to $250,000 for the purchase price of a house. I noted in that question that the 2004-05 budget had estimated a cost to the government of some $10.5 million recurrent per year to run that scheme.

It is a bit early yet perhaps but I will refresh my question here as a question on this bill, to ask what the 2004-05 budget measure actually cost the government in delivery of relief to first home buyers. Just to make the point: the estimate was $10.5 million and I am asking what the actual cost was. My point is this: Family First is concerned that the budget measure (and, before that, the previous minimum thresholds) meant little to nothing in real terms to families trying to buy their first home because housing prices have risen to such an extent as to render the thresholds quickly irrelevant.

Against this background the reform of the threshold system in this bill is welcome. The reforms were met with front page fanfare in *The Advertiser* on Thursday 5 June this year in a pre-budget release of measures to come. The Treasurer was quoted as saying that this reform will deliver significant help for first home buyers. Now the minimum threshold is some $400,000—in other words, homes purchased under this amount attract the full $4,000 bonus payment—and this phases out over a much narrower range than was the case before, phasing out over a $50,000 range—that is, by $450,000 no relief is attracted.

I think it is important to place on the record what was not in the second reading inserted in *Hansard* but was in the press, being the cost to government. One might understand, given my earlier comments about the 2004-05 changes, that it is worth scrutinising how the actual cost measures up against the expected cost, because it shows how well the government's package has hit its intended target. The same *Advertiser* article I referred to says that the government will incur some $32 million in the current financial year, and then $130 million over the next four years in delivering its relief.

It is also worth putting on record the Treasurer's expectation in that article: that 9,000 first home buyers would receive the full $4,000 grant and that 95 per cent of all first home buyers would receive some form of assistance. This is, indeed, a positive measure. Family First welcomes this measure and we hope that it hits the mark as intended. We think it is worth casting a critical eye over this area because it promises so much for first home buyers and we hope it delivers.

Our strong intuition about the previous regime—and we have not seen the answers to questions about that regime as yet, referring back to the earlier period that I mentioned—is that it was failing to live up to expectations. I invite the government to demonstrate that the previous regime did better than regimes under previous administrations, because that would be a fair thing to do. It may be that under the previous regime, despite its failings, it was still more generous than others before it.

As I said in my question on 27 March this year, this sort of stamp duty relief for first home buyers began in 1979 under the then Tonkin government. I think it is worth noting that the day before the government's 5 June front page announcement (which I referred to earlier) the Queensland government announced for its budget that there would be no stamp duty payable for houses with a purchase price of less than half a million dollars—none at all. The median house price in Brisbane at that time—and it is only over a month ago—as reported by *The Australian*

newspaper of 4 June, was $467,380. So, their threshold is actually substantially above the median price in that city.

A table published with that article was very insightful. It stated what stamp duty was payable on first home purchases in all the states as of 1 September, including the freshly-announced Queensland measure that day. Of course, the state government's announcement the following day renders the column redundant (that which outlines the South Australian figures) but the table glaringly showed how poorly we ranked at that time.

As I say, clearly, this measure is a step in the right direction but I think Queensland is definitely leading the way with respect to genuine relief on stamp duty, particularly for first home buyers, and the fact that their relief cuts out at a level above the median price of houses in that state, which is not the case here in South Australia.

Referring back to the table, I note that it shows that only Victoria has a higher stamp duty on first homes in the $600,000-upwards range, and below that South Australia was ranked worst in the $100,000 range (in fact, no other state imposed stamp duty on that purchase price at all), and South Australia was also worst at the $200,000, $300,000, $400,000 and $500,000 levels. Only Victoria and Tasmania were at that time imposing duty in those ranges, prior to Queensland's 4 June measure, it was the fourth state to impose stamp duty on first home buyers in the $300,000 to $500,000 band. As I have said, they changed that to raise their level up to $500,000, making it currently the best state.

Recent reports in South Australia suggest a cooling in our prices, but in this place we are hearing more and more about our mining prospects in particular. For instance, in places such as Whyalla, house prices are still surging. Talking from experience, I can say that house prices in my local area are still doing very well indeed.

So, on the back of the mining boom and other developments and advancements in the state, there is every chance that, during the life cycle of this package, these reforms might become redundant themselves, as house prices exceed the thresholds.

Family First will be watching the performance of this scheme, and we will have more to say about it as the weeks and months pass. As I have said, we see this as a positive measure, and we commend the government for introducing it. It is a step in the right direction but, clearly, Queensland leads the way due to the fact that its threshold expires above the median house price in the city.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:22): I thank the Hon. Rob Lucas and the Hon. Dennis Hood for their contribution to the debate, and I thank other members for their indication of support for the bill.

The Hon. Rob Lucas asked questions, and the diligent RevenueSA officers who are here at this late hour have been able to provide the answers, so I will put them on the record now. The Hon. Rob Lucas asked about the revenue cost of increasing the threshold from $552,000 to $800,000. I can inform him that the cost of that is estimated at $46 million in 2008-09. The Hon. Rob Lucas also asked about the cost of increasing the threshold to $600,000. That information is provided in Budget Statement, Budget Paper 3, on page 3.2. In Table 3.1, right at the top of the page, are the figures for both the increased threshold from $504,000 to $552,000 and the increased threshold from $552,000 to $600,000.

The Hon. Dennis Hood also asked about the cost of the first home owners concession. Again, that information is provided in Budget Statement, Budget Paper 3. I refer the honourable member to Table E.1, on page E.6, under 'Stamp Duties, Conveyance Duty, First Home Owner Concessions', and it is a cost in 2007-08 of $5.8 million.

That should at least provide an initial answer to the questions asked. Of course, we can explore this in more detail when we resume the committee stage tomorrow. But, at this stage, I thank honourable members for their indication of support for the bill.

Bill read a second time.

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:25): 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.

This Bill aims to encourage food businesses, as well as private individuals, to donate safe surplus food to charity. Everyone knows that, every day, food businesses throw away quantities of good food that they have been unable to sell. Although we cannot be certain, the Government thinks that an important factor in causing businesses to dispose of food rather than donate it is the fear of legal liability, should a consumer suffer ill-effects.

The Government would like to remove that disincentive, in the hope of encouraging businesses to choose to donate safe, surplus food to the many charities ready to distribute it to those in need. A similar initiative in Victoria has substantially increased food donations, through the organisation One Umbrella. New South Wales has also now provided food-donor protection.

Accordingly, this Bill proposes to give legal protection to food donors rather like the legal protection we already give to good Samaritans. Our law already says that a good Samaritan who comes to the aid of another in an emergency is not legally liable for any harm, as long as the good Samaritan was acting in good faith and without recklessness. In the same way, this Bill would protect a food donor from liability, as long as, at the time the food was donated, the donor neither knew the food to be unsafe nor was reckless about this.

Fears have naturally been expressed about the risk of dumping unsafe food on charities as a cheap, risk-free alternative to other disposal. The Bill guards against that risk, in that if the person knew the food was unsafe, or was reckless about its safety, legal liability remains. There is therefore a basic obligation on the donor not to donate food that the donor knows or should know is unsafe. The Bill is not a licence to take risks with other people's health.

The Government has consulted the charitable sector through the peak body, SACOSS, which now supports the Bill. The Government has agreed to keep the new law under review in light of any evidence that SACOSS or others may gather about the effects of the Bill. Accordingly, the Bill includes a clause providing for a review after two years. We have also promised that food-safety information will be made available to charitable distributors of food so that they can adequately protect the recipients.

I wish to thank the Law Society for its enthusiastic support of this measure. I acknowledge, in particular, the work of the Society's New Lawyers Committee, which was instrumental in formulating this proposal and in securing the support of SACOSS. I also acknowledge the support of Restaurant and Catering S.A., which indicates that it expects the Bill substantially to increase donations by the restaurant and catering industry.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Civil Liability Act 1936*

4—Insertion of Part 9 Division 11A

This clause inserts a new Division as follows:

Division 11A—Food donors and distributors

74A—Food donors and distributors

This new section protects a food donor or distributor from civil liability for loss of life or personal injury arising from consumption of food donated or distributed, except if the donor or distributor knew or was recklessly indifferent to the fact that when the food left his or her possession or control it was unsafe within the meaning of the *Food Act 2001*.

A food donor or distributor is one who, acting without expectation of payment or other consideration and for a charitable or benevolent purpose, donates or distributes food with the intention that the consumer of the food would not have to pay for the food.

The provision requires the Minister to report to Parliament on the operation of the provision over its first 2 years.

Debate adjourned on motion of Hon. J.M.A. Lensink.

STATUTES AMENDMENT AND REPEAL (TAXATION ADMINISTRATION) BILL

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

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:26): 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 *Statutes Amendment and Repeal (Taxation Administration) Bill 2008* makes amendments to a number of Acts which are consistent with the Government's target of a reduction of at least 25% in red tape for business by mid-2008.

The Bill amends the *Stamp Duties Act 1923*, the *Payroll Tax Act 1971* and the *Land Tax Act 1936* to remove all redundant provisions.

The majority of the redundant provisions are being removed from the Stamp Duties Act, particularly in relation to provisions dealing with listed marketable securities. The changes will make the Act easier to read and reduce taxpayer confusion.

The Bill also amends the *Taxation Administration Act 1996* ('the TAA') to include provisions that provide an administrative framework to allow tax investigations to be conducted by taxation officers beyond State and Territory borders.

The streamlined and modernised reciprocal power provisions in the TAA will replace the provisions currently contained in the *Taxation (Reciprocal Powers) Act 1989* (the 'TRPA') and hence allow for its repeal.

The amendments will improve administrative efficiency for both industry and RevenueSA.

South Australia and Victoria are the only jurisdictions that retain independent reciprocal taxation powers legislation. Consolidating the provisions of the TRPA into the TAA is therefore consistent with the arrangements in place in other jurisdictions and will reduce the number of statutes with which practitioners are required to comply.

The benefits of the consolidation of investigatory powers in the TAA include greater inter-jurisdictional consistency, modernisation of the language and structure of the provisions, and have provided the opportunity to review and update statutory requirements.

Whilst the TAA is being opened up for amendment the Government has also taken the opportunity to amend an obsolete provision in the TAA that relates to how the market rate of interest is set in the Act.

The market rate of interest set by the TAA is currently linked to the rate applicable under section 214(8) of the *Income Tax Assessment Act 1936* of the Commonwealth, but the Commonwealth ceased publication of a market rate of interest under that section in 1999.

It has therefore been necessary for the market rate to be specified each financial year by the Treasurer in the Gazette which is administratively inefficient.

It is therefore proposed that the market rate of interest will now be legislatively tied to the average rate of the 90-day Bank Accepted Bill Rate prescribed by the Reserve Bank of Australia for the month of May preceding each financial year.

The Treasurer will still have the power to specify a different rate of interest by publishing it in the Gazette. The proposed change will provide an efficiency benefit for Government and certainty for taxpayers.

The Bill also amends the *Emergency Services Funding Act 1998* (the 'ESL Act') to align the administrative processes under the ESL Act with those contained in the TAA.

The ESL Act provides for the collection of funds for the provision of emergency services in South Australia.

RevenueSA is responsible for the collection of the fixed property component of the ESL Act with TransportSA the levy collector for the mobile property component. The changes in the Bill relate only to the fixed property component of the levy.

The administrative provisions of the ESL Act are deficient in comparison to the administrative provisions contained in the TAA which is used by RevenueSA to administer the other laws for which it is responsible. This has resulted in administrative inconsistencies between ESL administration and the remaining taxation legislation administered by RevenueSA.

Due to the lack of rigorous administrative provisions in the ESL Act, many issues have had to be dealt with by administrative practice, which although workable, is not the optimum approach as it does not provide certainty and transparency for levy payers.

The addition of robust administrative provisions into the ESL Act modelled on those in the TAA will also provide consistency for taxpayers in the administration and collection of land tax and emergency services levy which are both calculated based on the value and use of land.

The Bill therefore amends the ESL Act to include comprehensive administrative provisions, similar to the equivalent provisions contained in the TAA.

I will summarise some of the main changes contained in the Bill in this area.

The responsibility for the administration of the ESL Act is now placed with the Commissioner instead of the Minister which will allow the Act to be administered in a more efficient manner. By way of example, this will remove the need for the Treasurer to formally delegate powers and functions directly to staff rather than the more efficient approach of the Commissioner having this responsibility.

General refund provisions have been added to the Act which will give a legislative basis to existing administrative practice in this area and allow for equitable and consistent treatment of levy payers.

The addition of secrecy provisions will provide protection of confidential information relating to levy payers and will provide further consistency with the management of information obtained in the administration of legislation for which the Commissioner is responsible.

The amendments will also align the method for setting the rate of interest under the ESL Act to the method that will apply under the TAA. The interest rate set under the ESL Act relates to both interest imposed on unpaid levies and interest paid in cases where a levy payer is entitled to a refund of levy after a successful objection or appeal.

The ESL Act does not provide for the charging of a penalty in relation to unpaid levy and does not have provisions that allow for the investigation of unpaid levies. The addition of these provisions will allow consistency with the administration of land tax and will provide a more equitable system in respect of persons who pay the levy when it falls due and those that do not.

The Bill makes changes which will have a significant impact on the red tape faced by business and taxpayers when dealing with RevenueSA and the legislation it administers. The amendments streamline administrative provisions in a number of areas and in relation to the ESL Act, provide consistency, transparency and a legislative backing to current administrative procedures.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure is to commence on a day to be fixed by proclamation. Section 7(5) of the *Acts Interpretation Act 1915* will not apply to the amending Act (in case it is necessary to delay the commencement of certain amendments beyond the second anniversary of assent).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Emergency Services Funding Act 1998*

4—Amendment of section 3—Interpretation

This clause inserts three new definitions into the *Emergency Services Funding Act 1998*. An *authorised officer* is a person who is an authorised officer for the purposes of the taxation laws under the *Taxation Administration Act 1996*. This definition is required for the purposes of new investigation provisions to be inserted by clause 19.

A definition of *Commissioner* is inserted because the Commissioner of State Taxation is to be given a number of functions in relation to the administration of Part 3 Division 1 of the Act, which relates to the levy in respect of land.

Non-reviewable decision is defined by reference to new section 4, inserted by clause 5.

5—Insertion of section 4

This clause inserts a new section. Proposed section 4 explains the meaning of the term 'non-reviewable'. A number of new provisions to be inserted into the *Emergency Services Funding Act 1998* as part of this measure will include a statement that a decision under the provision is a non-reviewable decision. This means that no court or administrative review body has the jurisdiction or power to entertain any question as to the validity or correctness of the decision.

6—Insertion of heading to Part 3 Division 1 Subdivision 1

This amendment is to be made because it is proposed to divide Division 1 of Part 3 of the *Emergency Services Funding Act 1998*, which relates to the levy in respect of land, into five Subdivisions. Provisions in the first Subdivision will deal with the imposition of the levy.

7—Amendment of section 5—Land that is subject to levy

Section 5(1) states that an emergency services levy may be assessed by the Minister against all land in South Australia in respect of each financial year. As a consequence of the amendment made by this clause, responsibility for assessing the levy will be vested in the Commissioner for State Taxation instead of the Minister.

A reference to the *Local Government Act 1934* is updated so that the section refers instead to the *Local Government Act 1999*.

8—Amendment of section 5A—Application for aggregation of non contiguous land

The amendments made by this clause to section 5A are consequential on the Commissioner becoming responsible for assessment of the levy in respect of land.

9—Amendment of section 8—Land uses

This clause updates a definition of *Local Government Regulations*.

10—Amendment of section 12—Commissioner to keep assessment book

11—Amendment of section 13—Alterations to assessment book

12—Amendment of section 15—Liability for levy

The amendments made by clauses 10 to 12 are consequential on the Commissioner becoming responsible for assessment of the levy in respect of land.

13—Amendment of section 16—Notice of levy

Section 16 currently requires the Minister to serve a notice of the amount of the levy payable in respect of land for a financial year on the owner of the land. The section as amended will require the Commissioner to perform this function.

Section 16(2) lists matters that must be dealt with in the notice. Because provisions relating to interest and payment of a penalty levy are to be inserted into the Act, this clause amends subsection (2) by making it a requirement that the notice state the amount of any interest or penalty levy payable by the person.

14—Substitution of section 17

This clause deletes section 17 and substitutes a number of new clauses.

17—Refund resulting from assessment

Under this proposed section, the Commissioner is required to refund the amount of any overpayment that is revealed by an assessment of a person's liability to pay a levy or other amount under Division 1.

17A—Cancellation of assessment

This section authorises the Commissioner to cancel an assessment that has been made in error.

17B—Payment of levy into Fund

Section 17B is the same as current section 22, which is repealed by clause 19. The section has been moved so that it appears in new Subdivision 1 of Part 3 Division 1. The section as recast refers to interest and the penalty levy as well as the levy. The new section also provides for payment of any refund payable under the Division from money received in payment of the levy, a penalty levy or interest.

Subdivision 2—Refunds

17C—Right to apply for refund

Under this new section, a person may apply for a refund of an amount overpaid by the person. An application cannot be made more than five years after the person made the payment to the Commissioner.

If the result of determination of an application is that there has been an overpayment, the Commissioner must refund the amount of the overpayment.

17D—Form of application for refund

This section provides that an application for a refund must be made to the Commissioner in a form approved by the Commissioner.

17E—Commissioner may refuse to determine application until information etc provided

If a requirement has been made of an applicant for a refund under new Subdivision 5, which includes provisions relating to investigation, the Commissioner may refuse to determine the application until the applicant complies with the requirement. Such a refusal is a non-reviewable decision.

17F—Offset of refund against other liability

The whole or a part of an amount required to be refunded may be applied to meet an amount payable by the applicant or credited (with the applicant's consent) towards his or her future liability.

A decision under section 17F is non-reviewable.

17G—Windfalls—refusal of refund

Under this section, the Commissioner may refuse to make a refund if the amount of the levy, penalty levy or interest to be refunded has been passed on to some other person and the applicant has not reimbursed the other person for the amount passed on. A decision under the section is non-reviewable.

Subdivision 3—Interest and penalty levy

17H—Definition for Subdivision

This section provides a definition of *deliberate default*, a term used in new sections 17K and 17L. A deliberate default is a default to which Subdivision 3 applies (see below) that wholly or partly consists of or results from a deliberate act or omission by the person liable to pay the levy or a person acting on his or her behalf. The term includes a default to which the Subdivision applies where the person liable to pay the levy, or a person acting on his or her behalf, deliberately failed to provide information to the Commissioner, or deliberately misinformed or misled the Commissioner, in relation to the person's liability to pay the levy.

17I—Defaults to which Subdivision applies

Subdivision 3 applies to a default consisting of a failure by a person to pay the whole or part of a levy that the person is liable to pay under Part 3 Division 1.

17J—Interest

Section 17J provides for the payment of interest where a default to which the Subdivision applies occurs or a person fails to pay a penalty levy.

If the amount of interest payable for the time being would be less than $20, no interest is payable. The section authorises the Commissioner to remit interest payable by any amount. A decision of the Commissioner to remit an amount of interest is non-reviewable.

The applicable interest rate is the sum of the market rate and 8% per annum. The market rate is defined in section 26 of the *Taxation Administration Act 1996*.

17K—Penalty levy

Under this section, a penalty levy is payable when a default to which Subdivision 3 applies occurs. The penalty levy is payable by the person in default in addition to the amount of the unpaid levy.

If the Commissioner is satisfied that the default was not a deliberate default and did not result, wholly or partly, from a failure by the person, or a person acting on his or her behalf, to take reasonable care to comply with the requirements of the Act, a penalty levy is not payable.

If the amount of a penalty levy payable would be less than $20, no penalty levy is payable. The Commissioner may remit a penalty levy otherwise payable by any amount. A decision to remit a penalty levy is non-reviewable.

17L—Amount of penalty levy

The amount of a penalty levy payable in respect of a deliberate default is 75% of the amount of the levy unpaid. The amount of a penalty levy in any other case is 25% of the amount of the levy unpaid.

17M—Notification of penalty levy and interest and time for payment

Section 17M requires the Commissioner to serve notice of any interest accrued and any penalty levy payable on the person liable to pay the interest or levy. A penalty levy is to be paid by the person within a time specified in the notice. If the person fails to pay the whole or a part of a penalty levy within the specified period, the Commissioner may then serve on the person notice of interest accrued in respect of the failure.

Subdivision 4—Collection of levy

17N—Definition for Subdivision

In Subdivision 4, *levy* includes a penalty levy and interest.

17O—Recovery of levy as debt

Under section 17O, the Commissioner may recover the amount of an unpaid levy as a debt from the person liable to pay the amount.

17P—Joint and several liability

If two or more persons are jointly or severally liable to pay a levy, the Commissioner may recover the whole of the levy from them, or any of them, or any one of them.

17Q—Collection of levy from third parties

This section authorises the Commissioner to require the following third parties to pay an unpaid levy:

- a person from whom money is due or accruing or may become due to the person in default;
- a person who holds or may subsequently hold money for or on account of the person in default;

- a person who holds or may subsequently hold money on account of some other person for payment to the person in default;
- a person having authority from some other person to pay money to the person in default.

The section sets out requirements in relation to the written notice to be served on a third party required by the Commissioner to make a payment under the section.

17R—Duties of agents, trustees etc

Section 17R sets out a number of provisions that apply in relation to a person who has possession, control or management of a business or property of another person as an agent or trustee (or in any other capacity) if obligations under Division 1 remain undischarged by the other person or will arise in relation to the business or property. The provisions that apply are as follows:

- the person must, as soon as and so far as is practicable, ensure that the obligations of the other person that remain undischarged are discharged;
- the person must, as soon as and so far as is practicable, ensure that all further obligations that arise under Division 1 in relation to the business or property are discharged while the person continues to have possession, control or management of the business or property;
- for those purposes the person must set aside (and, so far as necessary, liquidate) assets of the other person (or the other person's estate) to the value of any levy that has become or becomes payable and employ those assets in payment of the levy;
- if the person fails, without the Commissioner's written permission, to set aside, liquidate and employ sufficient assets for that purpose, the Commissioner may recover from the person as a debt the whole or a part of an amount that is assessed as being payable under this Division in relation to the business or property and remains unpaid, but the person will not otherwise be personally liable for the payment of the levy;
- the person is entitled to be indemnified by the other person (or out of the other person's estate) in respect of payments made or action taken under section 17R;
- nothing prevents the making of a payment to the person out of the assets, in priority to a levy, of any reasonable remuneration, charges and expenses to which the person would, apart from section 17R, be entitled in respect of the performance of the person's functions.

15—Amendment of section 18—Levy first charge on land

This amendment is consequential on the insertion of section 17N, which includes a definition that applies for the purposes of Subdivision 4.

16—Repeal of section 19

Section 19, which authorises the Minister to require a lessee or licensee of land to pay rent or other consideration to the Minister in satisfaction a liability for the levy in respect of the land, is redundant because of the insertion of section 17Q and is therefore to be repealed.

17—Amendment of section 20—Sale of land for non-payment of levy

The amendments made by this clause are consequential.

18—Amendment of section 21—Recovery of levy not affected by objection, review or appeal

Section 21 provides that the right to recover a levy is not suspended by an objection, review or appeal in respect of a valuation or the attribution of a particular land use to land.

The section currently provides that interest accrues on an amount to be refunded, and on an unpaid amount, in accordance with the regulations. The section as amended will set out the manner in which interest accrues and the interest rates applicable in respect of refunds and amounts payable.

19—Substitution of section 22

This clause repeals section 22, which is recast and inserted into Subdivision 1 as section 17B, and substitutes a number of new provisions. The clause adds two new Subdivisions to Division 1. The first relates to investigations while the second includes secrecy provisions.

22—Arrangements for payment of levy

Under new section 22, the Commissioner may extend the time for payment of a levy and may accept the payment of a levy by instalments. A decision of the Commissioner under the section may be subject to conditions.

22A—Decisions non-reviewable

This section provides that a decision under Subdivision 4 is non-reviewable.

22B—No statute of limitation to apply

This section provides that actions and remedies for recovery by the Commissioner of amounts assessed as being payable under Division 1 are not barred or affected by any statute of limitations.

Subdivision 5—Investigation

22C—Power to require information, instruments or records or attendance for examination

Under this new section, the Commissioner may, for a purpose related to the administration or enforcement of Division 1, require a person to provide information, attend and give evidence or produce an instrument or record. The Commissioner's request must be made by written notice.

A person who, without reasonable excuse, refuses or fails to comply the requirements of a notice, or to comply with any other requirement of the Commissioner as to the giving of evidence, is guilty of an offence. The maximum penalty is $10 000.

A requirement under the section is a non-reviewable decision.

22D—Powers of entry and inspection

This section sets out a number of powers that may be exercised by authorised officers for purposes related to the enforcement of Division 1. An authorised officer may—

- enter and remain on premises; and
- require a person on the premises to answer questions or otherwise furnish information; and
- require a person on the premises to produce any instrument or record in the person's custody or control (including a written record that reproduces in an understandable form information stored by computer, microfilm or other means or process); and
- require the owner or occupier of the premises to provide the authorised officer with such assistance and facilities as is or are reasonably necessary to enable the authorised officer to exercise powers under the Subdivision; and
- seize and remove any instrument or record on behalf of the Commissioner.

22E—Use and inspection of instruments or records produced or seized

An instrument or record produced to the Commissioner or seized and removed by an authorised officer may be retained for the purpose of enabling the instrument or record to be inspected and enabling copies of, or extracts or notes from, the instrument or record to be made or taken by or on behalf of the Commissioner.

An instrument or record required as evidence may be retained until relevant proceedings are finally determined.

22F—Self-incrimination

Section 22F provides that a person is not excused from answering a question, providing information or producing an instrument or record, when required to do so under Subdivision 5, on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

However, the section also provides that if the person objects to answering the question, providing the information or producing the instrument or record on that ground, the answer, information, instrument or record is not admissible against the person in criminal proceedings. The exceptions to this rule are proceedings for an offence with respect to false or misleading statements, information or records and proceedings for an offence in the nature of perjury.

22G—Hindering or obstructing authorised officers etc

Section 22G makes it an offence for a person to hinder or obstruct an authorised officer in the exercise of a power under Subdivision 5. It is also an offence for a person to, without reasonable excuse, refuse or fail to comply with a requirement of an authorised officer under the Subdivision. The maximum penalty is a fine of $10 000.

However, for a person to be guilty of an offence arising from the entry of an authorised officer onto premises, it must be established that the officer identified himself or herself as an authorised officer and warned the person that a refusal or failure to comply with the requirement constituted an offence.

Subdivision 6—Secrecy

22H—Relevant persons

Section 22H provides a definition of *relevant person* that applies for the purposes of Subdivision 6. A relevant person is a person who is or has been engaged in the administration or enforcement of Division 1.

22I—Prohibition of certain disclosures by relevant persons

This section prohibits a relevant person from disclosing information obtained under or in relation to the administration or enforcement of Division 1 except as permitted by Subdivision 6. The maximum penalty for a breach of the section is a fine of $10 000.

22J—Permitted disclosure in particular circumstances or to particular persons

Section 22J provides that a relevant person may disclose information obtained under or in relation to the administration of Division 1 in the following circumstances:

- with the consent of the person to whom the information relates or at the request of a person acting on behalf of the person to whom the information relates;
- in connection with the administration or enforcement of Division 1, a taxation law (within the meaning of the *Taxation Administration Act 1996*), the *Petroleum Products Regulation Act 1995*, the *First Home Owner Grant Act 2000* or a law of another Australian jurisdiction relating to taxation; or
- for the purposes of legal proceedings under a law referred to above or reports of such proceedings; or
- to the holder of an office or a body prescribed for the purposes of section 78(d) of the *Taxation Administration Act 1996*.

22K—Permitted disclosures of general nature

This section authorises the Commissioner to disclose information obtained under or in relation to the administration or enforcement of Division 1 that does not directly or indirectly identify a particular person.

22L—Prohibition of disclosures by other persons

This section prohibits the disclosure of information by a person other than a relevant person. The person cannot disclose information obtained from a relevant person that the relevant person obtained under or in relation to Division 1 unless—

- the disclosure is of a kind that a person engaged (whether as an officer or employee or otherwise) in the administration or enforcement of this Act would be permitted to make under Subdivision 6; or
- if the person is the holder of an office or a body prescribed for the purposes of section 78(d) of the *Taxation Administration Act 1996*—the disclosure is made in connection with the performance of functions conferred or imposed on the person under a law of this jurisdiction or another Australian jurisdiction (including for the purposes of legal proceedings connected with the performance of such functions); or
- the disclosure is made with the consent of the Commissioner.

22M—Restriction on power of courts to require disclosure

This section provides that a court does not have power to require a disclosure of information contrary to Subdivision 6.

20—Amendment of section 27—Payment of levy into Fund

Section 27 provides that money received in payment of the levy in respect of vehicles and vessels must be paid into the Fund. The section as amended will add an exception so that money received in payment of the levy can be applied towards payment of any refund required to be paid under Division 2 instead of being paid into the Fund.

21—Substitution of section 31

This clause deletes the existing delegation provision and substitutes a new section that refers to the Commissioner as well as the Minister. The new section also authorises the subdelegation of a delegated power, function or duty.

This clause also inserts a new evidentiary provision. Section 31A applies section 115 of the *Taxation Administration Act 1996* for the purposes of the *Emergency Services Funding Act 1998*.

22—Amendment of section 32—Service of notices

23—Amendment of section 33A—Recouping money lost on aggregation of non contiguous land

The amendments made by clauses 22 and 23 are consequential on the Commissioner being given administrative functions in relation to the levy on land.

Part 3—Amendment of *Land Tax Act 1936*

24—Amendment of section 11—Minimum tax

Section 11 of the *Land Tax Act 1936* currently provides that if the total amount of land tax payable by a taxpayer in respect of a year would, apart from the section, be less than $10, no land tax is payable. This clause amends section 11 by changing the relevant amount to $20.

Part 4—Amendment of *Pay-roll Tax Act 1971*

25—Amendment of section 9 —Imposition of pay-roll tax on taxable wages

This clause amends section 9 of the *Pay-roll Tax Act 1971* by removing references to rates of pay-roll tax that no longer apply.

26—Amendment of section 11A—Deduction from taxable wages

This clause amends section 11A of the *Pay-roll Tax Act 1971* by removing references to prescribed amounts in respect of taxable wages that no longer apply.

27—Amendment of section 12—Exemptions

Clause 27 amends outdated references and removes some obsolete provisions.

28—Amendment of section 13A—Meaning of prescribed amount

The definition of *financial year* in section 13A is replaced so as to remove redundant historical information. Other redundant provisions are also deleted by this clause.

29—Amendment of section 18K—Interpretation

This clause substitutes a new definition of *financial year* so as to remove redundant historical information. Other provisions that no longer have any application are also removed by this clause.

Part 5—Amendment of *Stamp Duties Act 1923*

30—Amendment of section 2—Interpretation

This clause deletes a number of redundant definitions and amends other definitions to remove redundant references. The definition of *adhesive stamp* is to be removed by this clause.

31—Amendment of section 6—Denotation of duty

This clause removes a provision that refers to the denotation of duty by an adhesive stamp and is therefore no longer required.

32—Amendment of section 11—Appropriate stamp to be used

This clause removes a provision that relates to the denotation of duty by an adhesive stamp and is therefore no longer required.

33—Repeal of section 12

Section 12 deals only with adhesive stamps and is therefore repealed by this section.

34—Amendment of section 20—Time for payment of duty and stamping

Section 20(5) of the *Stamp Duties Act 1923* is recast so as to remove a redundant paragraph.

35—Repeal of section 29

Section 29, which provides that duty on an agreement not under seal may be denoted by an adhesive stamp, is repealed by this clause.

36—Amendment of section 60B—Refund of duty where transaction is rescinded or annulled

This clause removes a redundant provision from section 60B of the *Stamp Duties Act 1923*.

37—Amendment of section 71—Instruments chargeable as conveyances

This clause removes a reference in section 71 to section 90D because that section is to be repealed by clause 39.

38—Repeal of section 81A

Section 81A is another section that is relevant solely in relation to adhesive stamps and is therefore repealed by this clause.

39—Substitution of Part 3A

This clause repeals Part 3A, which consists of special provisions relating to financial products, and substitutes a new Part that retains only those sections of the existing Part that continue to be relevant.

Part 3A—Special provisions relating to financial products

83—Interpretation

New section 83 is based on current section 90A, with all redundant definitions having been removed.

84—Share buy-back

New section 84 is in the same terms as current section 90AB.

85—Exempt transactions

Section 85 provides that no duty is payable under the Act in relation to an exempt transaction. *Exempt transaction* is defined in section 83 to mean a conveyance (including a sale or purchase) of a quoted financial product made after 30 June 2001.

86—Financial products liable to duty

This section is in the same terms as current sections 90T and 90U.

Section 86 applies to a conveyance or conveyance on sale of a financial product only where—

the financial product is—

- a financial product of a company that, under the *Corporations Act 2001* of the Commonwealth, is taken to be registered in South Australia; or
- a financial product of a foreign company; or
- a unit of a unit trust scheme; and
- the conveyance is not an exempt transaction.

Section 86 provides that a conveyance or conveyance on sale of a financial product to which the section applies is only liable to duty if the financial product is—

- a financial product of a relevant company; or
- a unit of a unit trust scheme the principal register of which is situated in South Australia; or
- a unit of a unit trust scheme in relation to which no register exists in Australia and—
- having as the manager of the scheme a relevant company or a natural person principally resident in South Australia; or
- not having a manager but with a trustee that is a relevant company or a natural person principally resident in South Australia.

87—Proclaimed countries

Section 86 operates subject to this section. Under section 87, no duty is payable in respect of a conveyance or conveyance on sale of a financial product that is registered on a register kept within a proclaimed country. The section further provides that the Governor may, by proclamation, declare any country to be a proclaimed country.

Section 87 does not operate to exempt a transaction from duty under Part 4 of the Act (Land Rich Entities).

88—Transfer of financial products not to be registered unless duly stamped

This section is in substantially the same terms as current section 106A (to be repealed by clause 41), though certain changes have been made to take into account amendments made as part of this measure.

The section provides that a transfer of a financial product to which section 86 applies must not be registered by the corporation, company or society by which the financial product was issued—

- unless a proper instrument of transfer has been delivered to the corporation, company or society in which, in the case of a transfer by way of sale, the consideration for the financial product is expressed in terms of money and the actual date of sale and the date or dates of execution by the transferor and transferee are set out; and
- unless the instrument is duly stamped under this Act or is taken to have been duly stamped.

If financial products are transferred pursuant to a takeover scheme, the Commissioner may, on payment of the duty payable in respect of the instruments of transfer, denote payment of the duty on a statement in the approved form. If payment of duty is denoted on a statement, each instrument of transfer to which the statement relates will be taken to have been duly stamped.

After a transfer of a financial product has been registered by the corporation, company or society in this State, the instrument of transfer must be retained in this State by the corporation, company or society for a period of not less than five years.

If a corporation, company or society contravenes or fails to comply with a provision of the section, the corporation, company or society is guilty of an offence and liable to a maximum penalty of $10 000.

40—Amendment of section 106—Spoiled or unused stamps

This clause amends section 106 by inserting definitions of *stamp* and *stamped*. These definitions are necessary to make it clear that those terms when used in section 106 refer to unused adhesive stamps issued before the commencement of this measure.

41—Repeal of section 106A

Section 106A is repealed. New section 88, to be included in Part 3A (inserted by clause 39), is in substantially the same terms as section 106A.

42—Repeal of section 109

Section 109 prescribes a penalty for offences relating to misuse of adhesive stamps. The section also imposes a penalty in respect of fraudulent acts committed with the intention of evading duty payable under the Act.

The section is redundant because the offences relating to adhesive stamps are no longer required and it is an offence under section 59 of the *Taxation Administration Act 1996* for a person to evade or attempt to evade tax by a deliberate act or omission.

43—Amendment of section 112—Regulations

This clause revises and updates the regulation making power of the Act. Subsection (3), which requires regulations under the Act to be laid before Parliament immediately or within 30 sitting days, is removed so that section 10 of the *Subordinate Legislation Act 1978* applies. That section requires that regulations be laid before each House of Parliament within six sitting days.

44—Amendment of Schedule 2—Stamp duties and exemptions

Schedule 2 of the *Stamp Duties Act 1923* sets out rates of duty and lists some exemptions from specific types of duty. This clause amends Schedule 2 by removing exemptions that are no longer required and updating obsolete references.

Part 6—Amendment of *Taxation Administration Act 1996*

45—Amendment of section 3—Interpretation

This clause inserts a number of new definitions into the interpretation provision of the *Taxation Administration Act 1996*.

Recognised jurisdiction means the Commonwealth, another State or a Territory. *Corresponding Commissioner* is defined in relation to a recognised jurisdiction in which a corresponding law is in force and means the person responsible for administering the corresponding law or a person holding a position in the administration of that corresponding law which corresponds to the position of the Commissioner of State Taxation. A *corresponding law* is a law of a recognised jurisdiction that—

- corresponds to a taxation law; or
- is declared by the Governor to be a law corresponding to a taxation law.
- 46—Amendment of section 26—Interest rate

This clause amends the definition of *market rate* in section 26 of the Act. The definition currently refers to the rate applicable from time to time under section 214A(8) of the *Income Tax Assessment Act 1936*. As amended, the definition will refer, in relation to interest accruing at any time during a particular financial year, to the average rate of the daily 90-day Bank Accepted Bill Rate prescribed by the Reserve Bank of Australia for the month of May preceding the financial year (rounding up 0.005 to 2 decimal places).

47—Amendment of section 63—Commissioner may perform functions under laws of other jurisdictions

Section 63 as amended by this clause will authorise the Commissioner to perform functions on behalf of a corresponding Commissioner.

48—Amendment of section 66—Delegation by Commissioner

This clause amends section 66 to authorise the Commissioner to delegate any of his or her powers or functions under the *Taxation Administration Act 1996* to a corresponding Commissioner for the purposes of a corresponding law. The section as amended also provides that a corresponding Commissioner may make a further delegation if the instrument of delegation so provides.

49—Repeal of section 69

Section 69 of the *Taxation Administration Act 1996*, which deals with the personal liability of taxation officers, is no longer required and is therefore repealed by this clause. The section is not required because section 74 of the *Public Sector Management Act 1995* provides an immunity from civil liability for public sector employees.

50—Insertion of Part 9 Division 2A

This clause inserts a new Division dealing with investigations under corresponding laws.

Division 2A—Investigations under other laws

76A—Investigations for the purposes of corresponding laws

Section 76A authorised the Commissioner, by agreement with a corresponding Commissioner of a recognised jurisdiction, to—

- authorise the corresponding Commissioner to perform or exercise a function or power under the Division of the Act relating to investigation (Part 9 Division 2) for the purposes of a corresponding law in force in the other jurisdiction; or

- perform or exercise a function or power under that Division on behalf of a corresponding Commissioner for the purposes of a corresponding law in force in the other jurisdiction.

The new section also includes necessary interpretation provisions.

76B—Investigations in other jurisdictions for the purposes of taxation laws

Under new section 76B, the Commissioner may enter into an agreement or arrangement with a corresponding Commissioner to enable the performance or exercise, by or on behalf of the Commissioner, of investigative functions and powers conferred under a corresponding law for the purposes of a taxation law. The Commissioner may also authorise a person who is authorised to perform or exercise a function or power under Part 9 Division 2 to perform or exercise investigative functions or powers conferred on the person by a corresponding law for the purposes of a taxation law.

76C—Instrument of delegation to be produced

This section imposes a requirement on a person exercising a power under the Division under delegation to produce a copy of the instrument of delegation if requested to do so.

51—Insertion of section 76D

This clause amends Part 9 Division 3 of the *Taxation Administration Act 1996* by the insertion of a new interpretation provision. The new section provides that a reference in Division 3 to a *taxation law* will be taken to include a reference to a *corresponding law*. The purpose of the amendment is to ensure that the secrecy provisions apply in relation to corresponding laws in addition to taxation laws.

52—Amendment of section 78—Permitted disclosure in particular circumstances or to particular persons

This clause makes a some consequential amendments to section 78. The clause also updates an incorrect reference.

53—Amendment of section 80—Prohibition of disclosure by other person

The purpose of this amendment is to make it clear that section 80(d) refers to offices or bodies prescribed for the purposes of section 78(d).

Part 7—Repeal of *Taxation (Reciprocal Powers) Act 1989*

54—Repeal of Act

This clause repeals the *Taxation (Reciprocal Powers) Act 1989*.

Debate adjourned on motion of Hon. J.M.A. Lensink.

SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Police, Minister for Mineral Resources Development, Minister for Urban Development and Planning) (00:27): 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.

Concern has arisen about whether the present law is adequate to deal with misconduct made possible by recent advances in technology. We now have mobile telephones that incorporate cameras. We have email, by which the resulting pictures can be circulated quickly to others, and the internet, where they can be displayed for all to see. It is easy to use devices covertly to film people in private situations. Members will recall the discovery a few years ago that a camera had been installed in the women's shower block at Lincoln College. A more recent example was the reported use of mobile telephones at a tennis match in Melbourne to take pictures under the clothing of some women spectators attending the event. Everyone agrees that this sort of conduct is unacceptable and the criminal law must be able to deal with it.

This Bill therefore creates new offences of indecent filming and distributing the resulting pictures. Indecent filming occurs when a person takes moving or still pictures, by any means, of a person who is undressed or engaging in a private act or takes pictures under a person's outer clothing of the person's genital region (sometimes called upskirting). The offence only occurs if the film was taken in circumstances where a reasonable person would expect privacy or, in the case of upskirting, would not expect such pictures to be taken.

There are many circumstances in ordinary life where people are lawfully under surveillance. There are surveillance cameras in busy streets and on public transport, in banks, shops and offices, at petrol pumps and at automatic teller machines. This Bill does not restrict filming of that sort. It is directed specifically at filming people in circumstances where they can reasonably expect privacy. The Bill does not attempt to list these but leaves it to the courts to consider whether, in each case, a reasonable person would expect privacy in the particular circumstances.

The making of the film or picture by itself will be illegal, whether or not anyone ever sees it. Distribution will be separately illegal. That includes, for example, exhibiting a film, sending a picture to another person's mobile phone, emailing the picture or uploading it to the internet. The distribution offence also extends to making an

agreement to distribute the film or pictures, for example, a contract to supply it to someone else. The court on convicting an offender can also order forfeiture of the film or pictures or the equipment used to make them.

There is a defence to the indecent-filming offence if it is established that the subject of the film or picture consented to its being taken. Such consent is a waiver of privacy. Likewise, there is a defence to the distribution offence if the subject consented to the distribution or if the defendant could not reasonably have known that the subject did not consent.

The Bill does not intend to restrict the lawful activities of the police. It is sometimes necessary to keep people or places under surveillance to detect and prosecute crime. The Listening and Surveillance Devices Act 1972 provides for warrants to cover this activity. The Bill provides that a police officer acting lawfully in the course of law-enforcement activities does not commit an indecent-filming offence.

Likewise, the Bill does not seek to prevent the use of licensed private investigators to catch out fraudulent claimants for compensation, where that might involve filming private acts. This is judged necessary because some fraudsters are careful not to be seen in public acting inconsistently with the alleged injury. Such film would be relevant in any resulting legal proceedings.

Subject to these necessary exceptions, therefore, the Bill seeks to protect personal privacy by making illegal the sort of technologically-assisted spying that occurred in the Lincoln College case. It is important that the law keeps pace with technology in this respect.

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 be proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Summary Offences Act 1953

4—Insertion of section 23AA

Proposed new section 23AA creates an offence to engage in indecent filming with a maximum penalty of $10,000 or imprisonment for 2 years. The clause defines indecent filming to mean filming of—

(a) another person in a state of undress in circumstances in which a reasonable person would expect to be afforded privacy; or

(b) another person engaged in a private act in circumstances in which a reasonable person would expect to be afforded privacy; or

(c) another person's private region in circumstances in which a reasonable person would not expect that the person's private region might be filmed.

The clause proposes a defence if the indecent filming occurred with the consent of the person filmed or if the indecent filming was undertaken by a licensed investigation agent within the meaning of the Security and Investigation Agents Act 1995 and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit.

An offence is also committed if a person distributes a moving or still picture obtained by indecent filming. This carries a maximum penalty of $10,000 or imprisonment for 2 years. It is a defence to prove—

(a) that the person filmed consented to the distribution of the moving or still picture; or

(b) that the defendant did not know, and could not reasonably be expected to have known, that the indecent filming was without the person's consent; or

(c) that the indecent filming was undertaken by a licensed investigation agent within the meaning of the Security and Investigation Agents Act 1995 and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit and the distribution of the moving or still picture was for a purpose connected with that claim.

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 00:24 the council adjourned until Thursday 24 July 2008 at 11:00.