LEGISLATIVE COUNCIL

Wednesday 24 September 2008

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

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

Report received.

The Hon. J.M. GAZZOLA: I bring up the third report of the committee.

Report received and read.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. R.P. WORTLEY (14:22): I lay on the table the report of the committee on natural burial grounds.

Report received.

HOMESTART

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:22): I table a copy of a ministerial statement relating to HomeStart made earlier today in another place by my colleague the Treasurer.

PAPERS

The following papers were laid on the table:

By the Minister for Gambling (Hon. C. Zollo)—

Authorised Betting Operations Act 2000—Section 51(1)—Code Alteration ([Name of Licensed Racing Club]) (Responsible Gambling) (No. 1) 2008
Authorised Betting Operations Act 2000—Section 51(1)—Code Alteration (<<Premise Name>>) (Advertising) (No. 1) 2008
Authorised Betting Operations Act 2000—Section 51(1)—Code Alteration (SA TAB) (Advertising) (No. 1) 2008
Authorised Betting Operations Act 2000—Section 51(1)—Code Alteration (SA TAB) (Responsible Gambling) (No. 1) 2008
Casino Act 1997—Section 41C(3)—Code Alteration (Adelaide Casino) (Advertising) (No. 1) 2008
Casino Act 1997—Section 41C(3)—Code Alteration (Adelaide Casino) (Responsible Gambling) (No. 1) 2008
Gaming Machines Act 1992—[Name of Venue] Advertising Code of Practice—as in force on 1 December 2008
Gaming Machines Act 1992—[Name of Venue] Responsible Gambling Code of Practice—as in force on 1 December 2008
Gaming Machines Act 1992—Section 74A(3)—Code Alteration ([Name of Venue]) (Advertising) (No. 1) 2008—Existing Licensees
Gaming Machines Act 1992—Section 74A(3)—Code Alteration ([Name of Venue]) (Advertising) (No. 1) 2008—New Licensees
Gaming Machines Act 1992—Section 74A(3)—Code Alteration ([Name of Venue]) (Responsible Gambling) (No. 1) 2008—Existing Licensees
Gaming Machines Act 1992—Section 74A(3)—Code Alteration ([Name of Venue]) (Responsible Gambling) (No. 1) 2008—New Licensees

By the Minister for Government Enterprises (Hon. G.E. Gago)—

State Lotteries Act 1966—Section 13D(3)—Code Alteration (State Lotteries) (Advertising) (No. 1) 2008.
State Lotteries Act 1966—Section 13D(3)—Code Alteration (State Lotteries) (Responsible Gambling) (No. 1) 2008

QUESTION TIME

OLYMPIC DAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Olympic Dam expansion.

Leave granted.

The Hon. D.W. RIDGWAY: I expect that either today or tomorrow we will have a Dorothy Dixer from the government in relation to the latest announcement from BHP that there is close to another billion tonnes of resource as a result of their drilling. However, my question goes more towards the government's over-spruiking, shall we say, of the particular project. Recently, an announcement was made in America by BHP to the following effect:

'Olympic Dam is a relatively complex ore body, so there remains uncertainty about the size, cost, timing and eventual configuration of the expansion project,' BHP said in the report. 'Ultimately, the expansion project will depend upon board approval of the final investment case and a range of regulatory and governmental approvals.'

The Premier, and the minister opposite, have been continually spruiking since BHP announced the pre-feasibility study for the expansion, and they have talked about the huge increase in jobs and the wonderful benefits to our economy.

Recently, while I was in Whyalla, I discovered that this time last year (August/September) the housing stock on the market was 40 houses at any particular time. But, given that the mining boom has not arrived, as the Premier and minister claimed it would, this year in August/September there were some 400 houses on the market, and taking considerably longer to sell.

In fact, we know (and the Premier said this to the Press Club earlier in the year) that BHP would have to dig for possibly up to four years—in fact, I think it is closer to five years—to remove the overburden before they would reach the ore. My questions are:

1. In light of that, when does the minister expect board approval for the green light for the expansion?

2. Given that it is likely to take four to five years to remove the overburden, when does the government expect the expansion to be completed?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:27): My understanding is that the board of BHP in November this year will decide whether to move from the pre-feasibility to the feasibility study in relation to the Olympic Dam expansion. I think the company has already spent three quarters of a billion dollars in pre-feasibility alone, and some of that has been in the drilling out of the resource.

As the honourable member mentioned, that drilling has increased the reserves at Olympic Dam. I am not sure whether the statement has been made to the Stock Exchange yet, so I will not provide any details in relation to that. I assume it has, but in case it has not I will not add to that, other than to say that any increase in resources at that mine is something which we welcome and which greatly increases the chance of that expansion going ahead. I have answered that in November the board is deciding whether to go from the pre-feasibility stage to the feasibility stage.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: It is in the hands of BHP and not mine. BHP keeps us well informed about what is happening. We have been working closely and literally hundreds of approvals will need to be given in relation to the expansion of the mine. BHP has already spent close to $1 billion, if it has not exceeded that already, in relation to those feasibility works. Decisions have already been made in relation to the township and the increase in the size of that, so more housing can be on the market.

Obviously, the environmental impact statement will be an extremely comprehensive one and will cover not only the mine site but also all the other issues related to it, such as landing equipment that needs to be transported to Roxby Downs, possible rail spurs, desalination plants and water pipelines. It is a massive task that needs to be looked at and it is under way. It is not surprising that the board of BHP Billiton would let the Stock Exchange in the United States know that it is an extremely complex project and will lead to the largest order of trucks in history. We are

talking about the largest mine in history—a huge undertaking—and obviously there are a number of possibilities as to how Olympic Dam—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Those timetables are on the public record. I have told the honourable member that the most immediate decision, which I expect to be in November this year, will be whether the board continues from the pre-feasibility stage. Those timetables are properties of the board, and the board of BHP will make the decision, not the government.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: The reality of what has happened is that the Liberal Party, particularly the leader in another place, Captain Whinge, has now taken over the knocking. His strategy is to knock everything this state has done, because he has been totally and utterly ineffective in coming forward with any positive policy. In 6½ years the Liberals have not come up with any alternative policy of any substance on anything, so they have reverted to the age-old strategy of knocking everything.

Under this government we have had a mineral expansion the likes of which this state has not seen for 100 years or more. It has been delivered, so the opposition has said, 'Let's pretend it away; let's knock it; let's try to convince people through using our mates in the media to get the message across that it is not happening.' That is the tactic. You do not have to be a Rhodes Scholar to work out what they are trying to do: it is simply to knock things that are happening. Oppositions do that; that is what this mob are good at—they are experts at it. They have had 6½ years experience. They are learning fast. They can whinge and knock to an unprecedented level, but the realities are there.

The Australian Bureau of Statistics will tell you what is happening. We had just four mines when this government came to office. There are now 10, with the eleventh about to start, in this state. One of those that was there is Olympic Dam. Olympic Dam will be fantastic for this state. The wealth it will bring to this state is immense and it is one of the largest projects in history. Just a few days ago, we had the opening of the Angas mine at Strathalbyn. Soon we will be having a mineral sands mine—we have had one at Mindarie—the first mineral sands mining in this state for many years. We have Iluka through Jacinth/Ambrosia. As I have said, we have gone from just four mines when this government came to office to having 11 by the end of this year. Obviously, Olympic Dam will be the icing on the cake, but it is not the only development that this state—

The Hon. D.W. Ridgway: When will it happen?

The Hon. P. HOLLOWAY: Go and read BHP's website. It is not the government of South Australia that will determine when it goes ahead but we will facilitate it, and we are facilitating it to the maximum extent. We have a task force working very closely with BHP on the massive number and detail of approvals that need to be gone through. A project of this scale is unprecedented in the state, probably unprecedented in the world, and there are literally hundreds of major decisions that will need to be made in relation to the regulatory approvals and the like in relation to that project, and we are working through that. We move to the next phase in November and then it is up to BHP, but those timetables for each of the projects are well known and they are on track.

DEVELOPMENT SITES

The Hon. J.M.A. LENSINK (14:34): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations questions about developments near dump sites.

Leave granted.

The Hon. J.M.A. LENSINK: Honourable members would no doubt be aware of the Cranbourne Estate development in Melbourne where local residents have been forced to flee their homes due to dangerous methane gas levels affecting people in their homes. There have been calls for the federal government to take over responsibility for landfill sites, including a call from the President of the Municipal Association of Victoria, Mr Dick Gross, who says that a national approach is needed. My questions are:

1. Has the state—

The Hon. T.J. Stephens interjecting:

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

The Hon. J.M.A. LENSINK: —government done an audit of potential sites in South Australia?

2. Is the minister confident in the ability of local government to ensure that such incidents do not take place in South Australia?

3. Has she had any discussions with her federal colleagues about the federal government taking over this responsibility?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:36): I think the honourable member has forgotten that I am no longer minister for the environment because, in fact—

Members interjecting:

The Hon. G.E. GAGO: Yes, they take a little while to catch on but, nevertheless, I will indulge her in terms of helping to bring her up to date. The EPA sets all the standards for landfill and does all the negotiations with local government, private sectors or whoever is involved in the development, maintenance and ongoing development of landfill sites. I am happy to refer those questions to the appropriate minister in another place and bring back a response.

LOCAL GOVERNMENT

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations questions about local government.

Leave granted.

Members interjecting:

The PRESIDENT: Order! Members should take time on the weekend to read standing orders.

The Hon. S.G. WADE: In explanation, the acting ombudsman, Ken MacPherson, today raised serious concerns about the operation of local government in South Australia. Mr MacPherson indicated that there is widespread maladministration in a number of unnamed councils around South Australia, and he raised the prospect of royal commission inquiries into some councils and their activities. In light of the minister's inquiry into the Copper Coast council, which she announced yesterday, and in light of Mr MacPherson's concerns today, does the government support an inquiry into local government in South Australia, or, alternatively an ICAC, or does the government still consider that South Australia, alone in all the states and territories of Australia, is free of mismanagement and corruption?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:38): I thank the honourable member for his question. I am pleased that he has the right minister in this council.

The Hon. D.W. Ridgway: We would be pleased if you gave us the right answer.

The Hon. G.E. GAGO: Sit back; I have lots for you. I have a comprehensive answer for you, so relax and take it easy. I have been advised that the acting ombudsman, Mr Ken MacPherson, appeared before the Economic and Finance Committee this morning. He raised a number of concerns about having to use his royal commission powers to obtain information from councils relevant to his investigations and his complaints about them.

Members interjecting:

The PRESIDENT: The minister does not need assistance from the people behind her.

The Hon. G.E. GAGO: The Ombudsman plays a key role in the investigations and review of the administrative actions of councils and council subsidiaries, with links to the Local Government Act and the role of the minister. As such, the acting ombudsman is empowered to audit councils' administrative practices and procedures. I recently met with Mr MacPherson in his current capacity as acting ombudsman, and we had a preliminary discussion about some of his concerns. We agreed to meet on a regular basis to look at issues of greater accountability for local councils. I have also been having discussions with the LGA, which also raised with me accountability issues.

It is important to remember that local government is a sphere of government in its own right and, as such, it should strive to meet the highest public sector standards of transparency and accountability. Certainly, in my new role as Minister for State/Local Government Relations, I am very keen to assist local government to achieve that wherever I can. In terms of some of the things that have been put in place to address the sorts of issues that the acting ombudsman raised today, the council can be assured that I am currently reviewing the external audit framework for local government, and I am looking at appropriate legislative amendments, taking into consideration the former auditor-general's comment (Mr Ken MacPherson). He has raised these issues a number of times in a number of forums.

I will also consider the accountability framework within which councils operate more broadly. External audit is obviously a key accountability mechanism, but it is clear to me that there are also other mechanisms that need to be better understood and/or improved that will further enhance councils' accountability and transparency to their communities. For example, there are various ways in which the local government administration is subject to external independent review, such as the Ombudsman's powers to deal with complaints and to conduct audits of administrative practices and procedures and the minister's power of investigation under the Local Government Act.

Councils are also required to have their own internal review processes, such as audit committees and internal grievance procedures, to provide an avenue for formal review of decisions by employees of the council and other persons acting on behalf of the council. I am also considering improvements in other provisions such as requirements for the prudential management, public consultation and councils' public consultation policies, procedures for internal review of councils' decisions, and also decisions around council members' access to council information.

These internal and external review processes need to be better understood and communicated so that the community and councils are clearer about them and how they interrelate. As to the issue of an ICAC, a number of provisions are already available, such as the Auditor-General's powers of audit, which are equivalent to commission powers of investigation. I have ministerial powers to investigate and to prescribe certain actions. Of course, there are also the police and the Anti-Corruption Branch of the police, which have powers to investigate serious problem behaviours.

As you can see, a number of safeguards are already in place, and a number of initiatives have already been undertaken to improve the audit, accountability, openness and transparency of local government.

SMALL BUSINESS MONTH

The Hon. R.P. WORTLEY (14:44): My question is to the Minister for Small Business. Will the minister provide some information about the upcoming Small Business Month in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:44): Three years ago, the Small Business Development Council recommended that the state government launch a Small Business Week to promote and encourage the development of small business in South Australia. The state government embraced this idea, which aligned with some of the objectives of the State Strategic Plan, and allocated $1 million across four years to launch the inaugural Small Business Week. Following the overwhelming response, the government decided to extend Small Business Week into Small Business Month. I am delighted to—

Members interjecting:

The Hon. P. HOLLOWAY: I think that is rather disappointing. Here is an important part of our community—96 per cent of the business in this state are small businesses—and members opposite can only laugh. They are laughing at Small Business Month. What does that say about their attitude to small business? What is more, I see that, as of Friday, the Leader of the Opposition will become the new shadow minister for small business. Heaven help us! Heaven help small business if that is his attitude to small business—that he has so much contempt for it that he has that response.

I am delighted to inform members that Small Business Month will be held again this year in October. South Australian Small Business Month 2008 will optimise the success of events

organised by the Business Enterprise Centre and Regional Development Board networks, industry associations and a number of state and commonwealth government agencies.

Small Business Month 2008 will primarily consist of educational events run by the Department of Trade and Economic Development, through the BEC and RDB networks, industry associations and the private sector. This year's activities will include a two-day small business expo on 27 and 28 October 2008 at the showgrounds. Last year's Small Business Month comprised more than 100 events and activities, organised with the assistance of the BEC and RDB networks.

Organisers of this year's Small Business Month have developed an extensive program using feedback from attendees and participants in last year's event. In February 2008, an online survey was conducted with attendees and organisations that hosted events. These responses have helped organisers understand the needs of both the delegates and key event hosts, as well as pinpoint perceived successes, shortfalls, motivations and barriers to attendance.

DTED and its supporters have used this information to identify opportunities for improvements in Small Business Month in 2008. This morning, I was delighted to launch Small Business Month at a breakfast held across the road at the Stamford Plaza. I also used this opportunity to announce that the state government, with the input of the Business Development Council, will spend the next 12 months framing a small business statement.

This government is committed to listening to small business. This year's theme of Small Business Month is 'small business talks', and we want to hear what it has to say. To help us become better listeners, the Business Development Council will oversee the development of this important policy document.

The key objective of the South Australian Small Business Statement is to ensure that this great state has the most supportive business environment in the country for small business to grow and prosper.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The statement will be developed during the next 12 months so that it will be ready in time for Small Business Month 2009. This document will build on the initiatives that I have already taken since becoming the Minister for Small Business. I am happy to inform honourable members that I have asked Philip Sims, chief executive of Robern Menz and president of the South Australian chapter of Family Business Australia, to head the renamed Business Development Council. I have also appointed Tegan Webb, whose family founded Spring Gully Foods, to the council as its first-ever youth representative.

Ms Webb's appointment to the council ensures that the voice of a new generation of small business entrepreneurs will be heard loud and clear in this state. Just last week, I announced that Mike Norman, whom many people here would remember, has been engaged as a Family Business Development Manager to assist the Department of Trade and Economic Development develop tools and resources to assist family business through its statewide network of Business Enterprise Centres and Regional Development Boards.

These initiatives are a direct response to the Thinker in Residence Dr Deniss Jaffe's report into family business in South Australia. I was pleased to have bedded down these significant government responses in time for this year's Small Business Month. I look forward to a successful month of events that both highlight and encourage the role of small business in driving South Australia's economy. A dedicated website for South Australian Small Business Month has been developed, and organisers are encouraged to register their events online. I encourage small businesses and their supporters to take advantage of this year's Small Business Month. I hope members on this side of the chamber and those opposite will take the opportunity to get out and take part in some of the many activities packed into a busy month-long schedule.

POLICE RESPONSE

The Hon. SANDRA KANCK (14:49): I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Minister for Police, a question about the police response to an assault by a security guard.

Leave granted.

The Hon. SANDRA KANCK: I have been contacted by a constituent who was assaulted and intimidated on the dance floor at the Highway Inn by a group of men unknown to her on the night of Saturday 23 August. She fought back, but a very large and tall security guard who came from behind grabbed her right wrist and pulled it up between her shoulder blades. He made no attempt to determine the circumstances of the conflict; nor did he give her an opportunity to leave voluntarily.

Instead, what he did was force her to leave the premises, all the while maintaining that grip. He was holding her up so high that she was forced to walk on her toes. When she told him that it was hurting her shoulder and asked him to release the grip, his response, in fact, was to yank her hand up higher. She subsequently has been told by a friend who was with her at the hotel that, when the guard came back in, he was smiling and said, 'Why do I always have to be the one to kick the girls out?'

My constituent rang the police to report the assault by the security guard. They came, took a description from her, went inside for a while, came back out and told her to get on her way. She continued to experience shoulder pain all weekend and, as soon as she could, she made an appointment with the local doctor. She has had an ultrasound which has shown that the bursa and tendons in her right shoulder are inflamed.

She was very unhappy with the way the police treated her in such an offhand way, so she also lodged a report with the police, but last week she received a phone call in which they said that the security guard had admitted to restraining her and removing her from the premises, even admitting that he had held her wrist up between her shoulder blades but said that he did not use excessive force. She was also told that security footage from the hotel was too blurred to confirm what happened. When she told the police officer about the inflammation in her shoulder, the police officer replied to her that she could have got the injury some other way.

My constituent is very upset that the security guard was believed and that she was not and that the police have subsequently implied that she is lying about her shoulder injury. She is understandably angry that, at all stages, she has been treated as the transgressor, and no one else has been held accountable.

She points out that she was the person who was originally assaulted and, although she retaliated in self-defence, at all times she was the one most disadvantaged in terms of surprise, numbers and physical strength. My questions are:

1. Why did police officers not take a statement from my constituent outside the venue?

2. What sort of message will this police inaction give about violence towards women to the security guard who assaulted my constituent?

3. Why have police chosen to believe the word of the security guard and not the woman who was injured by him, and did the police actually view the security camera footage themselves?

4. What compensation might my constituent be able to access to pay for the necessary medical bills arising out of the security guard's action, and what other action can my constituent now take to gain some sense of justice?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:53): I thank the honourable member for her question in relation to an alleged assault and the police response.

The Hon. P. Holloway: Alleged police response.

The Hon. CARMEL ZOLLO: And the alleged—

The Hon. Sandra Kanck: You are doing exactly the same thing, believing the—

The Hon. CARMEL ZOLLO: I said 'alleged assault' and 'alleged police response'.

The Hon. P. Holloway: You believe everything. If a constituent comes to you it must be true—everything they said.

The PRESIDENT: Order! The honourable minister is answering the question.

The Hon. CARMEL ZOLLO: Thank you, Mr President. I was saying 'alleged assault' and 'alleged police response' in relation to an incident involving a security guard. I will refer those questions to the Minister for Police in another place and bring back a response for the honourable member.

TRANSPORT DEPARTMENT

The Hon. T.J. STEPHENS (14:54): I seek leave to make a brief explanation before asking the Minister for Small Business, representing the Minister for Transport, a question about staffing within the Department for Transport.

Leave granted.

The Hon. T.J. STEPHENS: Recently, I was contacted by a car dealership manager who needed to transfer the registration on a bus which he had sold. When this individual attempted to transfer ownership he was asked to make an appointment to have a seat inspection at Regency Park, so he could then transfer registration to the new owner. He was told that currently they could not make appointments until mid-October. Upon complaining about that, because he wanted to make the transaction, he was advised that he could take the bus down for a standby appointment, just in case a slot became available.

He did this by sending an employee down to Regency Park in the vehicle the very next morning, and then the entire day was wasted as nothing was available. Upon asking whether it would be advisable to come back the next day, he was told that he could, but there would be no guarantees. He rang up the next morning and was told there was nobody available at all that day. The seat inspection was urgent as the vehicle had already been sold, and the transfer of registration needed to be completed.

This incident occurred a week ago and I believe that it has still not been resolved. Transport staff have advised my office that an inspection could not be carried out, as all inspectors (and, from memory, there were three) were either on leave or unavailable. Members can imagine how frustrating this situation must be for a person who is trying to run a business and, obviously, an individual who has purchased a vehicle. My questions are:

1. Will the minister find out from the Minister for Transport what the staffing situation is at Regency Park and whether it will be addressed?

2. What message does this send to businesses regarding South Australia's claim of being open for business?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:55): I will refer that question to my colleague in another place and bring back a reply.

REPAY SA

The Hon. B.V. FINNIGAN (14:56): Will the Minister for Correctional Services provide some details of the launch of Repay SA?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:56): I thank the honourable member for his important question. Offender Community Service in South Australia now has a new name: Repay SA.

I attended the official launch with the Premier and the Attorney-General at Elizabeth last week. Repay SA sends a distinct message to everyone that offenders undertaking community service orders in our state will address their behaviour and they will pay for their crime by giving something back to the community. Repay SA is restorative justice in action. The government believes this program shows respect for victims of crime and also guarantees that offenders will themselves repay the damage that they have caused.

In the 2007-08 financial year over 1,800 community service orders were commenced, and this equates to in excess of 135,000 hours of community service. This represents an overall approximate dollar value of more than $2 million.

Repay SA is central to the government's newly enhanced and extended graffiti removal program, now known as detag. Detag is an appropriate name for the graffiti removal program, because tagging is a form of graffiti where someone illegally writes (usually with spray paint) their individualised signature on public places. I know we all agree that tagging is a blight on our

community. So, I think it is fair to say that, if someone is caught tagging, they will almost certainly end up spending a good number of hours detagging as part of a Repay SA community service order.

Addressing the problem of graffiti vandalism has been a longstanding commitment of this government. As part of the 2006 election campaign, the Rann government made a pledge to extend the Southern Region Graffiti Removal Program to the north-eastern suburbs, and funding of $543,000 has been provided until 2010-11 for the Repay SA detag program.

An action plan is currently being implemented to manage the program, with Repay SA community service coordinators in place in the southern, western and northern suburbs. I am pleased to inform the chamber that one coordinator and an additional supervisor have been appointed in the southern metropolitan suburbs to organise and supervise the removal of graffiti.

Graffiti will never disappear altogether, but with the new graffiti removal program, detag, we are well equipped to make sure that those who are caught defacing the community will spend a significant amount of time repairing the damage they have done through Repay SA and the detag program.

REPAY SA

The Hon. R.L. BROKENSHIRE (14:59): Sir, I have a supplementary question. Will the minister advise the council how many offenders under Repay SA are in breach of the orders given by the courts to carry out these works, and the cumulative total number of hours they are in breach of regarding the number of hours that were awarded to them by the courts with respect to these programs?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (14:59): I do not have a sum total in front of me right now. Certainly, in South Australia we have the toughest community service program in Australia, with clear guidelines in place for compliance management. Therefore, the level of successful completion is lower than the national average, because orders are more stringently policed: it is as simple as that. It is quite logical. We have one of the best community service programs, particularly with respect to special initiatives for offenders with disabilities and vocational training needs.

The successful completion rate of community service has increased from 58 per cent to 65 per cent, which reflects our strong approach to managing these orders. The reality is that, in most other Australian jurisdictions, each breach is registered as an order completed. We do not do that in South Australia: we send them back. Clearly, we have a very tough regime.

REPAY SA

The Hon. S.G. WADE (15:01): Sir, I also have a supplementary question. Given that the majority of graffiti offenders are juveniles, what is the government doing with respect to restorative justice for juvenile offenders?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:01): I am not the Minister for Youth or the Attorney-General, but I think the honourable member opposite has been asleep since this government came to power. He might have heard about the Social Inclusion Unit or the Breaking the Cycle report and the millions of dollars where, through that social inclusion initiative, programs have been agreed to and are being rolled out in our community. He might also just recently have heard about ensuring that young people stay at school and the many initiatives there and also the many millions of dollars.

I understand that, in the southern suburbs in particular, the government funded a graffiti removal program for youth, initially with two councils, but since that time the two local councils have undertaken to continue with that program on their own.

REPAY SA

The Hon. SANDRA KANCK (15:02): I have a supplementary question, Mr President. Is the minister aware of any South Australians with a disability having been denied the opportunity to perform community service orders?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs)

(15:02): I am not personally aware of that, but I do know that at our Edwardstown office, I think it is, we run a special program. The people engaged in those programs do some very fine work, in particular for charities in the community. I have witnessed some of that work and had the opportunity also to be there and thank them personally. Whether one particular individual has been denied that opportunity, clearly, I am not able to stand up in this place and say so, but we do run programs for people with special needs in this state.

REPAY SA

The Hon. J.S.L. DAWKINS (15:03): Mr President, I have a supplementary question. What criteria were used to select Elizabeth as the site for the launch of Repay SA?

The Hon. CARMEL ZOLLO (Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister Assisting the Minister for Multicultural Affairs) (15:03): Clearly, community service is something which this government has been running on an ongoing basis, but we have also, as I have just said, put over half a million dollars into the new detag program. Clearly, it was something that suited the government officers of the day. I actually attended on that day and also thanked the department of community corrections and those officers involved. They undertake some fine work on behalf of the community. I think we often forget that corrections does not just include our institutions. We also have some really committed and dedicated staff and they, too, work in a very challenging area.

The Hon. J.S.L. Dawkins: I understand that. I asked why it was at Elizabeth rather than somewhere else.

The Hon. CARMEL ZOLLO: Don't you agree with the northern suburbs?

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

The Hon. CARMEL ZOLLO: You don't think they need it, and we do not want to promote something like that?

The PRESIDENT: Order! We are not here to debate.

TRUCK STOPS

The Hon. D.G.E. HOOD (15:04): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Transport, a question about inadequate truck stop infrastructure in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: The Road Transport (Heavy Vehicle Driver Fatigue) Bill recently passed this place on 19 June. The bill was part of a welcome series of measures to improve safety and heavy freight movements across the state, and adopts the nationwide model Heavy Vehicle Driver Fatigue framework, with a focus on managing fatigue via regular rest stops.

The concern within the transport industry that has been passed on to me is that, although truck drivers are required to rest at certain intervals and, indeed, face a fine of up to $1,000 for failing to do so, the number of roadside rest stops required by law to support this requirement simply do not exist—that is, there are not enough of them. In fact, according to SARTA, a strict reading of the legislation would require 22,000 rest areas across the state, whereas only 968 exist, according to its data. Many of these exist on roads rarely used for heavy transport, such as the road from Bordertown to Berri.

While the roadside rest area strategy for South Australia has an allocation of $10 million, with an annual allocation for both the past and current financial years of $2.5 million, SARTA has estimated that it will take (according to this funding level) 400 years to build enough rest stops to comply with the current fatigue laws. My questions to the minister are:

1. Does the government acknowledge that compliance with this new legislation is almost impossible, given the inadequate number of rest stops that currently exist?

2. Will the government commit to building rest stops on the roads that are frequently used by heavy vehicles, including stops approximately one hour out of Adelaide, as are demanded by drivers for checking of their loads and the like?

3. Will the government also commit to capacity upgrades to the existing rest area infrastructure on the Barrier Highway between Oodla Wirra in South Australia and the New South Wales border?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:06): I thank the honourable member for his important questions and will refer them to the Minister for Transport and Infrastructure in another place and bring back a response.

MINING SECTOR

The Hon. C.V. SCHAEFER (15:06): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mining statistics.

Leave granted.

The Hon. D.W. Ridgway interjecting:

The Hon. C.V. SCHAEFER: Indeed, as my leader just said by way of interjection, the minister is often quoting the fact that South Australia is on the cusp of a mining boom. However, statistics provided to me indicate that, in fact, South Australia has just 7,900 people employed in mining, which is just 1 per cent of the state's employment. It has $163.5 million in mining royalties as opposed to $3.6 billion in Queensland and $3.4 billion in Western Australia. Even New South Wales, which makes no great claim to being a mining state, has $920 million in mining royalties. Perhaps the most concerning statistic is that the value of investment committed or under construction into the mining industry in South Australia is just $1.2 billion, as opposed to $52.8 billion in Western Australia, and considerably more in all of the other mining states in Australia. Only Tasmania invests less in mining than does South Australia.

While looking for these statistics I also looked at the PIRSA website and found a quote from the Queensland mining minister, welcoming people to Mining 2008 to be held in Queensland, as follows:

> The Queensland government's support for the mining industry is emphasised through a low tax regime, competitive labour costs, electricity prices amongst the lowest in Australia, partnerships in government and industry research, the establishment of world-class ports and decentralised road and rail networks.

My questions are:

1. Does the minister agree that South Australia is a long way from a mining boom?

2. What infrastructure, such as is provided in Queensland, has the government provided to encourage mining instead of just exploration?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:09): Are we a long way from a mining boom? No, we are not; we are on the verge of it as a result of the actions taken by this government. We have moved from four mines to 10, with at least 30 on the books, and that has come about as a result of a long and detailed program by this government to encourage exploration. If you are going to develop a mine, the first thing you have to do is to look for and discover a resource. The honourable member mentioned Queensland. On the most recent statistics, we are level pegging with Queensland in exploration in this state.

The Hon. C.V. Schaefer interjecting:

The Hon. P. HOLLOWAY: They have been doing it for years, as has New South Wales been digging up coal from the Hunter Valley since before this state was even established. Those states get huge royalties because they have had significant mining operations in their states for many years. We have moved from four to 10, soon to be 11, with another 20, to get up to about 30, in the pipeline.

It is important that the exploration level in this state, if you take mining and petroleum together, is on a par with Queensland. We are still a fair way behind Western Australia, which has 34 per cent, a third of the state, under mining. We have 14 per cent. We have a higher level of the country's share of exploration than our land mass. That means that that exploration will transfer into mining developments, but it will take time.

There is at least a five to 10 year delay from when you discover a resource to when a mine is finally producing. That was the point the Leader of the Opposition asked about in his question on Olympic Dam. It takes many years, particularly when you have to spend four or five years removing the overburden from the mine before you get down to the ore. You do not get royalties until you get to the ore.

To encourage the mining boom, this state has a much more competitive level of mining royalties than does Queensland. Queensland has just significantly boosted its mining royalties, and I do not criticise it for doing that because there have been huge increases in the coking coal that that state exports, and that is why its royalties are at such a high level. Most of it is on the back of coal. What the future of those exports are in the longer term remains to be seen.

In this state we have a royalty regime, which went through this parliament before the last election, involving a rate of 1.5 per cent for the first five years and then it reverts to 3.5 per cent. That 3.5 per cent rate after the first five years of a new mine is very competitive. It is similar to and in about the middle of the royalty levels in other states. The 1.5 per cent for the first five years acknowledges the fact that in this state we have the disadvantage of many of our resources being deep undercover, so there is a long lead time—four to five years in the case of Olympic Dam—from the day you actually start digging dirt before you get down to the ore. You have a huge capital investment in the first few years before you get the ore. We have one of the most competitive regimes in the country through that competitive royalty rate.

Through the PACE program we have seen other states such as Queensland now so worried by the fact that South Australia has been so successful in terms of increasing our share of exploration that they have adopted similar programs to the drilling partnership program we have in this state, as has also the Northern Territory. Indeed, I note that the Nationals in Western Australia put out a press release just before their recent election calling for the adoption of a South Australian-style PACE scheme in Western Australia to lift the level of exploration there. Those states discovered their resources many years ago. They are producing royalties.

But around the world, Australia has slipped to about fifth in the world in regard to mineral exploration. Countries like Canada, which was fifth some years ago, are now first in the world. Our mineral exploration has slipped over the past five to 10 years, and that means that the wealth that we ultimately generate from mineral resources will decline into the future because there is a long lead time. You need a high level of exploration so that five or 10 years down the track you will have these projects coming through.

Obviously, members opposite have some tactic to try to talk down the state's economy and, of course, what better time to do it! At the present time, we are facing what most economic commentators say is the greatest financial challenge since the Great Depression because of what has happened on world financial markets. We have seen in the United States effectively, under a Republican government, the nationalisation of an insurance company, whose turnover is greater than the Australian economy, as well as the loss of a number of banking institutions within the United States. That is going to have an impact on the availability of finance and that, in turn, no doubt, will flow through into the real economy.

We are fortunate in this country that we are better prepared and more isolated than most countries, but it would be naive to think that there will not be some impact that comes through in that respect. Perhaps that is what members opposite are banking on: if they cannot come up with better policies than the government to offer a better alternative to people, they would think, 'Maybe if we knock the good things that are happening, someone might happen to listen to us.' The fact is that much of the growth that we have around Adelaide—the cranes we see on the skyline, for example—is for housing companies involved in the mining industry. A lot of the employment statistics do not tell the full story. Those statistics derive from a very small base, but the reality is that there are so many companies around the place that have been opening offices in South Australia and expanding as a result of the growing mining industry in this state.

The Hon. D.W. Ridgway: What about Mitsubishi? They are closing in South Australia.

The Hon. P. HOLLOWAY: The honourable member said, 'What about Mitsubishi?' Is he really saying that a Liberal government, first, could have saved Mitsubishi or, secondly—

The Hon. D.W. Ridgway: It happened on your watch.

The Hon. P. HOLLOWAY: Yes, it did happen on our watch. Yes, Mitsubishi has gone, but are members opposite saying that the future of this state was going to be building Mitsubishi 380s? Is that what they really think? If that is your policy, go and tell the people, 'We are going to rebuild a car industry in South Australia.' We are trying to work with existing car manufacturers here to ensure that they focus on where the market demand is. We all know where that is. So, the Treasurer is working very hard with the motor vehicle industry to help that industry adjust to making the sort of cars that people want. That is not happening in the US. Our car industry is in a lot better

shape than those industries in the United States which owe tens or hundreds of billions of dollars and they are producing vehicles that nobody wants. That is another story.

In relation to mining statistics, the state has a great future to look forward to. Yes, the royalties we now receive are small because of the royalty regime we have and also the fact that we are very much in the exploration phase, but is it not better to have spend more than $350 million a year in exploration in this state? That money pays the wages of people on the drilling rigs around the state. It pays for the services in the town—their accommodation. It is a very effective way of putting that money through the economy of this state—but that is just the start.

When resources are discovered—and some of the best discoveries have been made in this state in recent years—we can look forward in five or 10 years to future governments getting the benefit from the royalties. For the sake of our children, it is something that I am very pleased that we are able to do. Yes; it is a long-term strategy, but it is one in which this state must engage. Our future is not with the sort of mass produced manufacturing that we had in the 1970s or 1980s. We will not be going back to producing white goods and the sort of manufacturing goods which we produced and which sustained us during the 1970s, 1980s and 1990s. Those days are gone. We need new industries.

This government has been developing through the defence industry and mining, as well as consolidating the industries that we have. Our manufacturing industry still has a future, but it has to be a niche industry and must focus on our natural advantages. The mining industry can bring great wealth to the state, and this government is doing everything it can, notwithstanding the knocking opposite, to ensure that we get the benefits of that industry.

SAFE AT HOME PROGRAM

The Hon. I.K. HUNTER (15:19): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on women's safety initiatives.

Leave granted.

The Hon. I.K. HUNTER: I am very pleased that the government continues to take seriously the issue of women's safety, as evidenced by the Women's Safety Strategy and recent changes to other legislation dealing with assault. Will the minister update the council about the government's programs and ongoing commitment to the safety of women?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:20): I thank the member for his important question. Violence against women still remains a problem in many communities. Women still suffer from relationships which destroy their lives. Violence continues to cause physical and mental anguish in the homes of many women. As Minister for the Status of Women, I am sure all members in this chamber join me in finding this completely unacceptable. I am certainly committed to tackling this issue in South Australia.

As part of the government's Women's Safety Strategy, we are currently undergoing a thorough review of South Australia's domestic violence legislation. This follows our important rape and sexual assault reforms passed on 9 April 2008 emphasising this government's dedication to improving women's safety. The research and consultation phase of the domestic violence legislation we are currently in allows us to review and consider the achievements of our peers interstate, some of whom have made positive inroads into keeping women safer.

As part of our review of legislation, the Safe at Home forum was held at the Stamford Plaza on Monday 18 August 2008. The forum was held to showcase the Safe at Home program, which is the Tasmanian government's response to family violence. Its focus is on providing a highly coordinated and integrated service response to the needs of victims. The Safe at Home program is an outcome of the Tasmanian Family Violence Act 2004. The act represents a two-pronged criminal justice response, both with protection orders and the criminalising of family violence.

The legislation provides police with a considerable extension of their detention without charge powers. A key feature of the Safe at Home model is that it allows families to stay within the home while perpetrators of domestic violence are, in fact, removed. The Safe at Home public session was very successful, with over 160 attendees from a cross-section of women in community services and all key stakeholders in women's safety in South Australia.

The afternoon session was aimed at identifying key people involved in progressing the women's safety agenda in South Australia. This forum provided an important opportunity to identify ways to reform the whole-of-government response to family violence in South Australia. The key outcome of the afternoon session was the convening of a steering committee that will report to me, as chair of the Women's Safety Strategy whole-of-government reference group, to consider future strategies to provide integrated response to domestic violence in South Australia.

This builds on the foundation already provided through the trials of the Family Safety Framework, which are an example of this government's commitment to making fundamental changes to the way in which we deal with the issue of family safety. The Family Safety Framework seeks to ensure that the services to families most at risk of violence are dealt with in a more structured, systemic and systematic way. It achieves this through agencies sharing information about high-risk families and taking responsibility for supporting them to navigate the sometimes very complex and confusing service system.

Trials of the Family Safety Framework have been implemented in three regions across South Australia (the Holden Hill, Noarlunga and Port Augusta policing boundaries), and I look forward to receiving the evaluation report on this strategy. I am also pleased to advise that the budget in June saw a commitment of $868,000 over four years to drive community awareness and promote positive and respectful relationships.

The Women's Safety Strategy community awareness campaign will utilise the South Australian government law reform agenda as a catalyst to achieving attitudinal change across the South Australian community. This government takes very seriously the issue of domestic and family violence in South Australia. Through a thorough review of legislation, an integrated service response and campaigns promoting positive change, we can help reduce the level of violence being inflicted upon women and children in this state once and for all.

SAFE AT HOME PROGRAM

The Hon. A. BRESSINGTON (15:24): As a supplementary question, will the minister indicate whether the government also recognises that 35 per cent of domestic violence is perpetrated by women? What steps are being taken to protect men in such circumstances?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:25): Both sexes are involved—women and men. Certainly my advice is that, unfortunately, significantly more women are victims of domestic violence, and I am pleased to say that our Family Safety Strategy deals with not only women but also men. It deals with all individuals who are at risk of domestic violence and, had the member listened, she would have heard that I talked about victims and those most at risk—and that includes men and women. The same model applies to anyone who is a victim of domestic violence. It is not a strategy that applies only to women.

MATTERS OF INTEREST

FAMILY PLANNING GUIDELINES

The Hon. I.K. HUNTER (15:26): Today, I wish to speak about some changes I think the Australian government needs to make urgently in regard to our international aid efforts. I submit respectfully that the Minister for Foreign Affairs (Hon. Stephen Smith) needs to look at AusAID as a matter of importance. AusAID is an important arm of the Australian government, distributing more than $2.7 billion in official development assistance in 2007-08. AusAID is focused on the Asia Pacific, and some selective projects also run in Africa and the Middle East.

The stated objectives of the program are to reduce poverty in developing countries and to assist countries in achieving sustainable development. Whilst I am very proud that we live in a nation that is so outward looking that it is taken as a given that we help our global neighbours in need of support, there is one aspect of AusAID that needs serious and immediate overhaul.

AusAID's family planning guidelines need to be abolished if our development assistance is to be truly effective and if we are to support the millennium development goals—particularly goal 4 to reduce child mortality and goal 5 to improve maternal health—with any credibility and effect. AusAID's family planning guidelines have provided the framework for the distribution of support to family planning organisations since they were negotiated back in 1996 by the then Howard Liberal government. And negotiated they were, with Senator Brian Harradine, an ultraconservative

Tasmanian who was willing to trade his support for various pieces of legislation for the inclusion of clauses that rendered the family planning guidelines perversely ineffective and which have seen families in the developing world denied access to safe family planning.

Under the AusAID guidelines, no information on abortion can be provided to women in any circumstance, even when their life is in danger. A higher level of scrutiny is required through the reporting guideline on this area of AusAID's work, which means that aid workers are overly cautious in this regard, often denying services that fit within the current guidelines for fear that they will somehow unwittingly step outside of what is permissible.

Women in developing countries are denied full access and full education about family planning by the Australian government: a completely different approach to that which the government takes at home. Indeed, that is, at its very essence, an equity issue. Australian women are able to access contraceptives. Australian women can seek a safe medical abortion. Australian women can take their own decisions about their family planning. Most women in most developed countries can, but most women in developing countries that we are supposed to be helping cannot.

If they wish to control their family planning, under our current guidelines, they must abstain. That is fine in theory but absolutely impractical in reality, particularly in misogynistic cultures where a woman's right to say no to her husband does not exist, where she is subjected to unwanted pregnancies and children, where she has to rely on unpredictable contraceptive methods or try her luck with an abortion that may kill or disable her for life. It is not choice as we know it or expect it.

In our society, it is unacceptable, and it should be unacceptable as Australia's foreign policy, too. Ninety-nine per cent of maternal deaths occur in the developing world. It is not good enough that we can help some of these women through providing better access to family planning support but, for fear of offending a vocal minority who are opposed to contraceptives and abortion, we do not. And make no mistake: it is a minority. Marie Stopes International reports that 85 per cent of Australians support a woman's right to choose in family planning matters.

The Parliamentary Group on Population and Development, which is an all-party group of which I am proudly a member, works towards raising awareness amongst Australian parliamentarians about international population and development issues. The group has called for the removal of the guidelines on the basis that we could be helping families and we could be saving lives. No matter what your personal view of birth control may be, the reality is that there are currently more than 300 million couples worldwide who would like to access contraception but cannot.

The lack of provision for safe abortion does not stop women from seeking abortions—it just means that they are more likely to die in the process. Tragically, one woman dies from an unsafe abortion somewhere in the world every eight minutes, according to Médicins Sans Frontières, and one woman dies every minute in childbirth or from pregnancy-related complications. Another 5 million are diseased or permanently disabled after seeking an unsafe abortion. In Asia alone, it is estimated that 10 million unsafe abortions are performed every year.

The Parliamentary Group on Population and Development estimates that worldwide access to abortion and contraception would reduce maternal deaths by 35 per cent. We like to think that things are getting better as we become more aware of the needs of our global neighbours, but, in 2006, less than 10 per cent of the global funding needs for family planning were met, as compared to nearly 60 per cent just over a decade ago. The Australian government needs to urgently revise Australia's policy in respect of AusAID and family planning guidelines.

STATE GOVERNMENT

The Hon. R.I. LUCAS (15:31): I rise to speak about the arrogance of the Rann government and its reliance on spin rather than substance. As all members will be aware, we see this every day of the week, not just on big issues but sometimes on small issues as well. We saw the spin in relation to the prorogation of parliament this year. The government spun the yarn to the media that this would give the government an opportunity, 18 months out from the next election, to start afresh, start anew, and to promote a bold new vision for the state.

Of course, when that particular vision, as outlined in the Governor's speech was, I think, to put it mildly, wholly underwhelming—no new vision at all outlined—the government spin doctors were out saying that the government had decided not to put all of its good stuff in the speech—it will release policies, programs and projects over the 18 months leading into the election.

However, on the small issues the Premier cannot help himself either, even with something as enjoyable as the City to Bay Fun Run on the weekend. The Premier, to his credit (along with other politicians on both sides), participated and assisted in raising funds for worthy causes. Nevertheless, he was out there spin doctoring with a photograph on Sunday and Monday, spinning the line that he had probably achieved his personal best walking time in the City-Bay this year, promoting an image of having trained hard and done well. I think the heading in the newspaper was 'Pasta the secret to Mike walking faster,' with his claim that he may have posted his personal best—coming straight after the Olympics.

I hate to disabuse the readers and listeners with regard to that spin from Mr Rann but, without going through all of his times, that particular statement is wholly untrue. Indeed, his time this year was 30 seconds slower than his time just three years ago. As I said, the Premier cannot just enjoy the City to Bay Fun Run without trying to spin a yarn that, following on from his heroes in the Olympics, he achieved his personal best when, in fact, just a simple check of the public records indicates that it was a full 30 seconds slower than just three years ago.

This, of course, comes this week within the context of stunning revelations that Mr Rann and this government are spending about $19 million a year, at least, on spin doctoring within government departments and agencies. It has taken some three or four months, under FOI, to try to get this information because Mr Rann is desperate not to see it released. It is a minimum estimate that there are some 140 people working full-time on spin doctoring media and communications functions within government departments and agencies.

That is an underestimate because some agencies did not provide estimates of the actual cost of the advertising programs and functions that they were implementing on behalf of their departments; some other agencies did, as they had been requested under freedom of information. That is at least, as I said, $19 million a year. The number of spin doctors and other ministerial staff within the 15 ministerial offices have jumped since the Liberal government was in office. There were some 191 staff in early 2002 and we now see, again under FOI, it is up to 294—an increase of 103 ministerial staff and spin doctors within ministers' offices. When you look at the total costs and increased staff, that is an extra cost of about $40 million over four years. The spin doctors within agencies are costing almost $80 million a year, together with the costs of implementing their particular functions.

That is the problem with this government: its arrogance and the fact that it prefers to spend money on spin doctors in ministerial offices and departments rather than on the real needs of doctors, nurses, teachers and helping families with children with disabilities.

DRYLAND SALINITY MANAGEMENT

The Hon. J.M. GAZZOLA (15:36): Mr President, being a man from the land you would understand the plight of many farmers as they battle with the problem of soil salinity brought about by a range of factors including past and present agricultural practices. The extent of the problem in Australia is alarming. In South Australia there are affected areas on both peninsulas, as well as on Kangaroo Island and in the Mid North, the Upper South-East and the Mount Lofty Ranges. Dryland salinity, according to publications by *Land and Water Australia*, is one of the major risks to agriculture and the natural environment, with 41 per cent of the nation's woolgrowers indicating that they have land affected by dryland salinity. Needless to say, considerable effort, research and money has been and is being invested by state and federal research groups, departments, regional farming groups and individual farmers to address this problem.

In South Australia, under the auspices and funding of the Department of Water, Land and Biodiversity Conservation, the SA Producer Network Committee was chosen to head the Sustainable Grazing on Saline Lands Producer Network (known in short as the SGSL), the committee having both regional representation and experience in saline farming. In total, in 2003-04, 14 research sites were approved for South Australia with a trial period of two years. The host farmers were, in the main, enthusiastic about their involvement, with positive results to be included in their future farm practices. The report concluded that the SGSL program was most successful and needed to be continued.

It is to the individual efforts of one member of the SAPN Committee and his partner that I wish to draw the council's attention in regard to natural resource management. Committee member Wolford Parsons and his partner Marie (Port Vincent locals, I might add) were recently awarded the prestigious national McKell Medal for excellence in natural resource management for their work in combating dryland salinity on their property, The Springs, just outside Port Vincent. Before I

comment on their wonderful efforts, I wish to say a few words on the origins and importance of the McKell Medal.

Sir William McKell was the Labor Premier of New South Wales from 1941 to 1947, Governor-General of Australia from 1947 to 1953 and founder of the Kosciusko National Park and the name, obviously, behind the medal, as a permanent reminder of his commitment to soil and water conservation. His passion for and achievements in soil and water conservation set the practical, ethical and political benchmarks for action.

To return to a sketch of the current McKell Medal winners' efforts, their story begins in 1967 with the building of their house in a 120-acre treeless paddock; a property so badly degraded at the time that they considered leaving. Increasing salinity saw them undertake the planting of trees and shrubs and the better management of stock through extensive fencing. A rapid increase in salinity in the early 1970s saw a total whole of farm dedication to landcare and sustainable farming practice, eventually resulting in the establishment of 300,000 trees and shrubs in coordination with stock control through 45 kilometres of fencing.

What started in 1967 is now a model for other farmers and of continuing research and trials, as well as being of high importance and interest to agronomy students from the University of Adelaide. The award recognises the efforts by the Parsons to turn the tide against salinity, their creation of biodiversity and sustainable farming practices, their enthusiasm and willingness to be involved in a six-year research program with the university and, finally and most importantly, their willingness to work with schoolchildren in providing a learning package and opportunities to acquire practical knowledge in combating dryland salinity.

Their medal is a fitting reward for their efforts, as recognised in the presentation by the federal Minister for Agriculture, Fisheries and Forestry (Hon. Tony Burke), together with the then state minister for environment and conservation (Hon. Gail Gago) and the Minister for Agriculture, Food and Fisheries (Hon. Rory McEwen). Once again, I congratulate the Parsons, who are worthy winners of the McKell Medal.

Time expired.

GAMBLING

The Hon. R.D. LAWSON (15:41): Today, new responsible gambling codes of practice were tabled in this council, and that prompts me to speak on that subject and, in particular, on the hypocrisy of many who speak on it. I should begin with a declaration of interest. I am only a very occasional customer of the TAB or bookmakers. The first Tuesday in November and the occasional picnic race meeting are the only times that I contribute to their coffers. I am an even less frequent user of gaming machines, although I do have fond memories as a student of spending enjoyable nights at the Wentworth Workers Club playing the pokies.

I should also declare that I come to this issue with a philosophical inclination which allows that adults should be free to spend their own funds on whatever legal activities they choose, even if those activities are not deemed, by those who think better, to be in their best interests. I do not believe that people who are engaged in activities thought of as undesirable ought be labelled as dimwits or pariahs. In other words, I believe in the right of individuals to make their own choices.

A recent article in the Institute of Public Affairs *Review* has reminded me of a number of important points. The article, written by Richard Allsop, points out that the opponents of gambling, and in particular gaming machines, come from both sides of the political divide, from ultra-conservatives on the one hand to trendy lefties on the other hand.

The Productivity Commission in 1993 indicated that 38.6 per cent of the population had played poker or gaming machines in the previous year. This is more than one-third of the community. The view of many seems to be that this one-third of our population that plays poker machines are, in Allsop's words:

> ...self-evidently stupid and need to be saved from themselves. Their views are never heard in a public debate that has concluded that the negative impacts of poker machines for problem gamblers far outweigh the advantages gained by those who enjoy them, or gain employment from them.

Allsop also points out:

> Denying citizens the right to gamble is a time-honoured action of illiberal governments.

It was the first step the Chinese Communist Party took when it seized power in 1949. Hitler, in 1938, had an opportunity to close down the gaming machines. Mussolini banned gaming houses in 1923, as did Castro when he seized power in Cuba in 1959. The article states:

> Indeed, for Castro, banning gambling was as much a priority as expropriating private property.

It is pointed out that this seems to be a class-based phenomenon and that English legislation over the centuries seeking to ban gambling has been aimed mainly at working class people and is not interested in preventing the toffs enjoying a flutter. Allsop says:

> ...for both conservatives and communists, providing the working class with something readily available to the upper class was a sign of immorality.

Allsop also points out that only 2.1 per cent of the population are problem gamblers. That means that 97.9 per cent are not problem gamblers, yet so much effort seems to be addressed at saving the problem gamblers. He points to the over-exaggerations that appear in much of the propaganda against gaming machines. It is said that bankruptcies are caused by poker machines, but there were 16,000 personal bankruptcies last year and only 480 were gambling related. Many more were attributed to a relationship problem, disputes over housework, influence of in-laws, and the like—matters which are never emphasised by critics of gambling.

We ought to keep things in balance. We ought to bear in mind that measures which address 2.1 per cent are fair, but acknowledge the fact that 97.9 per cent gain some enjoyment from this activity, which contributes significantly to our economy.

MURRAY RIVER

The Hon. M. PARNELL (15:46): I wish to speak to members today about the urgent plight of the River Murray, the Lower Lakes and the Coorong and to urge us all not to be complacent about recent events that might lead people to think that the situation is in hand. As all members would be aware, the plight of the Lower Lakes and the Coorong is never far from the front page of our newspapers or far from the lead story in radio and television bulletins.

The cycle over the past month or so has been one of hopes raised when water appears to be available, only to find them dashed again when a new study finds that the water is not available. Then hopes will be raised again and dashed again. These hopes are the hopes of our farming communities and of conservationists, who are seeking environmental water to keep alive our plant and animal species that depend on fresh water in the River Murray, its tributaries and its lakes. Probably the best description of the situation is that the action that has been taken so far is generally regarded as too little and too late. Despite many saying it is too late, others hold out hope that we can recover the situation, but only if urgent action is taken.

A recent submission to the Senate by the Wentworth Group of Concerned Scientists commences with the following words:

> There is an unfolding environmental disaster and human tragedy in the Murray-Darling Basin, mirrored in the Coorong and Lower Lakes. In the basin and across much of southern and eastern Australia dry conditions have persisted for a decade. Salinity levels in the southern Coorong now exceed the maximum levels tolerated by the plants and animals that underpin the international status of these wetlands and acid sulphate soils lie ready to be exposed and release acid into the water if lake levels continue to fall.

Another commentator, Stephen Beare, a consultant to the Murray Darling Commission, only a month or two ago, again referring to the international status of these wetlands, stated:

> A RAMSAR site has never been delisted. Australia stands a good chance to be the first country to have to admit that it has not been able to live up to its international obligations to protect a listed area. This is unlikely to escape the attention of our trading partners for whom it will provide an opportunity to criticise the credentials of our agricultural exports. Scientists argue that the window of opportunity is less than six months, but the cost of immediate action is high. Winter and spring flows in the order of 400 gigalitres of freshwater would be needed this year to return the lakes to sea level.

There is no shortage of other prominent Australians saying that urgent action is needed. On Sunday in Adelaide, in Victoria Square, members have an opportunity to show the public where they stand on urgent action for the River Murray. Midday in Victoria Square, Sunday 28 September, the day after the grand final, five speakers will be presenting their views on what is needed and calling on governments to take urgent action. These are not all Greens members; in fact, only one is.

Whilst the Greens have been prominent in helping to organise the rally, we have actually invited people who have run against us in elections because it needs to be a multi-party response.

As well as Senator Sarah Hanson-Young, the youngest person ever elected to the Senate, there will be the Hon. Nick Xenophon, well known to members here, who has been championing the cause of River Murray irrigators, and Mr Matt Rigney, the Chairperson of the Murray Lower Darling Rivers Indigenous Nations. It is easy for us to forget that indigenous peoples have a real stake, and not just the Ngarrindjeri people of South Australia but also other first nations as well.

We will also see Dr David Paton, one of the most eloquent speakers on the state of the Coorong and the Lower Lakes, and even Professor Di Bell, who ran against the Greens in the election and managed to get 16 per cent of the vote. I urge all members to turn up on Sunday and not be complacent just because we have bills before us dealing with the long term.

Time expired.

ROSEWORTHY CAMPUS

The Hon. C.V. SCHAEFER (15:52): I have just found an article from the Adelaide University announcing the celebration of 125 years of the existence of the Roseworthy campus in South Australia. The celebrations begin on Saturday 18 October with a commemorative service in St Peter's Cathedral, followed by a graduation re-enactment, and the Award of Merit and humanitarian awards which I think have been part of Roseworthy for many of those 125 years.

I acknowledge the great work that has been carried out by Roseworthy Agricultural College, as it was formerly known, throughout the agricultural history of South Australia. The Roseworthy campus, as it is now, as I understand it, was established as a result of a bequest many years ago, and it has become famous throughout Australia for its graduates over a long period of time.

Sadly, the oenology section of Roseworthy was disbanded some years ago, but many of Australia's most notable winemakers were graduates of Roseworthy. South Australia still enjoys a very good reputation for winemakers, but I think that the fellowship and camaraderie by being residential students during the days when the oenology course was run completely from Roseworthy can no longer be repeated. There is a great fellowship amongst those who were students at Roseworthy during that time.

The focus on Roseworthy in latter years has shifted, I think since it was subsumed into a campus for the Adelaide University, as one would expect from any institution that has continued for 125 years. As the now campus director, Professor Phil Hynd states:

> Over its 125-year history, Roseworthy has developed an international reputation for excellence in research and teaching in dryland agriculture, natural resources management, winemaking and animal production.

The vision now for the 21st century is to combine internal expertise and external resources to make the campus a hub for information transfer, commercialisation, education and research to service the agricultural industries for the next 125 years. Currently five cooperative research centres, funded by the federal government, are based at Roseworthy: pork, poultry, sheep, beef and bioremediation. Roseworthy is a participant in overseas development aid programs in India, China and Tibet.

It has always concerned me that, since Roseworthy has become much more of a research centre, we have lost what I always thought was a very practical course, which was a graduate diploma in agricultural management. Many farm boys who were to go home to manage farms graduated from that course, which was a two-year full-time residential course, and many of them then went on to complete degrees. That line of education, if you like, has been lost to South Australia and, indeed, has diminished across Australia over the past 10 to 15 years. I think that is a great shame since farming now is a much more commercial enterprise than ever before. I wish Roseworthy my congratulations and best wishes for its 125-year celebrations.

GRANDPARENTS FOR GRANDCHILDREN INCORPORATED

The Hon. J.A. DARLEY (15:56): Today I wish to speak about an organisation called Grandparents for Grandchildren Incorporated. I rise today to speak about the organisation and to pay tribute to its members and those whom they represent. The group was formed in 2004 when a small number of concerned grandparents wanted to lobby for better services and access to financial support for grandparents who were caring for their grandchildren. Since then, it has become an incorporated association with own office, staffed by dedicated volunteers, in Victoria Square. It has helped hundreds of South Australian grandparents, and it has been a very strong advocate for better rights and access to services.

Most recently, the association held a very successful forum entitled 'Bridging the gaps through successful partnerships: working towards a better understanding in order to create clearer pathways'. About 70 people attended at old Parliament House. Speakers included representatives from Centrelink, the family and youth courts, and Families SA. They spoke about how grandparents can be represented and how they can seek the help they need from organisations, and how these organisations can work together with grandparents to make sure that children have the best possible care.

It is estimated that more than 35,000 children in Australia are being cared for by grandparents, and 80 per cent of these do so without receiving any financial support. Some of the changes sought by grandparents include receiving the same financial support and having the same legal standing as foster parents, better representation in the family court, the ability to receive legal aid funding, and being able to easily access information and assistance from state and commonwealth organisations.

There was a very powerful story on *A Current Affair* on Friday 12 September this year, entitled 'Grandparents: carers'. The story can still be heard online for those who are interested. It followed the story of two sets of grandparents who are struggling to make ends meet in caring for their grandchildren. One grandmother outlined her struggle to support herself, her husband and two grandchildren on the pension, and she said that she would sometimes go without food as she would always make sure that the children had food and were clothed before attending to her own needs.

The irony is that, if these children were placed in foster care, that carer would receive an allowance. These grandparents would not hear of allowing their grandchildren to be cared for by a foster carer. They would just like to be recognised by the government and receive some help for what they do. In talking to grandparents, a phrase I hear time and again is, 'We are not seeking changes just for ourselves. It is really all about the children and how we can best protect and care for them.' They just want to ensure that, where possible, children can stay within the family unit with someone who has a close link with their parents and, in some cases, even continue to live in the family home.

State and federal governments need to be reminded of the very real financial and emotional pressure on grandparents who are doing it tough, and take urgent action to assist them for the sake of the children for whom they care.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:59): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:59): I move:

That this bill be now read a second time.

As members will recall, late last year I announced that I would introduce a bill in February to allow for a two-day ban on smoking in the city.

The Hon. B.V. Finnigan: It has taken you 12 months to get around to it.

The Hon. D.W. RIDGWAY: The Hon. Bernard Finnigan laughs and interjects that it has taken me 12 months to get around to it. In fact, I consulted widely and introduced the bill, but it lapsed when the parliament was prorogued. I am now bringing back a bill that I think reflects the—

The ACTING PRESIDENT (Hon. I.K. Hunter): Order! The Leader of the Opposition knows well enough not to respond to interjections.

The Hon. D.W. RIDGWAY: I thank you for your guidance, Mr Acting President. I consulted widely, and I think that the bill I will discuss today reflects much more accurately the community's concerns and wishes in relation to smoking in public places. I will go into a more detailed explanation but, broadly speaking, this bill allows councils to declare as smoke free any particular area in its council district, whether it be a beach, a children's playground, the city mall, or anywhere that people might not want cigarettes to be smoked.

The Hon. B.V. Finnigan: In the mall?

The Hon. D.W. RIDGWAY: Again, I should not respond to interjections, but the Hon. Bernard Finnigan talks about the mall. In fact, councillor Anne Moran (a smoker herself) recently said that smoking should be banned in the mall.

I introduced this bill earlier in the year, and it stimulated a significant amount of debate. In fact, I think at this point, in relation to this bill, I am the only member (other than perhaps the Premier) of any political persuasion who has had coverage on national breakfast television.

I consulted with the Australian Medical Association, the LGA, a number of councils (including the Adelaide City Council), the East End Corporation, the Cancer Council, the Heart Foundation and ASH Australia. As I mentioned earlier, in June this year, Councillor Anne Moran proposed that smoking be banned over the complete length of the mall and, possibly, its side streets.

In April this year, the council voted to create a subsidiary to manage the mall, handing it a budget of $2.7 million to do so. The Chief Executive (Stuart Moseley) said that the board could recommend a ban but that the final decision would rest with the state government. I am not prepared to wait for a recommendation to be made or for the state government to make a decision. As we know, it has been very slow to make decisions or, in fact, to do anything of any real substance in any area.

The City of Port Adelaide Enfield has been lobbying the LGA in its bid to outlaw smoking in public places. In fact, as a child, its mayor (Gary Johanson) sustained a nasty burn as a result of a cigarette butt on the beach when he was playing with his family. The council has been investigating a state-first ban on smoking on beaches, in bus shelters and on other council land, such as parks and reserves, much of which has already been done in New South Wales. The general consensus of councils is that they may be prepared to do more if parliament gives them the mechanism to do so.

As I have said, this bill replaces the bill that lapsed when parliament was prorogued. By prohibiting smoking in specified public places, it affords councils the power to make by-laws and, in turn, gives them the power to enforce such by-laws. It imposes an expiation fee of $20 and a maximum fine of $200. For some time, we have had a fine of $315 for littering, but it has never been clear whether that offence encapsulates the disposal of a cigarette butt. However, it seems inappropriate for a minor littering offence to attract such a fine. Initially, I included littering in the bill, but the opposition has a private member's bill in another place that deals with littering. This bill relates to just the smoking of a cigarette.

Throughout my consultation it was discussed that the $315 fine seemed quite excessive, and I have arrived at the decision, in line with the discussions with the Lord Mayor Michael Harbison, that a fee somewhat akin to a simple parking fine is an appropriate fine or expiation fee. That is why I have chosen the figure of $20. I think this also now gives councils a little bit more confidence in both introducing the by-laws and enforcing them if they know that they have the support of the state parliament.

In my second reading explanation on the initial bill, I discussed the argument that smoking legislation should be made from the production rather than the consumption end, but I do not believe in the removal of one's right to smoke. Smokers should have the right to smoke a legally-available product, but not where it affects others. Everybody has the right to clean air and tidy public places. Opponents who say that smokers should be able to use a legally-available product everywhere should be reminded that outdoor smoke, especially in crowded outdoor areas such as the CBD, can cause as much harm as indoors, especially when smokers congregate on street corners, at building entrances or in outdoor seating areas.

On 1 November 2007, the government's new laws on indoor smoking came into effect. As a result, city streets are now littered with cigarette butts as smokers leave premises to smoke on our streets. The Adelaide council mentioned that in its experience the banning of smoking in pubs and clubs has not worsened our overall litter problem but amounted to a greater concentration of both smokers and litter. Notwithstanding the potential harm to health, tobacco smoke pollutes our clean air. Vehicles, of course, also pollute our air, but that is why there are strict emission controls on all motor vehicles in this state.

One modification to my initial bill that stakeholders suggested was that smokers be directed to a limited number of what we would call temporary designated outdoor smoking areas, spaces marked out and signposted and provided with butt-bins in order to contain and restrict the poisons and the smell of smoke as well as contain the butts that are often left lying on the street. Under this bill, councils would have the power to make by-laws banning smoking in any areas under their jurisdiction.

The bill indicates that any areas which are identified under the Liquor Licensing Act and which are likely to be the outdoor areas of a hotel that is on a footpath—it is still technically council land, but it is used by the hotel—would be exempt from this ban. Councils may choose to designate areas near main thoroughfares and allow smoking in areas that are well distanced from the openings of buildings and, as much as possible, out of sight of and away from children. The bill allows councils to identify areas that they see as being under the greatest environmental threat and creating the greatest health harm.

I recognise that most smokers do respect others' rights as much as is practicable. However, passive smoking is still prevalent, regardless of how well smokers abide by current tobacco legislation. Because the general intent of this bill is the same as my initial bill, I remind members of a few points I raised in February. The size and relative insignificance of one littered cigarette butt makes it waste which is inconspicuous litter but which builds up into a huge environmental problem. My arguments are about the health and environmental impacts of inappropriately disposed butts and smoking in close proximity to other members of the public.

I also remind the council of an article which was brought to my attention throughout the consultation with the Australian Medical Association (AMA). The article, which was published in one of its magazines, states:

> South Australia's Strategic Plan includes the preventative health objective of reducing the percentage of young cigarette smokers aged 15-29 by 10 percentage points to 17.9 percent by 2014. This is a modest but commendable target, which doctors support. One would hope that having established this objective, the government would move heaven and earth to meet it. It was therefore disappointing to see the budget report an expected rise in smoking prevalence for this group (estimating 24.6% for 2006-07 against a 2005-06 actual of 23.4%.)

So, we can see that actually more of these young people are smoking rather than fewer. The article continues:

> Just how statistically significant this deterioration is a moot point, but the government's failure to adequately increase funding to QuitSA for advertising and promotional campaigns to target smoking rates surely cannot be assisting the situation. If we have a target, the AMA SA believes the government must get serious about meeting it.

The AMA said that closed circuit television footage has shown youths knocking off the bottoms of butt litter bins in order to scavenge the unused remnants of cigarette butts. Clearly, if smoking is banned in an area and people do not smoke, then the butt bins will not be in those places for young people to access.

I have had some quite significant consultation which has been broadly supportive from the Port Adelaide Enfield Council, the Adelaide City Council and the Campbelltown council. In a number of other parts of Australia, councils have taken this step and banned smoking in certain areas. Bondi Beach, for example, is now smoke-free. Some people have raised questions with me in relation to the legislation, in that it would have a negative impact on South Australia's tourism industry. I can hardly believe that to be the case. If we gave local government this power it would be almost a world first, although there are some small countries in Asia (and one in particular in the Himalayas) that have banned cigarettes and consumption of tobacco products; it is a total prohibition. That would be way too draconian but this would certainly lead the nation in allowing councils to ban it in any particular place they chose.

It would naturally put control back in the hands of local communities because they are the people who are best placed to know whether the park, the playground, the beach or the shopping precinct is being adversely affected by smokers. It would also enhance our tourism and national reputation because we would have a cleaner state and cleaner streets. With those few words, I look forward to the debate and I urge all members to seriously consider supporting this ground-breaking piece of legislation.

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

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

The Hon. J.A. DARLEY (16:13): Obtained leave and introduced a bill for an act to provide for entitlements to progress payments for persons who carry out construction work or who supply related goods and services under construction contracts; and to make a related amendment to the Commercial Arbitration and Industrial Referral Agreements Act 1986. Read a first time.

The Hon. J.A. DARLEY (16:14): I move:

That this bill be now read a second time.

The bill was first introduced into this place by my predecessor, the Hon. Nick Xenophon, on 12 September 2007. I do not wish at this time to restate in full the contribution he made which outlines the history of the affected industry's efforts in lobbying governments for legislation of this type, stretching back over some 20 years, the different legislative regimes that apply in other Australian jurisdictions, as well as the real need for a system to secure payments to subcontractors and builders in a range of building industries.

I do want to put on the record, however, that since coming to this place I have met with the relevant stakeholders in the building and construction industry: representatives from the National Electrical and Communications Association; Air Conditioning and Mechanical Contractors Association; the Association of Wall and Ceiling Industries of South Australia; and the Plumbing Industry Association of South Australia, representing some 12,200 people working in the South Australian construction industry. They have outlined the ongoing hardship and disadvantage experienced by subcontractors who simply do not have the resources to enforce debts in the event of a subcontractor's defaulting on their payments.

The building and construction industry is made up of various consultants, contractors, subcontractors and suppliers, all of whom work together to deliver buildings and infrastructure. This mutual dependence and cooperation make security of payment a critical foundation for the industry. Failure to pay at any link in the contract chain can be crippling to subcontractors and suppliers who are waiting to be paid for their work.

The bill mandates good payment practices within the building and construction industry by applying fair and reasonable payment terms into contracts that are not in writing and providing an effective and rapid adjudication process for payment disputes. The bill establishes a procedure for this which provides for:

- the making of a payment claim by a person claiming payment;
- the provision of a payment schedule by the person making payments to indicate the amount they will pay;
- the referral of any disputed claim to an adjudicator for a determination;
- the payment of the amount of the progress payment determined by an adjudicator; and
- the recovery of the progress payment in the event of failure to pay.

I am aware that, to date, South Australia and Tasmania remain the only Australian jurisdictions without legislation of this type. I would like to ensure that South Australia will not be the winner in the race to be last in implementing security of payment legislation. I urge honourable members to support this bill.

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

STATUTES AMENDMENT (PLAY TRACKING TECHNOLOGY) AMENDMENT BILL

The Hon. J.A. DARLEY (16:20): Obtained leave and introduced a bill for an act to amend the Casino Act 1997 and the Gaming Machines Act 1992. Read a first time.

The Hon. J.A. DARLEY (16:21): I move:

That this bill be now read a second time.

This is the first of a series of bills I will be introducing to address the harm caused by gambling in the community. I said in my maiden speech that I was very concerned about the negative impact of poker machines on the people of this state and that I would reintroduce some of the bills that the Hon. Nick Xenophon had introduced in the previous parliament. I do not want to restate the arguments put forward when this bill was first introduced on 1 August 2007. I will provide a brief update on what has happened since then.

On 23 July 2008, the then gambling minister (Hon. Paul Caica) issued a media release announcing a trial of the use of a card used by poker machine gamblers to limit their spending. The trial was to be conducted at four venues across metropolitan Adelaide. I understand that the trial does not mandate the setting of time and cash limits of a player and also does not provide for the collection of information to be provided to players as to their transactions.

The trialled technology is a much weaker approach to that recommended by the Independent Gambling Authority in its report into smartcard technology in 2005. The Independent

Gambling Authority made its recommendations regarding the feasibility and desirability of introducing player tracking technology over three years ago.

We have clear recommendations and companies that have technology ready to implement, and it is now up to parliament to give effect to those recommendations sooner rather than later in an effort to significantly reduce the incidence of problem gambling in the community. I ask honourable members to support the bill.

Debate adjourned on motion of Hon. I. Hunter.

DISABILITY SERVICES

The Hon. S.G. WADE (16:22): I move:

That this council notes the failure of the government's reorganisation of disability services and policy to improve services for South Australians with a disability.

I move this motion because I want to give voice to people with a disability and those who support them. As I have moved around the state, I have been encountering increasing frustration with the delivery of disability services. People with a disability are not aware of the intricacies of the policy and the bureaucratic changes introduced by this government, but they know when they are going backwards.

Feedback from South Australians with a disability and those who support them has convinced me that government reforms have failed to improve the support available for people with disabilities. Today I will try to calmly state the facts. At the risk of understating, I am determined that what I have to say will not be dismissed as rhetoric.

First, I refer to the case of Edward Carson. Mr Carson is the gentleman who spent 428 days in the Royal Adelaide Hospital. The fact that he was stuck in hospital for such a long time is stark testament to the failure of the state government to deliver effective services to people with a disability. I would like to highlight three aspects of Mr Carson's case.

First, the case highlights the government's failure to provide supported accommodation for people with a disability. I am constantly being contacted by people with a disability in need of accommodation. As Lynn Arnold of Anglicare said:

The inadequate supply of supported accommodation facilities generally forces people to stay in inappropriate and more expensive institutional care options like hospitals, which have poor social and economic outcomes for the people involved, and the community more broadly.

The government needs to realise that it is not paying for appropriate housing, and the lack of appropriate housing is costing a lot more than it would to provide appropriate housing. In Mr Carson's case, given that the average cost of a Royal Adelaide Hospital bed is $1,350 a day, Mr Carson's stay in hospital is likely to have cost more than half a million dollars over that period. On the other hand, disability accommodation for Mr Carson is likely to have cost up to $200 a day. If the government had disability accommodation places available, Mr Carson could have been accommodated for eight years for the amount of money that was spent inappropriately housing him at the Royal Adelaide Hospital. Not only were South Australians needing a hospital bed deprived of a bed but, also, Mr Carson was not receiving the most appropriate services that he needed.

Secondly, the case highlights that government departments are not talking to one another. The disability minister claims that Disability SA has been aware of Mr Carson's case only since July. Whilst she may think it is good enough that Disability SA can find an accommodation place within two months, I do not. There is a clear breakdown in communication when Disability SA was not aware of a case until a year after Mr Carson was admitted. The health department and Disability SA need to work together so that, even before acute care is completed, planning for support on discharge is under way.

Thirdly, Mr Carson's situation shows the lack of respect within this government for people with a disability. Not only should Mr Carson be getting the support he needs but, also, he should be involved in the planning of that support. Yet, last week, Mr Carson told the *Sunday Mail* that the hospital had told him nothing about his future, in spite of the fact that the government was able to tell the *Sunday Mail* that modifications were under way on a building to accommodate him. So much for consulting people with disabilities about the options available to them! As Mr Carson put it, 'I try to be happy, but they don't tell me what's happening with me.' Mr Carson was discharged from the Royal Adelaide Hospital last Tuesday, after 428 days in hospital. It is a disgrace.

Unfortunately, Mr Carson is not an isolated case. He is merely one of thousands of South Australians with a disability in need of support and/or accommodation—thousands of South Australians who are not getting appropriate support from this government.

The challenge of supporting South Australians with a disability pre-dates this government, but this government has to take responsibility for what has occurred on its watch. This motion focuses on the failure of the government's disability reforms.

On the first day of sitting of this term of this parliament after the 2006 election, the state government initiated a major reform of the disability sector. In a ministerial statement the Hon. J.W. Weatherill (then minister for families and communities) described the reforms as a 'generational change in the way services are administered, governed and delivered'. He said that the 'government cannot continue to invest in a fragmented system'. He referred to overlaps, gaps and confusion.

He said that the reforms would lead to cuts in overheads and bureaucracy, and the department will have more money for better services. People with disability, and their carers, will spend less time fighting their way through the system and more time enjoying their lives. Unfortunately, that has not been the experience of people with a disability. The government stated unequivocally that the reforms were designed to improve services. The reforms and the government deserve to be judged on that basis. My assessment is that they have not succeeded.

The package of reforms since 2006 has four elements that I would like to highlight today:

- the establishment of Disability SA;
- moving from options coordination to service coordination;
- the transfer of information and advocacy to the government sector; and,
- the merger of the Independent Living Equipment Program with Dom Care.

First, I will consider the impact of the abolition of IDSC, Julia Farr and the Independent Living Centre to establish Disability SA. The council is well aware of the Liberal opposition's concern about the way the government managed the asset transfers. This Labor government executed a multimillion dollar asset grab against the non-government sector in the way it handled those asset transfers. The creation of Disability SA was not collaborative: it was pursued in an extremely aggressive and inappropriate manner. Now, 2½ years after the reforms were announced, there continues to be so much change in Disability SA, so much turnover in Disability SA staff and so much ongoing concern amongst the staff that the functioning of the agency is severely inhibited. Only recently, Disability SA encountered another wave of change. They have a new minister, a new CEO, a new deputy chief executive for disability, and a new head of the Office for Disability and Client Services.

So, let us look at the three waves of leadership that Disability SA staff have needed to endure. First, we had Mr Caudrey, Mr Bruggemann, Mr Williams and Ms Caust in leadership positions—highly respected disability leaders, with what I suspect is more than a century of experience providing services in the disability sector. Then, under this government, we saw Ms Sue Vardon and Mr Smith appointed. Both of them were experienced human service delivery specialists, but they had limited exposure to disability. But earlier this year, only a month or so ago, we had Ms Joslene Mazel, Ms Gale, Ms Young and Ms Carman now heading the leadership of the agency. So, now we find that disability services in South Australia are being led by, basically, a central agency team with no experience in disability. Mr David Holst, in a recent article, states:

> Disability SA sits today on the edge of a dangerous management abyss, with the restructuring leaving no-one in the senior ranks with a high level of experience. It's like having a hospital system run by plumbers.

The new minister, minister Rankine, was appointed on 23 July, two months ago—yet, two months later, she is yet to issue a press release about disability services. I am not aware of any speeches she has made in relation to disability services and, in fact, I am not even aware of anyone having been able to meet with her in relation to disability services.

In terms of staffing, I am told that Disability SA staff are haemorrhaging.

There is a huge loss of disability awareness and values, and now there are few people in the department able to train those who remain. I am advised that there is a retention plan in place, but it is focusing on management and not on operational staff. One DSA officer told me that in operational terms DSA is basically an agent for the Department of Treasury and Finance. If

Disability SA wants a new program, Treasury and Finance will do the cost benefit analysis and tell DSA whether or not it saves money and, if it does not save money, it does not get funding.

The department has failed to establish a consistent service model and philosophy across government and non-government elements of disability administration, across Disability SA and the Office of Disability and Client Services. There is no development of a common vision, and some of what has been coming out is quite contrary to longstanding values in disability. Commenting on the government's supported accommodation strategy, Mr Richard Bruggeman wrote:

> This document, far from supporting people with disabilities to be included within the fabric of the South Australian society, develops guidelines whereby those few people whose circumstances are critical enough will be provided an accommodation service. In effect, it envisages people with disabilities continuing to live with ageing parents until circumstances deteriorate to such a stage that something has to be done. Far from focusing on the citizenship of people with disabilities, the strategy seemingly casts them in the role of 'problem to be solved'.

This report is endorsed by the minister. Mr Bruggeman continues:

> Parents were placing a lot of hope in this process. They are now generally saddened and disillusioned by what has been produced. They will not write and complain for fear of losing what they have. They are tired of being flim-flammed and they now just get on with the task which they have no legal obligation to perform: caring for their son or daughter, driven by a complex set of emotions and fulfilling what they see as a moral responsibility.
>
> They feel they have been treated with disdain and that the government works on the principle that whatever huffing and puffing families make, whatever threats they might make about dumping their sons or daughters in the minister's office, when the chips are down parents will continue to care for their loved ones. Against that backdrop the strategy can only be described as shameful. Far from being a plan, the strategy deals with some administrative issues, which will have little effect on the growing waiting list of people seeking accommodation. What is the real view of the South Australian government? Are people with disabilities citizens or are they merely costly problems to be solved?

Under this government and this disability regime longstanding values for disability are being undermined.

Under Disability Services SA there is an increasing lack of focus on distinctive disability groups. For example, in relation to groups of clients there is a significant concern that the Disability SA reforms have meant that the sector is losing sensitivity to the distinctive needs of particular groups.

This concern is strongest amongst people with an intellectual disability and those who support them. In IDSC they knew they had a friend and an advocate. As one advocate put to me, intellectual disabilities are demonstrably different for the following reasons: first, their issues are complex and diagnosis is often confused, and they now have no specialist service with specially trained staff and the ability to readily access the necessary advice gathered in one discipline recognised by professionals, parents, carers and the community alike; secondly, most are unable to comprehend or debate the issues important to their welfare and future; thirdly, many are non-verbal; and, fourthly, very few are able to vote.

In terms of a lack of focus on disability sectors, there is also a lack of focus within the staff. Within the staff there are reports that there has been an exodus of experienced and skilled professionals from within Disability SA. I am advised that the lack of therapists is leading to assessments being outsourced at up to five times the cost. On the other hand, in terms of recruitment, I am receiving advice that Disability SA is not valuing the role that people with specialist expertise can add. I understand that the Flinders University in South Australia is having difficulty having the government recognise the distinctive expertise of developmental educators. Disability SA is failing to maintain a balance between the contribution of specialist expertise and general staff who can provide support on more generic issues of disability support.

I turn now to the issue of the coordination of services. Supporting material released by the government at the time of the reform said:

> At the centre of the changes new connected service centres will be created so people needing more than one DFC service can get all the help they need in one place.

A new one-stop shop for people needing more than one disability service was to be established. Some other material referred to Mount Gambier as follows:

> At Mount Gambier we are establishing a Department of Families and Communities service centre containing all of these agencies, which will become the model for how we provide services for our customers all over the state.

It continues:

The strategic intention of DFC is to develop a connected service centre incorporating business areas, Families SA, Housing SA and Disability SA as single points of service throughout the state.

In early August this year the ABC reported that the new centre in Mount Gambier is expected to open in July 2009. That is, three years after the announcement of the reforms, the government will open the pilot of what it says is a centrepiece of its reforms. In May 2006, Mr Peter Smith, the then deputy chief executive of the Department for Families and Communities, told the Community Housing Council of South Australia that the Mount Gambier centre was merely the first of many.

In fact, he said that there were over 400 services throughout the state at that time and perhaps there will be 40 in four to six years. After three years the government will be trying to get up one centre, and that leaves another 39 in the next three years. As one person with a disability put to me, we were told that Disability SA would be Utopia—a one-stop shop for disability services. In reality there is less connection than there ever was.

The establishment of Disability SA has also raised concerns that the bureaucracy is growing out of control, particularly at executive levels. Independent research suggests that the department has more than twice the number of executives per capita than in Western Australia and Victoria. On the basis of the 2006 census, which would be the most recent we can refer to and based on our population and the number of executives in the Department of Health and the DFC on $130,000 or more, that equates to one executive officer for every 17,000 people. Victoria, based on the same census, would have one executive officer for every 46,000 people, so there are almost three times as many executives per capita here as in Victoria. Western Australia, based on the same census, has a total of 46 executive officers on $130,000 or more, equating to one executive officer for every 41,682 people. In my view, the abolition of the IDSC, Julia Farr and the Independent Living Centre to establish Disability SA is yet to produce a demonstrable benefit for people with a disability.

I turn now to the second of the four elements of the package of reforms introduced by this government: the discontinuation of options coordination and the introduction of service coordination. One person put it to me that this so-called reform was just a rebadging and that at least the government should be given credit for being honest. It was dishonest to call case management options coordination when there were no options being offered—no options to coordinate.

It has also been put to me that Disability SA is severely over engineered. You do not need 200 full-time case managers to ration services that do not exist. You do not need 200 people to say no. The feedback that I am getting is that the only changes to case management that clients have been discerning are negative ones. First, they have observed the introduction of what has been called team coordination. People who previously had a dedicated case manager are now being dealt with by a team. One of the objectives of options coordination was to give a person a dedicated officer so that they would not need to give their story time and time again. With team coordination that outcome is being undermined.

Also, clients are complaining to me about what they call managerialism, where they feel that it is the business needs of the agency that are being given the priority in the case management and not their needs. One woman with a disability conveyed this observation to me in the following terms:

...the reforms have created confusion throughout the sector which has caused people not to know how to solve problems on a day-to-day basis...I'm unsure as to whether they have all given up asking as usually they are so often told 'no' to funding to meet their unmet needs or they have slipped through the cracks.

Another person paraphrased the conclusion of Doctor Zhivago that people with a disability have 'vanished without a trace...forgotten as a nameless number on a list that afterwards got mislaid'. As one writer to *The Advertiser* put it recently:

The access to services provided to us by Disability SA has not improved from what it was before restructuring. I refer to customer service, training and equipment services. We have been waiting for occupational therapy services for five years. An urgent referral to repair or remake a now unusable hand splint, lodged in February, has yet to be implemented. This has disadvantaged the recipient in that this hand is used as her only means of communication and the hand is deteriorating in function.

Upgrading of workplace skills (and our home is the workplace) has been slow and at times non-existent. We have gaps in service provision and shifts are often not filled with trained care workers or even not filled at all. Good communication is paramount to a good service. Often there is no communication in a timely manner about changes to service provision, often leaving the family with full responsibility of care unexpectedly.

One constituent told me that he thought the whole bureaucracy of Disability SA should be dismantled. He was told by his case manager that she had no say and that she was at the bottom rung of a ladder where people above her did not know him, his situation or his disability.

I know that if the government deigns to speak on this motion it will say that service coordination has not been fully developed. I understand that consultations have been occurring this year, but that is an indictment in itself. Why was the service coordination concept not consulted on and developed before the reforms were announced? We will have to wait at least three years to get service connected centres up and running. We have already waited more than two years for the government to try to work out what it means when it talks about service coordination.

The focus of today's motion is on the state government's disability reforms, rather than the level of funding to support the delivery of disability services; however, of course, these two aspects are interlinked. Options do not come cheap. The former minister, the Hon. Jay Weatherill, acknowledged that insufficient funds are being invested in disability care. In *The Advertiser* of 22 February 2008, he admitted that South Australian funding for disability services is 'inadequate'. Perhaps his honesty led him to fall foul of both the Premier and the Treasurer. He is also quoted in that article as saying:

> There is no area of disability services where there isn't unmet need. This includes early intervention, equipment, respite and supported accommodation.

He went on to say:

> We're barely keeping up with demand. We're not eating into the backlog of unmet need.

As we come to the implementation of the new CSTDA agreement, the government needs to be mindful that it is one thing to put enough money into disability services, but it will stand doubly condemned if it allows commonwealth funding to go unmatched. I am very disturbed that I have been receiving reports that people with disabilities are having their services delayed because the state is failing to match commonwealth contributions. This is totally unacceptable.

On 30 May, ministers for disability throughout the nation—and at that stage they were all Labor ministers—agreed to a $2 billion roll-out of support and accommodation. We were assured that these places would commence immediately. South Australians with a disability are keen to know what South Australia's share of that money is and how it is to be delivered against needs. Which disability groups and sectors will be receiving services?

The government claims that it has matched new recurrent commonwealth funding, but that has been done only by counting the funding that it announced in previous years' budgets. This is tricky accounting by the government, and it means that people with a disability are missing out on services that they desperately need. Also, the CSTDA agreement includes a commitment to full disclosure of waiting list data, but we have been waiting for 2½ years now for Labor to deliver on that commitment here in South Australia without success.

In March 2006, the then ALP state president, Mr Nick Champion, made a number of commitments to the Dignity for the Disabled group. A key commitment at that time was the ALP promise to provide annual updates of the numbers on disability waiting lists, similar to the data that is made available for hospital beds and aged care. That commitment was made 30 months ago, and we are still waiting.

I understand that the government did a full audit of the accommodation lists and does have data as at June 2007. People on the list were classified by a scheme which was based on a category 1 to 5 classification. I understand that there are over 200 people on category 1, and that category is for people who desperately need a bed today. The total list is somewhere between 500 and 1,000 for supported accommodation alone. In my view, neither case management nor the funding of service options has improved under this government's disability reform package.

I turn now to the third element of the reform package: the withdrawal of information and advocacy services from community organisations and the transfer of these services to government. In the 2007-2008 budget, the government withdrew funding for a number of agencies providing disability advocacy and information services. State government funding was to be cut, and the information services that were to be provided through the department, we were told, would enable money to be put into front-line services. This decision was made without consultation and was delivered by letter on the very day of the budget.

One of the organisations affected, for example, was the Arthritis Foundation of South Australia, which provided a program to combat juvenile arthritis, a condition which may cause a

child permanent disability and deformity in the absence of appropriate information and treatment. The information provided by the foundation was developed by its long-term work in the field and was informed by good practice and networking with similar organisations around the world.

It is a well established pattern in the disability sector that information informs practice and vice versa. But, now that the government has taken unto itself the role of advocacy and information, how will it ensure that the government department, which has little or nothing to do with juvenile arthritis, will be able to maintain that dynamic of information informing practice and vice versa? Public servants are valued professionals, but they are by nature generalists. They do not have the expertise to develop and maintain this information. They are not known and respected within specialised fields with networks of researchers and providers.

A senior disability leader also indicated his concern about the defunding of information and advocacy on the basis that it is leading to an unhealthy shift in the relationship between the government and the non-government sectors. He said:

> One of the key principles of disability services is the valuing of diversity, but unfortunately this decision is only a part of a trend towards uniformity and centralisation that will eventually compromise disability service delivery in South Australia. A vibrant non-government sector is one of the checks and balances needed to provide the dynamic tension that nurtures growth and development.
>
> Placing information services within a...department rather than valuing diversity and the capacity of non-government organisations to provide this important front-line service is a retrograde step.

A number of people have approached me in the weeks since I gave notice of this motion raising the case of Our Voice. Our Voice is a group of South Australians with an intellectual disability who are supported to provide self-advocacy. It is now serviced by Disability SA, and there is concern that being serviced by a government agency undermines the independence and capacity of already vulnerable people to effectively be supported to provide their own self-advocacy.

Also, with the defunding of the Disability Information and Resource Centre, Disability SA was undertaking to provide an information website. But now, 18 months after the decision to defund, Disability SA's website continues to be a pale imitation of the DIRC resources. In fact, the department is still not sure whether the information is disability accessible. The website advises users that the website is currently being reviewed against the World Wide Web Consortium Web Content Accessibility Guidelines to identify and resolve related accessibility issues when necessary.

If we cannot rely on the government agency which delivers disability services to actually ensure that its website is disability accessible, what hope do we have of ensuring accessibility throughout the community? But, in the end, a website is not enough. A website does not provide the interface with a person, which is so important for many families as they seek to navigate Disability Services.

I understand that the government is looking at developing a book entitled the *Look Book*. My understanding is that it currently focuses on post-school options, but the government proposes to expand it to look at a whole range of disability services. That is an exact service already being delivered by the Disability Information and Resource Centre. If the government is truly sincere about respecting the non-government sector, truly sincere about reducing overlap and duplication, it should have a good hard look at why the Disability Information and Resource Centre book cannot be supported rather than undermined.

In spite of the fact that the minister justified the withdrawal of funding to these community organisations on the basis of wanting to put services into the front line, the government has nonetheless recruited information professionals in the period since. The South Australian community deserves to know how much funding has actually gone into direct services. Having said that, information needs to be appreciated as a front-line service. It is one of the key motivators for people to approach disability organisations, and good information enables individuals and families to maintain control of their situation. The withdrawal of advocacy and information funding has, in my view, disadvantaged people with a disability.

I turn now to the fourth of the four elements of the reform package: transferring the independent living equipment program to domiciliary care. From July 2008, the government abolished the independent living equipment program, and domiciliary care will manage the procurement, repairs, maintenance and replacement of Disability SA-owned equipment under a new statewide equipment service. This element of the reform package is having the most direct and tangible impact on people with disabilities. It was the area which stimulated most

representations to me in the context of this resolution. In spite of the government's assurances that clients would have the choice of service provider, people with a disability have been forced to demand that they receive the service provider of their choice; some have succeeded, some have not.

In estimates, the minister said that the government provider of equipment would be just one possible means by which equipment could be supplied and that 'if it is, presumably, not a competitive supplier or providing quality service, people will not choose it'. In reality, people are not being given a choice and the government service is of poor quality. My understanding is that clients who are used to a response to an emergency call-out within two to three hours now need to wait two or three days. For the benefit of the council, I will summarise some of the representations I have received in relation to poor equipment service:

- One gentleman said that he had been waiting since December for a hoist.
- A mother has been trying to get DomCare to fill a nappy order since April.
- A man was told that he could not have a mobile version of a piece of equipment (so much for supporting community inclusion).
- A man had to wait two weeks to get a simple wheel puncture repaired.
- A man was promised a new wheelchair. He was measured, and all his needs were noted, even the colour. Three months later, when he followed up the query, he was told that it had merely been placed on order. At the four-month mark, he made contact with the department and was told that they had found another chair in a shed and would measure him to see whether it would fit him.

All these people have had the same experience—that is, the service under the new equipment scheme is getting worse. I am advised that the equipment program persistently tells clients that the paperwork relating to their case has been lost, to the point where it has been suggested to me that the lost paperwork is a new rationing tool: lost paperwork keeps down the waiting list.

A number of people expressed doubt that DomCare had the organisational culture to be a disability service provider. It has evolved and served the South Australian community well in relation to ageing South Australians. It is not focused on building independence. It focuses on keeping older people in their home, not helping younger people get out of their home and into the community. For example, a focus on the home environment can limit a focus on the work environment. By way of an aside, I suspect those may well have been the values at play when the gentleman was told that he could not have a mobile version of the piece of equipment he wanted. A man with a disability wrote to me about a traumatic experience, as follows:

> Since the service was taken over by DomCare, I have been feeling vulnerable with the thought of requiring repairs. I do not believe that the people entrusted to repair wheelchairs have much knowledge of the special equipment they are handling and the importance of the repair to the user's needs.

He explained in detail how he had been waiting two weeks for a flat tyre to be repaired. He continued:

> When I next need to make a call, should something go wrong, the lack of communication between the workers, the office and the client is something that really needs to be looked at…The previous system where specialist wheelchair mechanics could be employed to carry out work was much better. We do not have old hospital-type 'one size fits all' chairs, and it is very important they're repaired with some empathy by people who know the physics of the machine and how they operate.
>
> I am very upset because, as a quadriplegic, with this flat tyre I am unable to effectively carry out my normal daily living. I can't exercise, I can't go to the shop, I cannot push effectively, and I am ruining my wheel rim, which costs Disability SA more than $800 a pair to replace. Having allowed the private contractor to repair my tube in the first place would have saved so much time, money and anguish.

People with a disability are being deprived of the opportunity to choose their service provider and, as a result, many experience a significantly lessened service. I ask members to reflect on this: for many of us, it may not matter who services our car or provides a repair to our property. However, for South Australians who need disability equipment, such as wheelchairs, callipers or walking frames, these are often quite intimate and integral pieces of equipment to their daily life. They need to be able to trust the person they deal with, as often home visits are involved.

I think that it is unreasonable to take away the right of South Australians with a disability to choose their own service provider, particularly when that change is implemented without any consultation. I believe that the government needs to think again about these changes.

As with the provision of accommodation and support, I urge the government to look at realistic and sustainable funding for disability equipment. This government has got into a pattern of recurring announcements in relation to disability equipment that are often branded with some claim that we will have the waiting lists cleared, only to find that, a year later, we need to clear them again. This year's announcement was the third time since 2004 that the government had allocated money to clear the waiting lists.

Clearly, this funding needs to be built into the budget. After all, equipment is not a luxury: it is a necessity, and funding needs to be regular and sustained. The abolition of a dedicated disability equipment service has been to the detriment of the quality of life of South Australians with a disability. In each of the four elements of the reform package, the government is not improving the outcomes for people with a disability.

To sum up, one respected disability leader told me that we had gone back 40 years over the last 10 years. I urge the new minister to pause, take stock and take whatever action is necessary to get the funds needed and make whatever changes are necessary in the service delivery mechanisms to ensure that outcomes for people with a disability are improved.

In terms of the future, I was overwhelmed by a raft of very positive and constructive suggestions made to me by people with a disability and those who provide them with support. I assure them that the opposition will consider these proposals as part of our policy development process. A lot of the input suggested ideas to give people with disability more control over the resources available to meet their needs, whether that be in the area of support, accommodation or equipment.

These mechanisms are often referred to as individualised funding, otherwise known as self-managed care or person-centred planning. It has been a great concern to a number of people in the sector that it is months since we have heard this government even mention the phrase. I am sure that an early statement from the minister of the government's intention in relation to individualised funding would be welcome.

In conclusion, I would like to thank everyone who took the time to provide input to this speech today. I know that my contribution will not satisfy everyone who provided me with advice. I have not mentioned everything that they would have hoped for and may not have expressed it the way that they would have, but that highlights how important it is to let people with a disability speak with their own voice.

Those people should feel free to get in touch with me, and I undertake to consider including further comments in my summing up on the motion. I hope that I have done them justice at least to the extent that I have highlighted what I see as an overwhelming conclusion from the disability sector that the reforms of this government in relation to disability services have failed to improve the outcomes for people with a disability in this state.

Debate adjourned on motion of Hon. R.P. Wortley.

NATURAL RESOURCES COMMITTEE: DEEP CREEK

The Hon. R.P. WORTLEY (17:02): I move:

That the 23rd report of the committee, titled 'Deep Creek Revisited: A Search for Straight Answers', be noted.

This is the second report of the Natural Resources Committee on Deep Creek. The first report was tabled on 19 June 2007. On 22 October, a response to the recommendations in that report was received from the Minister for Environment and Conservation. This response was prepared for the minister's consideration by the Department of Water, Land and Biodiversity Conservation. Based on her expectation that the department was providing professional and considered advice, the minister would then have adopted it as a formal response to the committee.

There was sufficient evidence in this response to suggest that DWLBC had chosen to deliberately misunderstand the recommendations of the report in order to discredit and reject the serious issues raised by the committee. To this day, we do not understand why the department charged with biodiversity conservation chose to do this. In order to assure ourselves that our Deep Creek report was factually sound, the committee carefully reviewed the response against our recommendations in light of the evidence.

Immediately, a number of inconsistencies came to light and, in a swift attempt to resolve these, the committee invited officers from the contributing departments to appear before it. What

we heard absolutely astonished us. I point out that there is not a single member of the committee who is against forestry in the state or even in the Deep Creek catchment. Nor do we expect that executive government should unquestioningly adopt all our recommendations.

However, we do expect that our recommendations and requests for information (as with any parliamentary committee) will be addressed in a professional and considered manner by the relevant departments and not dismissed as an unimportant inconvenience. What we did with our initial report was to put forward recommendations based on the evidence of experts, concerned landholders and government technical experts together with supporting references—the best evidence available to the committee.

Our recommendations were considered with an eye to protecting the fragile Fleurieu swamps in and around Deep Creek. That should have been the department's job. We did not see our recommendations—including removing a modest number of radiata pine trees currently restricting the flow of water into Deep Creek—as contentious as they are consistent with government policies such as the Department for Environment and Heritage's No Species Lost, Nature Conservation Strategy for South Australia 2007-2017.

These swamps are important because Fleurieu Peninsula swamps are now in short supply. They are important for their ecosystems and also the flora and fauna they support, which includes endangered plants and the nationally endangered Mount Lofty Ranges southern emu-wren. As well as the committee's concerns for the swamps downstream of Forestry SA's Foggy Farm Plantation, committee members also hoped to be reassured by the department that future forestry activity would comply with guidelines for environmentally sustainable development and that checks and balances were in place. Unfortunately, members did not come away reassured, with attempts made at every step to bamboozle the committee with false and misleading information. They claimed that they misunderstood the area under review, yet conflicting statements in their responses and their own internal documents clearly showed that they knew exactly the area to which the committee referred.

They claimed that the minister had no power to remove plantations in the subject area when clearly the minister had that power. They claimed that rainfall and not forestry was the major factor contributing to the decline in stream flows while the Department of Water, Land and Biodiversity Conservation's own internal technical documents show this to be a lie. They even tried to blame the proliferation of dams in the area. There is, and only ever has been, one small dam in the Foggy Farm area.

Responses to some requests for information took more than a year to reach us and then only after constant reminders. Even with the personal assurance of the former chief executive, there remain a number of outstanding responses. I suspect that that information, if ever provided, would only embarrass the department further. It is of grave concern to the committee when we find that the department set up with a specific environmental charter is failing to act on it. I quote from the department's website:

> The Department of Water, Land and Biodiversity Conservation (DWLBC) was established...with an objective to improve sustainability through the integration and management of all of the State's natural resources and to achieve improved health and productivity of our biodiversity, water, land and marine resources.

Why have they gone to such lengths to avoid their responsibilities? And Forestry SA states on its website its goal is to manage 'forests for commercial production in line with best practice standards for forestry operations and environmental management.'

Clearly, in this instance, best practice remains an elusive goal. In April 2008, Planning SA advertised for comment on a proposed development plan amendment (DPA) for commercial forestry in the Mount Lofty Ranges. The draft DPA proposed:

> For the purpose of protecting water quality, forestry plantations should incorporate a minimum separation distance of:
>
> (a) 50 metres between forestry plantation and Fleurieu swamps identified in the Environment Protection and Biodiversity Act;
>
> (b) 20 metres between forestry plantation and the top bank of streams above Fleurieu swamps identified in the Environment Protection and Biodiversity Act;
>
> (c) 2.5 metres between forestry plantation and the centre line of drainage lines above Fleurieu swamps identified in the Environment Protection and Biodiversity Act.

From all the evidence we have gathered, the setbacks proposed in this DPA are inadequate and little more than a token gesture towards the aim of limiting forestry's impact on the environment. As for the suggested 2.5 metres setback, one local landholder referred to it accurately enough as 'an absolute joke when it is considered that normal forestry plant spacing is generally around 2 metres'.

One final matter that I would like to bring to the attention of the chamber is that of ministerial responsibility. It was with great surprise that I witnessed the chief executive of the department attempt to lay the blame for his department's responses on the minister. The committee does not accept that it is reasonable to expect ministers to have intimate knowledge of every matter that crosses their desk. Ministers rely heavily on expert advice from their departments. It seems that every minister should be alert to the possibility that they may, at times, be misinformed—as happened here.

I wish to thank all those who gave their time and assisted the committee. I also commend the members of the committee—the Hon. Graham Gunn MP, the Hon. Sandra Kanck MLC, the Hon. Stephanie Key MP, the Hon. Caroline Schaefer MLC, and the Hon. Lea Stevens MP—for their contribution, support and cooperation throughout the inquiry. Finally, I would like to thank the staff of the committee for their assistance, and the Presiding Officer, Mr John Rau.

Debate adjourned on motion of Hon. Sandra Kanck.

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

The Hon. SANDRA KANCK (17:11): Obtained leave and introduced a bill for an act to establish the Independent Commission Against Crime and Corruption; to define its functions and powers; and for other purposes. Read a first time.

The Hon. SANDRA KANCK (17:11): I move:

That this bill be now read a second time.

Criminologists say that the preconditions for crime are motive and opportunity and, on that basis, one would have to assume that South Australia is vulnerable to corruption. There is motive: billions of dollars in development and mining contracts, political parties eager to fill their war chests, and decision-makers seeking to line their pockets or simply cut corners and make life easier for themselves.

There is opportunity because of the lack of any effective watchdogs. Contrary to what the Minister for State/Local Government Relations said in question time today, the Police Anti-Corruption Branch cannot compel witnesses to testify. As MPs, many of us know that FOI requests are treated with contempt by some agencies. I have certainly found that with some requests that I have been trying to get through SAPOL basically all year.

The Ombudsman (at least until this morning) and the Auditor-General have not been vocal on these issues. It has been said to me by a constituent that these agencies would be expected to be in the news reporting on their investigations but, as I say, until this morning there have not been any recent public comments from them in this regard. Our state government keeps telling us that organised crime is flourishing and it keeps introducing legislation to contain it so, clearly, there is opportunity.

As for corruption, commonsense and history show us that corruption is the natural partner of organised crime. This bill is an opportunity for members to show that they are serious about tackling not just crime but corruption as well. It is based on the bill which I introduced last year but which then lapsed when parliament was prorogued. However, I have taken the opportunity to make some improvements, after feedback from both inside and outside parliament. I will briefly outline four key features of the bill. First, it defines corruption as follows:

'Corrupt conduct' means conduct of a person that adversely affects or could adversely affect, directly or indirectly, the honest exercise of an official function by a public officer or public authority.

The definition goes on to include 'dishonest or partial exercise of official functions,' and 'breach of trust,' or, 'misuse of information'. This is important because often corruption is seen as restricted to cash in a brown paper bag. However, corruption occurs on a continuum from the brown paper bag to the offer of a job in the future, to courting officials in corporate boxes. An act does not need to be motivated by financial reward to be corrupt. It could be the result of an official who was zealously pro or anti-development breaking the rules to achieve a certain outcome.

Secondly, I want to highlight the broad role of an ICACC. The ICACC proposed in this bill is based on the New South Wales model. This involves investigation, examination and reviewing laws

and practices of authorities and officers who could be in a position to facilitate corruption and educating and advising authorities and the public. This is because an effective anti-corruption authority takes a broad approach that includes strategies to prevent corruption. There is nothing like this in South Australia.

In the absence of this sort of corruption prevention and education role, we can see how easy it is for an authority, particularly a council that might want to develop its area, to gradually slide away from putting out the red carpet to accepting gifts and favours, to bending and eventually breaking the laws. One gets the impression that local councils see an ICACC as a threat when, in fact, I would argue that it will eventually be their best protection.

Thirdly, I stress that this model has real teeth. Witnesses can be compelled to testify; authorities can be compelled to produce documents; premises can be searched; a person who prevents a person who is being summonsed from attending a commission hearing can go to gaol for four years; and a person who bribes a witness can go to gaol for seven years. Finally, this ICACC is genuinely independent. It operates under the oversight of a parliamentary joint committee. It has a direct line to parliament and cannot be silenced or subverted by the government of the day.

I urge members to support this bill. Its need is widely accepted by a wide range of public figures, including former Labor MPs such as Rod Sawford and Chris Schacht. It is also now accepted by the state Liberal Party. After years of opposing an ICACC the members of the Liberal Party in South Australia support one, and I commend them for that. I note from their website that, in their basic requirements for an ICAC (the Liberals' is a one 'C' ICAC—the one 'C' stands for 'corruption'—whereas mine is 'crime and corruption', with two 'C's), they propose that it be an offence to publicly disclose the fact that a complaint has been made about a particular person to their ICAC.

I discussed with parliamentary counsel having a provision of this nature in my bill, but there was a degree of complexity to it that has resulted in my bill's having a less restrictive approach. I will just go through some of the measures that I think address what the opposition wants with its ICAC. First of all, clause 31 relates to public and private hearings. Clause 31(1) provides:

A hearing must be held in public unless the Commission directs that the hearing, or part of the hearing, is to be held in private.

Subclause (2) provides:

If the Commission directs that a hearing or part of a hearing is to be held in private, the Commission may give directions as to the persons who may be present during the hearing or part of the hearing.

Clause 93 relates to evidence and procedure, and subclause (1) provides:

The Commission is not bound by the rules of evidence and may inform itself on any matter in such manner as it considers appropriate.

Clause 96 relates to secrecy, and subclause (2) provides:

A person to whom this section applies must not, directly or indirectly, except in connection with the exercise of the person's powers or functions under this act—

(a) make a record of information; or

(b) divulge or communicate to a person information,

being information acquired by the person by reason of, or in the course of, the exercise of the person's powers or functions under this act.

There is a maximum penalty of $5,000 or imprisonment for one year. Clause 97 relates to publication of evidence, and subclause (1) states:

(1) The Commission may, where it considers it desirable in the interests of the administration of justice to do so, direct that—

(a) evidence given before it; or

(b) the contents of a document, or a description of a thing produced to the Commission or seized under a search warrant issued under this act; or

(c) information that might enable a person who has given evidence before the Commission to be identified; or

(d) the fact that a person has given or may be about to give evidence at a hearing,

must not be published or must not be published except in such manner, and to such persons, as the Commission specifies.

Anyone who breaks that is also liable to a penalty of up to $5,000 or imprisonment for one year. Clause 99 relates to disclosures prejudicing investigations, and subclause (1) provides:

(1) A person who is required—

(a) by a notice under section 22 or 23 to produce a statement of information or to attend and produce a document or other thing; or

(b) by a summons under section 34 to give evidence or to produce a document or other thing,

must not disclose information about the notice or summons that is likely to prejudice the investigation to which it relates.

Maximum penalty: $5,000 or imprisonment for one year.

I recognise that this may not completely cover what the Liberal Party is asking for, but I am open to considering amendments, if the opposition wishes to move them, when we reach the committee stage. Similarly, I know that with my previous bill the Hon. Ann Bressington wanted some changes to gain her approval for its passage at the third reading. I have met with her and I have incorporated some of the things that she has suggested. I am also open to considering further amendments from her (or, for that matter, from any other member in this chamber) to facilitate this bill's passage.

The cost of an ICACC is only a fraction of a per cent of a major project such as The Dunes development on the Copper Coast or the $2 billion public transport modernisation announced in the last budget. I note that the Liberal Party's position paper has costed its ICAC at $15 million.

Every time the issue of an ICACC is raised, the government disingenuously uses the running cost of the New South Wales ICAC, in its entirety, as being the exact same cost that South Australia would have to pay. But, quite clearly, the body charged with overseeing a population of 1.6 million in South Australia would not require the same resourcing as the body checking on crime and corruption in a population of 6.9 million.

As the Minister for Road Safety said in this place yesterday about the relative cost of different crash barriers, this is not about the cost. The lack of a corruption watchdog leaves many complaints unresolved because the community does not have faith in investigations conducted by our range of toothless authorities.

I want to appeal to the Liberal Party in particular. This is the Democrats' fifth attempt in 20 years to introduce legislation for a corruption watchdog in this state. Each time the major parties have opposed an ICACC—although I note that in-principle support was given by the Liberals to my attempt in 2007. If the Liberals, smaller parties and Independents in this chamber pass this bill, the government will stand exposed as the primary beneficiary of political donations and the main obstacle to the cleansing effect of a real corruption watchdog.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

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

The Hon. J.S.L. DAWKINS (17:24): I move:

That the interim report be noted.

The Select Committee on Proposed Sale and Redevelopment of the Glenside Hospital Site has tabled an interim report to this council calling on the government to establish a mental health research and training institute as part of its redevelopment plans for the Glenside Hospital site. The report cites evidence given to the committee by Professor Robert Goldney, head of psychiatry at the University of Adelaide, as well as evidence from the Royal Australian and New Zealand College of Psychiatrists, which stresses the need for a local centre of excellence in the field of mental health. I should add that the representatives of the Royal College of Psychiatrists were Dr Marco Giardini and Dr James Hundertmark.

The situation at present in South Australia is that mental health research and training is spread over different campuses and disciplines. This results in data information and research being dissipated or duplicated. A central mental health focal point would help provide leadership in

research and training, as well as improved economies of scale. The report enlarges on those points that the committee recommends.

The select committee envisages that the proposed mental health research and training institute would focus on research, training of mental health and related professionals, dissemination of health information, policy development and awareness raising. The report also indicates that the proposed centre would be there for all mental health and related professionals—nurses, social workers, researchers, psychologists and psychiatrists. The report also suggests that funding for the institute could come from multiple sources, including the private sector, state and federal government, the universities and TAFE. We did receive some evidence to indicate that a similar funding arrangement exists in other states, particularly in Victoria. We also heard that, currently, South Australia is the only mainland state without a dedicated mental health research centre.

The motion for an interim report was moved by the Hon. Sandra Kanck and supported by the committee. Her reason for doing so was that it would be pointless for the committee at its conclusion (hopefully, later this year) to recommend for such a mental health centre of excellence to be incorporated in the redevelopment of Glenside if, at that stage, the planning had reached the point where it was no longer possible for that to be incorporated. For that reason, the committee agreed to bring down the interim report. Certainly, we want to finish our final report as soon as we can, but we felt it was important that this interim report be brought down, tabled in this place and brought to the attention of the minister, which has been done both formally and in a verbal sense by me as the chairman.

I thank the members of the committee, the Hon. Sandra Kanck, the Hon. Michelle Lensink, the Hon. Bernie Finnigan and the Hon. Ian Hunter; and also the secretary of the committee, Mr Guy Dickson, and research officer, Ms Geraldine Sladden, for their work in facilitating the presentation of this interim report. I commend the motion to the council.

Debate adjourned on motion of Hon. J. Gazzola.

LOCAL GOVERNMENT (STORMWATER HARVESTING) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (17:30): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. R.L. BROKENSHIRE (17:31): I move:

That this bill be now read a second time.

I was very keen to bring this bill to the parliament because it is a critical bill for the future of South Australia when it comes to providing alternative water sources for South Australia. I trust that with this bill our chamber and the whole parliament can work with the government to get serious about backing the fine work that some local government sectors have been doing when it comes to stormwater harvesting.

Due to the workload today, it is not my intention to speak in great detail about this bill or others that I will introduce. However, I will go into much more detail at appropriate points as the bill proceeds through the chamber. I will not retrace the history of stormwater harvesting and its merits. It is simply worth noting that the science on this is not new, but the government at this point is not showing significant desire and tends to be ignoring the merits of stormwater harvesting. Overseas and in our own state and nation there are many fine examples of stormwater harvesting.

Family First has decided that we can wait no longer and must make legislative moves to ensure that stormwater harvesting can occur. Prime examples I commend are the Salisbury council model, which I inspected many years ago, a partnership primarily between the Salisbury council and the commonwealth. Mr Colin Pitman had a great deal to do (and still does) with that project.

In more recent times, under the leadership of Mr Jeff Tate, the CEO of Onkaparinga, and Mayor Lorraine Rosenberg and the councillors in the Onkaparinga council, together with executive staff, incredible work has been done on initial modelling for stormwater harvesting. Recently it received many millions of dollars from the commonwealth government to ensure that the first stage—and from there one would hope the second stage—of stormwater harvesting and retention continues. There are many other examples.

When in the other place, pursuing recycled water for the Willunga Basin, I went overseas to look at stormwater harvesting projects, and in the Napa and Sonoma Valleys in California, just out from San Francisco, they harvest a lot of water running off the terrain in that area. They cleanse it and then use that water through stormwater harvesting techniques to irrigate vineyards and other

horticulture in the area. In places like Israel (Tel Aviv), lacking immensely in rainfall, the country there is as harsh as any of the worst country we have in South Australia, but they are able to harvest their water and put it through dams and sedimentation ponds naturally back into the aquifer. They then have a cleansing process that mother nature provides through the sands in that aquifer and that water is reused through bores, is pumped about 90 kilometres and creates most of the vegetable and fruit-growing areas in Tel Aviv. There are fine examples of this happening around the world.

This parliament, through one of its committees, recently heard some extraordinary admissions from the chief of the Stormwater Management Authority that it was, in effect, not in its mandate to go beyond stormwater mitigation works to prevent flooding into stormwater harvesting. This legislation will ensure that the Stormwater Management Authority will have on its agenda the very important issue of stormwater harvesting. We will never wean ourselves completely off the River Murray—nor should we, as I shudder to think what would happen if we did not have the River Murray in South Australia for critical human need.

It would be easy for other states and the commonwealth in a desperate situation to say that we do not have a critical human need with regard to the River Murray and that, therefore, they will not give us any water allocation if the drought continues or if climate change has a major impact. Not wanting to be weaned completely off the River Murray, it is nevertheless important that we be weaned to a large extent. It is absurd to think that as recently as this week we have seen gigalitres of water flowing off our roads, through our stormwater system and straight out into the gulf, damaging the gulf at the same time. It will be a win/win situation if we get this bill through.

Under this bill, the Stormwater Management Authority will be tasked with preparing a plan for expenditure from increased state government moneys that go to local government for stormwater harvesting. How is this funded? The most appropriate source, in our view, is the windfall gains for the government from the Land Management Corporation's revenue. We think this is appropriate because the expanded land usage (and the buildings that go on it) will create more water run-off, more water in our creeks and drains, and more water running out to sea, killing the seagrasses.

It makes complete sense that, in the spirit of environmental responsibility and in order to ensure water security for South Australia, the Land Management Corporation should contribute 10 per cent of its land sales income towards stormwater harvesting. We should bear in mind also that about 97 per cent of all subdivision land in South Australia's metropolitan area comes from the land bank of the Land Management Corporation.

Family First is a watchdog party in this chamber and it is on the lookout for wasted public moneys, and the cash cows—the LMC and SA Water—are on our hit list. I will have more to say about SA Water at a later stage, but today this bill is targeting the Land Management Corporation's windfall revenue gains in order to assist local government to retrofit stormwater harvesting infrastructure into existing subdivisions and, in so doing, to ensure a guaranteed water supply for the future needs of all South Australians. This is a relatively simple bill, and I commend it to members.

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

DEVELOPMENT (WATER HARVESTING) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (17:38): Obtained leave and introduced a bill for an act to amend the Development Act. Read a first time.

The Hon. R.L. BROKENSHIRE (17:38): I move:

That this bill be now read a second time.

This bill is about greenfield developments in South Australia. Members would be well aware that in recent times thousands of allotments have been released in the north and south, in particular, of the metropolitan area. Apart from a few small examples, most of these greenfield development sites, on which homes are now being built at a rapid rate, have had nothing done to them when it comes to stormwater harvesting.

In our opinion, the time has come to ensure that any new greenfield development includes measures for stormwater harvesting. Under this bill any future residential, industrial or commercial greenfield development over a prescribed size will have to include water harvesting aspects. There must be two sets of waterworks for water supply, being the standard SA Water supply on one pipe

and the other being what some refer to as purple pipes; in other words, pipes to deliver recycled water to homes, parks and gardens in the new subdivision.

It may be harvested stormwater, where the water is harvested into sedimentation ponds and then retention ponds, and it is then stored in the acquifer so that it can be recovered. In certain instances it may be recycled water of drinking quality, but in this instance not for potable use. There must be stormwater management works in the development to allow for these ponds and to ensure that we have an opportunity to harvest this water. Whilst I acknowledge that there will be some additional expense, the bottom line is that the cheapest way to go about ensuring better water security is to start with your greenfield sites because the infrastructure is already going in, even to the point sometimes of retention ponding (not necessarily sedimentation ponding) being required as part of stormwater mitigation.

If you weigh up what the Treasurer has flagged in that there will need to be and, indeed there already have been, significant increases in the cost of water being provided to those people who have mains water, clearly that is going to get more expensive if the source becomes even scarcer. Of course, in some instances, the hydrology does not allow, or it is otherwise in the public interest, that aquifer storage and recovery components of this do not proceed, and then this bill allows the minister to grant an exemption. To ensure transparency, that exemption must run through the Environment, Resources and Development Committee so that the ERDC can see that it is a bona fide exemption and not just a way out for developers to get around the importance of stormwater harvesting in entirety.

I note the Hon. Mark Parnell's support of this kind of initiative, as recently I have listened to him and others in this council talking about the importance of getting smart urgently with water. I ask my colleagues here on the crossbenches, government members and opposition Liberal Party members to have a close look at this bill. The Premier is saying that he has a plan to increase the population from about 1.5 million to two million by 2040 or 2050, from memory. Some advice I have had is that, at this stage, that is even more on track than many of us would have thought. But how can we sustain a future for those people, let alone those of us already in this state, if we do not have water, the most fundamental essential source for survival?

Therefore, I challenge the parliament to explain to me why it would not support this bill when this is about a common-sense approach to capturing water that is going to get scarcer, not more plentiful, if you believe those scientists who are talking about climate change. I look forward to speaking in more detail about this bill at the appropriate time, and I commend it to members.

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

NATURAL RESOURCES MANAGEMENT (WATER HARVESTING) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (17:44): Obtained leave and introduced a bill for an act to amend the Natural Resources Management Act 2004. Read a first time.

The Hon. R.L. BROKENSHIRE (17:44): I move:

That this bill be now read a second time.

I will be even briefer with this bill and I thank colleagues for their patience and time. I realise the workload here tonight, but I will be spending a lot of time debating this in future at the appropriate time when the chamber has more time to analyse this prior to vote.

This is the last of the three bills about (1) transparency and (2) getting fair dinkum about stormwater harvesting. This bill simply requires the NRM Council to include a line in its annual report setting out how much the state government, through its various organisations, NRM boards and local government spends on stormwater or other wastewater capture and storage.

We saw in minister Maywald's statement the government's spin that it is interested in stormwater harvesting. The view of Family First is that the NRM Council is best placed to tell the public, first, exactly what projects are underway; secondly, how much money is being spent; and, thirdly, and most importantly, whether they are bona fide stormwater harvesting projects or merely stormwater mitigation projects dressed up to look like stormwater harvesting. I trust that colleagues in this chamber—and eventually and hopefully those members in the other house—will have a good look at this bill and support it. The public's interest in stormwater harvesting is surging. Where ever I have been throughout the state people from the Riverland, down south (where I live) or through the metropolitan area have been saying to me, 'We must get on with stormwater harvesting as an important initiative.'

People pray for rain at the moment, but it does fall on Adelaide's roofs and it flushes out to sea. The public wants something done about that wasted water. This bill is about showing the public that, if the will is there and the legislative framework is put in place, it can be done. That is why I am pleased to introduce this bill today. I commend the bill to members.

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

TEACHERS REGISTRATION BOARD

The Hon. J.A. DARLEY (17:48): I move:

That the Statutory Authorities Review Committee inquire into and report on the effectiveness of the Teachers Registration Board in the exercise of its functions and power with respect to:

1. The welfare and best interests of children as its primary consideration in the performance of its function;

2. The manner and process by which it ensures that a teacher registration system and professional standards are maintained to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of the children;

3. The composition of the board;

4. The manner and process by which evidence is gathered and presented to the board, including the representation of parties to proceedings;

5. The relationship between the Department for Education and Children's Services and the board; and

6. Any other relevant matters.

This motion was first introduced on 26 September 2007 by the Hon. Nick Xenophon in response to allegations of improper conduct by a teacher at a school in Mount Gambier. These allegations were reported and investigated by the Teachers Registration Board, but parents expressed concerns about the way in which the investigation was conducted and how the board dealt with evidence, especially from children and parents who were affected. Since the motion was introduced, the South Australian Association of State Schools Organisations has come out in support of establishing the inquiry, and I thank it for its support.

Its support indicates that there are wider systemic issues that need to be brought out into the open and solutions sought. I think this inquiry will have much to contribute in shining a light on the inadequacies of the current legislation and practices of the board in its interaction with those in the school community and its dealings with the Department of Education. I urge all members to support the motion.

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

NATIONAL PARKS AND WILDLIFE (ARKAROOLA-MT PAINTER SANCTUARY MINING PROHIBITION) AMENDMENT BILL

The Hon. M. PARNELL (17:50): Obtained leave and introduced a bill for an act to amend the National Parks and Wildlife Act 1972. Read a first time.

The Hon. M. PARNELL (17:50): I move:

That this bill be now read a second time.

During the winter non-sitting period I was very pleased to pay a visit to the Arkaroola Wilderness Sanctuary in the company of Doug Sprigg, his sister Marg Sprigg and ecologist Lorraine Edmonds. That visit showed me that an area that I had been talking about for some time and espousing the virtues of was even more important when I got to visit at first hand than it was in reading other people's accounts of it. I have had a fair bit to say about the Arkaroola Wilderness Sanctuary in the past. I have asked a number of questions in this place. It is one of those causes that I am determined to see through. I am determined to see this area protected in perpetuity.

I think it is useful for us to start by looking at why the Arkaroola Wilderness Sanctuary was set aside as an area for preservation in the first place. As members would know, the founder of the Arkaroola Wilderness Sanctuary was Dr Reg Sprigg. Dr Sprigg has been described as the original 'rock star'; 'rock' in terms of his passion for geology rather than any musical ability. A few weeks ago, nearly 200 invited guests attended a recent book launch at the South Australian Museum. The book was entitled *Rock Star: the Story of Reg Sprigg*.

Most significantly, one of the speakers at the book launch was Professor Ian Plimer, who is a noted advocate of uranium mining, a person who is frequently in the media, almost universally taking a view on different issues that is the opposite to mine. Yet, on this occasion, at the launch he stated, 'I'm all for uranium mining, as you know, but not here, not in this place.' That is telling, given that it is coming from someone who is one of the most passionate advocates for uranium mining in this state. Even Professor Plimer says that Arkaroola is too important to mine.

The sanctuary was created by Reg Sprigg and his wife, Griselda, with the support of long-time friends such as Sir Douglas Mawson. It was created in recognition of the unique geological properties of the location. As a staunch proponent of mineral exploration and the exploitation of natural resources such as gas, petroleum and uranium, Sprigg was nevertheless cognisant of the need to protect significant sites of geological and environmental importance. He established the Arkaroola Wilderness Sanctuary as the state's first ecotourism resort. It has now become one of the icons for tourism in this state, and it has won numerous awards for the tourism services that it provides.

Whilst the Arkaroola Wilderness Sanctuary is in a rugged location, it is a fragile ecosystem, and it has been one of the most important sites for the successful program of saving the yellow-footed rock wallaby from extinction. It is also part of the traditional lands of the Adnyamathanha people. The Arkaroola Wilderness Sanctuary is situated in the vicinity of the Paralana fault line, and it is subject to regular seismic activity. In fact, when you go to the visitors' centre, one of the first things that strikes you is the seismograph opposite the reception desk which records that seismic activity.

What I would like to do now is go straight to the bill and talk about its mechanics before I conclude later with some comments about why this area is important and should be protected from mining. This is an amending bill to the National Parks and Wildlife Act. The reason that I have drafted the bill in this way is that the Arkaroola Mount Painter Sanctuary is a declared sanctuary under that National Parks and Wildlife Act. I could have approached it from the point of view of an amendment to the Mining Act, but it seems to me that the area is already recognised as being important for conservation and that, therefore, an amendment to the National Parks and Wildlife Act is the best mechanism to ensure that the status that it currently enjoys is further enhanced by protection from mining activity.

The bill is fairly simple in its effect. It says that no-one can acquire new mining or exploration rights over the Arkaroola Wilderness Sanctuary. The sanctuary is defined in the legislation in accordance with its gazettal. I do not need to go into the whole history, but the history of the sanctuary is that it was proclaimed many decades ago. It was then deproclaimed, for some unknown reason, and then reproclaimed again in 1996. That is the most recent and current reference, so my bill refers to the page in the *Government Gazette* that declares the Arkaroola/Mount Painter Wilderness Sanctuary. The minister at the time was the Hon. David Wotton.

The mechanics of the bill are such that no-one can acquire new rights, and that includes any new mining tenement, whether it be exploration or extraction. Currently the only mineral exploration licence over the Arkaroola sanctuary is that held by Marathon Resources. There are, however, a number of other rights (not being mineral exploration rights) that I need to refer to as well. The first is that there is a small number of geothermal exploration licences under the Petroleum Act. Only a small part of these licences overlaps with the Arkaroola Wilderness Sanctuary, however my bill also excludes that activity.

I have done that because, if the purpose of this bill is one of conservation of the area and its geological formations, its plants and its animals, then it is not appropriate for me to pick and choose the types of mining that I do like and the types that I do not like and say good mining is allowed in and bad mining is not. If we are serious about protecting the natural values of this area then it needs to be off limits to all mining. So even though I support the concept of geothermal or—as it is often better known—hot rock energy technology, I do not want it in Arkaroola, and neither do the Spriggs, the proprietors of the wilderness sanctuary. So, this bill is not just about banning uranium mining; it is about protecting Arkaroola.

I also need to point out one other exception to the ban that I have written into this bill. It is an exception that I found uncomfortable to write but, nevertheless, if I am to be consistent in my approach in protecting the core values of this area, I need to include this in the bill. This relates to the Four Mile uranium deposit, which is some eight or nine kilometres to the west of the currently operating Beverley uranium mine.

A small part of the mineral exploration licence that has been shown to have productive values does overlap with the wilderness sanctuary. A month or so ago, the owners of that exploration right applied for a mining lease, and some of that mining lease overlaps with the Arkaroola Wilderness Sanctuary, so I have excluded that from the operation of my bill. The effect of that is that my bill does not prevent any exploitation of the uranium deposit at Four Mile.

[Sitting suspended from 18:00 to 19:45]

The Hon. M. PARNELL: Before the break, I was explaining how my bill, which seeks to ban mining and exploration in the Arkaroola Wilderness Sanctuary, has an exception built into it; that is, if anyone applied for a mining lease prior to 3 September, they will be able to exercise that mining lease if it is granted and they choose to exercise it. The reason I have put that in is that a small part of the sanctuary overlies the uranium deposit at Four Mile.

The Four Mile deposit is in two parts: Four Mile East and Four Mile West. Part of the Four Mile West deposit is in the Arkaroola Wilderness Sanctuary, but it is not in the high-value hill area of the sanctuary; it is on the flats. The reason I chose 3 September is that some time prior to that date Alliance Resources and Quasar Resources lodged their application for the mining lease. They held an exploration lease, and they have now lodged an application for a mining lease. I do not propose that this bill stand in the way of that going ahead, if the companies choose to proceed and if Primary Industries gives them the necessary approvals.

However, I do not want it to be said that the Greens are going soft on uranium mining. The fact that I have exempted it shows that this bill is about protecting the high conservation values of Arkaroola. I will use other opportunities to criticise and campaign against the uranium mining industry. It seemed to me that the best chance I had of getting cross-party support for this legislation was for it to be squarely aimed at the most important ecological parts of the sanctuary.

This bill is different from the last bill I introduced, which sought to protect all sanctuaries under the National Parks and Wildlife Act; this bill protects only Arkaroola. Having explained what the bill does, and the mechanisms for its operation, I want to put on the record some observations about the situation with Marathon Resources in Arkaroola, because in many ways that was the impetus for this bill. It was the behaviour of that company in the wilderness sanctuary that has drawn national and, I think, even international attention to the fact that, as a state, we have allowed our most important sanctuary areas to be opened for mining.

I do not need to go through the whole history of what happened in Arkaroola, but members would be familiar with the fact that sometime around Christmas last year there was a discovery of the unauthorised disposal of waste and the police were called in. As members would know, police officers are also authorised officers under the Environment Protection Act. Eventually, a joint report was prepared by Primary Industries and the EPA. That report has not been publicly released; I had to get a copy of it under the Freedom of Information Act. There is important information in that report that is not in the public realm, and I want to put some of that in the public realm today.

When one reads the report, it raises many more questions about Marathon than it answers—about its behaviour and its dealings with public officials. For example, on 19 December last year, Marathon requested the use of two new drill rigs in the sanctuary at Mount Gee in order to fast track its drilling program. Shortly after that, Primary Industries first became aware of the inappropriate and, in fact, illegal disposal of waste in the pits at Mount Gee.

The new drill rig request was actually granted after Primary Industries and the EPA became aware of the unauthorised disposal. That request was granted on 10 January 2008, despite the allegations that had been made and despite the fact that a Primary Industries team of three and an EPA team of two inspectors were due to travel to Arkaroola only five days later, on 15 January 2008. The question that raises for me is: why, given the seriousness of the allegations, was the company granted an opportunity to actually accelerate its drilling program?

Furthermore, while there is a mysterious absence of a fixed date in the report, it is only defined as being prior to the first site inspection on 16 January. During questioning, Primary Industries obtained a direct admission from Joseph Mazzone and Brian Newell in Adelaide that trenches had been dug by the company and numerous calico sample bags had been disposed of, including bags that had been returned to the site from the laboratories in Adelaide. So, when exactly were these discussions held? Dates are expressed precisely in all other areas of the document, but not in this one case. So, the question is: why was an accelerated drilling program

approved when important discussions were imminent? Or perhaps Primary Industries had already obtained an admission of a remarkable breach in the exploration licence.

The final report issued by Primary Industries in May 2008 states that on the morning of 17 January at Arkaroola (which is the day after the original site inspection on 16 January) PIRSA inspectors were told by Marathon staff that their drilling program, if confined to only those sites already approved by the declaration of environmental factors, would be completed by 28 January. Yet, on 24 January 2008, Dr Edward Tyne, Executive Director of PIRSA, wrote the following to the Marathon chief executive officer, Mr Peter Williams. The letter states:

> Dear Mr Williams, Re: Approved Drilling Program—DEF Addendum 3. During the site investigation by PIRSA—EPA on 16 January 2008, Marathon staff advised verbally that drilling operations on the above approved program would be completed by 21 January 2008.
>
> PIRSA was advised verbally by Mr Allan Younger on 23 January 2008 that your company's drilling activities at Mt Gee would now be expected to continue for another 18 days. PIRSA sought immediate clarification on this advice from Marathon via email.
>
> Furthermore, an article published in *The Australian* on 23 January 2008 refers to 'the rigs operated by Boart Longyear, were still working around the clock' on 22 January 2008. In light of the active PIRSA—EPA investigation at Mt Gee, I consider your company's communication with PIRSA on this matter as being highly inaccurate, if not misleading.

That is remarkable language for a public servant to be sending to the CEO of a mining company, to say that their communications were 'highly inaccurate if not misleading.' He goes on in his letter to state that a PIRSA compliance team will arrive on the 29th and to require that drilling be terminated by 8 February.

I need to know the origin of the divergences of these dates. Were PIRSA officers originally told that drilling was to be completed by 21 or 28 January? Dr Tyne's letter is extremely strongly worded and is very specific about what PIRSA officers were told. I asked a question last sitting week in parliament about the missing fluorite that was unlawfully taken from Arkaroola. I asked a question of minister Holloway that included the following:

> Where is the fluorite now that was taken, and what actions has PIRSA taken to find that fluorite and to return it to the Arkaroola Sanctuary?

In the minister's response, he said:

> In relation to the fluorite occurrence, that is referred to in the investigation. If the honourable member has a copy of the report, as he has said, I would suggest that he read the detail there. As I understand it, and it is some time since I have read the report, there was obviously some dispute over who had taken this particular fluorite. Clearly, the expectation would be that it was someone within the company but who exactly had done it and what had happened to it, of course, was somewhat indeterminate. It would be very difficult to track down exactly what had happened in relation to that because there are also other people on the Arkaroola site who—

Then, an honourable member interjects. The minister continues:

> Well, it may have been disturbed, but who actually took it is, of course, another matter. However, I believe that that matter is adequately covered in the report that the honourable member says he has in his possession.

Well, I did go back to the report after receiving that answer from the minister and the report absolutely begs the question of what exactly happened to the missing chunks of the unique fluorite outcrop which is really at the heart of the nationally significant Mount Gee geological monument. Students from all over the country would be keen to know what happened to this fluorite. The PIRSA final report itself notes that 'this unique mineral occurrence is well known to Australian geologists and mineralogists.'

But, further begging the question, the minister simply refers back to the same report that does not give us the answer. The minister then alludes to the notion that other people, presumably with access to the site, might have been responsible for its ultimate disappearance. This is really quite remarkable, because we are not talking about a handful of gemstones that someone scooped into a lunchbox. This is what the report states about this fluorite:

> Identifiable machinery tracks to the site and an excavated area of approximately 2.5 by 2 m at the edge of a creek were recorded and photographed. From the track and excavation impact, it appears that a small excavator had been used to remove a substantial part of this unique fluorite vein occurrence. Mr Newell—

who is from Marathon—

> was informed of this matter by PIRSA officers and he subsequently visited the site and confirmed verbally that the site had been accessed by a small excavator. There is no declaration of environmental factor authorisation for Marathon staff to excavate or remove material from this site. At the site, numerous tracks were observed

immediately north and west of the investigation area, outside of designated zones used to access approved drill sites…

The report then goes on, in its summary of investigation findings, to state:

A Marathon representative inspected the fluorite vein and confirmed that the site had been damaged and had been accessed by mechanical digging equipment. The Marathon representative could not advise as to who damaged the site. Marathon's exploration operations are the only operations within Arkaroola that have this type of equipment available. The evidence indicates that the following PIRSA approval conditions for the use of Declared Equipment, dated 1 November 2006 have been breached:

It then goes on to set out those conditions.

So the minister has this notion that, while a Marathon employee may have actually used machinery (which, as the report notes, was only locally available to Marathon employees) and that this excavation was subsequently admitted by the company, other people may have been wandering around in this remote part of South Australia and may have made off with this deposit. That is a remarkable suggestion.

The question is: where is this missing fluorite? The PIRSA report, which the minister says adequately covers the issue, does not detail the Marathon response to PIRSA, so it is left to the company to tell us what it was. My source document is the company's own propaganda paper called, 'Learning from Waste in the Wilderness', quite a remarkable document. It reads:

Marathon had management at the Mount Gee site that did not properly appreciate the appropriate sustainable development standards. This is exemplified by the damage an employee of Marathon Resources did to a fluorite vein located within the Mount Gee geological monument area. He used declared equipment within EL [exploration licence] 3258 without written authorisation from PIRSA.

The region in general has a long history of gem and mineral fossicking, however, the actions of one of Marathon's employees in causing damage to this significant Mount Gee fluorite occurrence was unacceptable. The occurrence is an important educational and research tool for tertiary geology students and a unique Australian environmental monument for Arkaroola Sanctuary's international tourists.

Following the damage to this fluorite occurrence, Marathon conveyed the following information to PIRSA. It said:

In relation to Marathon's involvement at the site, we have found that at some time during February 2007 a quantity of surface material was pulled from a badly eroded water course onto the bank with a small backhoe by a Marathon employee. The water course which is up to 1.0m deep and 1.5m wide at an inclination of +/- 14 degrees has been eroded by water flow from a site excavated for exploration purposes by a party prior to Marathon Resources' involvement at Mount Gee. The quantity of material pulled from the eroded gully is estimated by us as a result of a visit to the site on 12 February 2008 as less than half a cubic metre—

note that half a cubic metre is not the same as the Primary Industries report, which talks about an area 2.5 metres by 2 metres—

or no more than 250kg [in other words, a quarter of a tonne of material]. We are advised that when the material was moved from the gully, no sampling took place. The Marathon Resources employee who removed the surface material…was on an activity not authorised by the company...His action was not in accord with our environmental policy. We are assured that he did not then subsequently remove any samples and has not returned to the location since February 2007. It is evident from…photographs that subsequent to the event of February 2007 a person or persons (and unknown to Marathon Resources) has/have made a further excavation of approximately 80 litres (four standard buckets).

That is from a letter to Primary Industries dated 27 February.

The geological significance of the fluorite occurrence was not explicitly detailed in Marathon's environmental control documentation. In order to ensure that there is no further damage to this or any other monument, Marathon employees need to be aware of the geological significance of the area and how their actions might directly impact on sensitive sites. Further, they need to be accountable for their actions at site level at all times.

I think it is remarkable for us to be told that this is an instance of fossicking. What I want to know is if there is a quarter of a tonne of this valuable material—and when I say 'valuable', one only has to go to any of the mineral sites on eBay and have a look at the value of fluorite on the market to see that it is an incredibly expensive material.

If Marathon employees are to be held accountable, what disciplinary actions are going to be taken? I do not think it is sufficient for the minister to say that it is answered in the report, when the report says no such thing. I would be amazed if PIRSA was satisfied with this situation. We have had admissions of excavation; we have enough material, I would have thought, in the hands of the company and Primary Industries to be able to work out who was responsible. I do not think it

is reasonable to leave this unresolved. When something goes missing it normally would be regarded as a matter for police involvement, so I would love to know from the minister what further action they are going to take. However, Primary Industries' final response to this was to state:

> In relation to the unauthorised sampling and damage to the fluorite occurrence at Mount Gee, the company is requested to consult with the landholders, PIRSA, and other stakeholders, in the development of a remediation plan for the damaged fluorite occurrence in the Mount Gee geological monument area.

My question is: how does one remediate the removal of a large chunk of a rare mineral, particularly given its mysterious apparent absence from the site? There is no indication as to how that is going to be done, and there is every indication that Primary Industries is washing its hands of this.

My bill is important because it is very clear that Marathon has an expectation that it will be allowed back into the Arkaroola Wilderness Sanctuary to continue its work. Marathon's chairman, Peter Williams, who has been with the company since 2004, states in an open letter to shareholders on 15 August this year:

> I have led Marathon's review process to understand how this Mount Gee incident occurred and what we needed to learn. The results of this review, 'Marathon Resources: Learning from waste in the wilderness', is being made public so that our key stakeholders can hear from us about our understanding of what happened and what we plan to do to ensure that these types of incidents do not recur. Throughout the review process I came to the difficult realisation that this incident may, in fact, have been symptomatic of our culture and Marathon's overall approach...Our conclusion, after the Mount Gee issue, was that these incidents indicated that we had not instilled the appropriate level of awareness about the importance of our social licence to operate. When the company was formed in 2004, we should have worked harder to instil a culture, capability and systems for managing exploration in a way that was sensitive to the community and the environment. We needed management and communications that were up to delivering us this culture and approach.

This was all part of a strategy aimed at convincing the community and minister Holloway that they are reformed characters now, and that, if the state government and the community would only be prepared to let them back into the Arkaroola Wilderness Sanctuary to drill again, they would be the best environmental performers that we have ever seen. The company goes on to say:

> To win the right back to drill we must first change our understanding of the priorities for an exploration company in a sensitive environment. We must be able to rebuild support with key stakeholders through better management and communications. We must ensure our standards of behaviour are exemplary and that we deliver our exploration program to the highest safety, environmental and community standards.

The company has been saying precisely that forever; that was always its position before it was involved in this damage, and it is saying it again afterwards and expects us to believe it. It has not learnt a thing from any of its experiences. The company certainly did not learn from its experiences trying to mine uranium down on the Fleurieu Peninsula—the so-called Wild Dog mine. The Hon. Sandra Kanck and I drove down together to the public meeting. There was outrage in the community at what this company was proposing to do. At the end of the day, the Premier himself stepped in to make sure that there would be no uranium mine on the Fleurieu Peninsula.

I will not go through all the instances over the last four years where Marathon has claimed to be a sound environmental performer. Clearly, the rhetoric is at complete odds with its actions; Marathon is not walking the talk. As I have said in this place, and I will say it again, once Marathon has cleaned up its mess, it should not be allowed back into Arkaroola Wilderness Sanctuary.

The campaign to keep mining out of Arkaroola has, as I said at the outset, attracted a range of people from diverse backgrounds. I have mentioned Professor Ian Plimer, a big fan of uranium mining, but he does not want to see it in Arkaroola. Similarly, Iain Evans, the member for Davenport in the other place, has publicly said that he does not think there should be uranium mining at Arkaroola. Nick Minchin, leader of the Liberal opposition in the Senate, is on the record many, many times as saying that Arkaroola is too important to mine and it should be off limits.

But on the other side of the fence, Marathon has some powerful backers as well. Former state ALP president and federal minister, Chris Schacht, has held shares in the company for several years. He is credited with playing a fairly important role in overturning the ALP's no new uranium mines policy, and now we see that he is on the board of directors of Marathon Resources.

I will conclude shortly, but the main point I want to make about this legislation is that, even though I focused a great deal on Marathon, which has the only current mineral exploration licence, this bill is not just about getting Marathon out of Arkaroola: it is about the future protection of Arkaroola. It is not about uranium: it is about all forms of mining.

I thank Marg and Doug Sprigg for their hospitality when I was up there. I also thank Lorraine Edmunds, who showed us around. I acknowledge the work that has been done by the

Wilderness Society, in particular, Peter Owen, and also Bill Doyle, who is perhaps known to some members as one of the lead campaigners trying to protect Weetootla Gorge, which was a very similar case. The government did, in fact, step in in that case to protect that important area of the Outback from mining. Bill Doyle has done a great deal of research to try to pull together the strands in this Arkaroola debate.

The final thing I want to do, and I will do it fairly quickly, is refer to the comments of a person I have never met before. When I was sitting in the Arkaroola Sanctuary flicking through the visitors' book, I saw that one book was almost totally devoted to comments from members of the public—South Australians, people from interstate and people from overseas—commenting on what they think about this idea of mining in the Arkaroola Wilderness Sanctuary. I have a number of entries here, but I will read only one of them. I have never met this person, but Ann Ryan of Warrnambool in Victoria—

The Hon. A. Bressington interjecting:

The Hon. M. PARNELL: The Hon. Ann Bressington thinks she might know this person. I will show her the handwriting later, and we will see whether she can recognise it. Ann Ryan says:

> No! to uranium mining in the Arkaroola Wilderness Sanctuary. This place of ancient culture and shape. This place of tranquil waterholes, exciting and spectacular gorges—a geological phenomenon of hidden treasures! But not for mining or any other destructive activity.
>
> I encourage the Australian government, when considering any mining application for this place, to be courageous enough to rise above the economically-driven demands of companies and to listen to the voices of past visionaries with connections to this place, such as Sir Mark Oliphant and Reg and Griselda Sprigg, the latter being the transformers of this place into a sanctuary.
>
> As a scientist, Sir Mark Oliphant was horrified and anguished for the rest of his life at the destruction of humanity in which he had played a part. He set his energies into humanitarian and environmental matters and begged us, all of mankind, never to use such destructive energy ever again!
>
> He is honoured in this place with a peak in his name and a cairn accordingly placed. A cairn decorated by small stones placed on and around it by travellers in this place. Respecting the man and his philosophy.
>
> Let's listen to his voice, to the voices of Reg and Griselda Sprigg. To the voices of the rock wallaby, the thrush, the magpie, the honeyeater, the willy wagtail, the emu, the fairy-wren, the bellbird, the pardalotes, the mulga parrot, the kestrel, the crow and the mistletoe bird, the crested pigeon and the ring-necked parrot. All heard or viewed by this writer in the past few days!
>
> Documented history has established the extent of destruction of flora and fauna in this land since European settlement!
>
> Let us make a stand for preservation over destruction. Let us truly respect the voices of our visionaries! No! to mining in this place of refuge.

And it is signed Ann Ryan of Warrnambool, Victoria, 3280. I commend the bill to the council.

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

DEVELOPMENT ACT

The Hon. M. PARNELL (20:18): I move:

> That the regulations under the Development Act 1993 concerning schedule 10 (variation), made on 17 July 2008 and laid on the table of this council on 21 July 2008, be disallowed.

The reason I think these regulations should be disallowed is that they do not form part of any well thought out policy of reform to planning arrangements in this state. These regulations are quite clearly payback to the Adelaide City Council for its involvement in the protection of Victoria Park. One would not know that from reading the regulations because the regulations do not make any mention of Victoria Park. What the regulations state is that any development application in the City of Adelaide worth more than $10 million can no longer be dealt with by the Development Assessment Panel of the City of Adelaide and must instead be dealt with by the state-appointed Development Assessment Commission.

I say that it is payback for Victoria Park, but the actual impetus for that decision, apparently, was a tower block in the city that the council Development Assessment Panel knocked back. That was too much for the government to bear, so as a response, and despite the fact of over $1 billion of development being approved by the Adelaide City Council Development Assessment Panel, the government decided that anything worth more than $10 million could not be trusted in the hands of Adelaide City Council and must be referred to the Development Assessment Commission.

This demonstrates to me the absolute hypocrisy with which this government approaches the planning and development regime. We find that, when it suits the government to take something away from a local council, it declares it a major project, it then blames the local council for previous failed attempts and it gets its projects through that way. Yet when other projects come up that clearly deserve major project status and deserve the scrutiny of an environmental impact statement, the government refuses to declare it as such. The government's approach is absolutely random and unpredictable.

One of the flow-on effects of this current regulation is that the Development Assessment Commission does not have the expertise to be dealing with the complex matters for development in the City of Adelaide that the city itself has. What insiders tell me is that the Development Assessment Commission has now gone cap in hand back to the Adelaide City Council saying, 'It is now our job to assess all these developments; we are going to need your help. We are not good at doing it ourselves; we don't have the expertise.' I think the only sensible solution is to see this regulation for what it is, a crude political measure, and for this parliament to disallow it.

It is probably also worth saying that part of this debate, I think, revolves around the government's intention to try to remove the role of elected members in the assessment of development applications. When I was a new member in this place we had to deal with a bill to amend the Development Act which ensured that local councils would set up a development assessment panel that would assess developments. As a parliament, we agreed that these panels would comprise half elected members and half appointed experts.

I believe that was the right balance, because the task of assessing a development is not just a purely technical task, where one ticks boxes and then the approval is granted. There are subjective elements, and one needs to make assessments about how, for example, a development will fit into the character of a local area. You cannot get a monkey with a biro or a sheet of paper with boxes on it and tick them to make that decision. So, I supported the government's reforms to introduce these panels.

However, it seems that, having achieved a good compromise, the government is still unhappy: it is unhappy with the fact that elected members have a role in assessing development. It wants to see only people who it has appointed, only its own safe appointees, as the decision makers—because that is what the Development Assessment Commission is. With no disrespect to any of the individuals involved, they are all appointed by the state government. They are very much a known quantity.

I think it is unreasonable in the extreme for the state government to back away from the position that it reached in 2006—the compromise, if you like, that was reached between regarding development assessment as a purely technical versus a purely political exercise. We have a good compromise, it is reflected in the development assessment panels, and I think we should allow them to get on with their job. I do not think we should have arbitrary restrictions placed on their jurisdiction, such as the restrictions in these regulations. I urge all honourable members to support the motion to disallow them.

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

CONTROLLED SUBSTANCES (PALLIATIVE USE OF CANNABIS) AMENDMENT BILL

The Hon. SANDRA KANCK (20:24): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. SANDRA KANCK (20:25): I move:

That this bill be now read a second time.

This bill is not about how we approach illicit drugs: rather, it is about how we ought to use science to assess the medical benefit of a drug—in this case, cannabis. We do not, for instance, have difficulty in allowing the use of morphine, from which heroin can be derived. Instead, we rely on the advice of doctors and researchers to assist in preparing safeguards, but the reduction of suffering that can come from using that drug is still allowed.

However, in the case of marijuana, the response is hysterical and the community is asked to believe that the use of this drug is somehow inherently evil, when the reality is that it is just one of tens of thousands of chemical substances used by humans. It is how we use such substances that matters, and this bill is about using it in a controlled way for the benefit of people suffering from

some symptoms of particular illnesses or diseases. I introduced an identical bill on 23 July but, due to the prorogation of parliament, I have to reintroduce it.

The bill proposes that fines be waived for personal cultivation and use of marijuana for people who are 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 could be revoked earlier by the doctor. The doctor would be required to provide to the minister a copy of the certificate within seven working days of issuing it and, similarly, provide advice if it has been revoked.

In South Australia cannabis is a controlled substance and is illegal under normal circumstances. However, under this legislation the medical practitioner is given protection so that they would not be subject to legal disciplinary proceedings provided that they had issued a certificate 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.

I invite members to read the speech I made on 23 July when I originally introduced this bill and, because that is on the record, I will not go into the whole rationale and repeat the quotes that I gave back then. Because I do know that everyone will not go back and check that speech, I will repeat the list of conditions and benefits for which cannabis can be used to palliate:

- reduction in muscle spasms, pain relief, better sleep and improved ambulation for people suffering from multiple sclerosis;
- glaucoma;
- depression and anxiety, particularly for people with terminal illnesses;
- suppression of nausea and vomiting associated with chemotherapy;
- body wasting resulting from AIDS;
- bursitis;
- control of seizures;
- neuropathic pain associated with spinal damage;
- pain relief for people with cancer;
- muscle spasms associated with motor neurone disease;

and there are others.

I mentioned the Cancer Council of New South Wales in the speech I gave on 23 July but, because I just mentioned pain relief for people with cancer, I will read from a Cancer Council of New South Wales fact sheet. It states:

> Until medical forms of marijuana extracts are available, the Cancer Council supports introducing a system for compassionate provision of marijuana to patients who may benefit from it. We also support limited exemptions from criminal prosecution for patients who have been certified as having particular conditions and who have been counselled by an approved medical practitioner about the risks of smoking marijuana—

which is exactly the model that is in this bill.

As a consequence of introducing the bill two months ago, I have received a lot of feedback about other scientific studies, with more information becoming available about the positive impact of medical marijuana. I have previously mentioned the number of states in the US where medical marijuana has been legalised and the international trials that are taking place. I mentioned the small and legal production of cannabis in Israel, and that is being made available for up to 150 patients to alleviate symptoms of cancer, AIDS or chronic inflammation of the intestine. Information provided to me since then is that the demand for cannabis for such purposes is likely to increase as a result of the Israeli Cancer Association's intentions to more widely publicise the compassionate access scheme to doctors.

I was also surprised to find out from one of the emails I received that the US government was awarded a patent back in 2003 on the use of cannabinoids in the prevention and treatment of a wide variety of diseases, including stroke, trauma, auto-immune diseases, Parkinson's disease, Alzheimer's disease and HIV dementia. The patent number for those who want to follow it up is #6,630,507 and it is assigned in the name of the US Department of Health and Human Services, and it was based on research done at the National Institute of Medicine. Despite the tough-on-drugs mantra of the Bush government and various regimes before it such as the Reagan government, it secretly recognises the palliative use of cannabis.

The *Journal of the National Cancer Institute* in the UK last year published research from Ramer and Hinz at the Institute of Toxicology and Pharmacology, University of Rostock in Germany, showing that cannabis can inhibit cancer cell invasion. Also drawn to my attention was work by researchers at Bath University in the UK, which has shown that cannabis can alleviate symptoms of inflammatory bowel disease. Additionally, a study conducted at the Medical School of Hannover, Germany, found reductions in the tics associated with Tourette's Syndrome. This drug which is illegal in our state and nation is proving to have more and more medical uses.

On 5 July 1995, the Select Committee on the Control and Illegal Use of Drugs of Dependence tabled a report in this chamber, and its first and unanimous recommendation of members comprising Labor, Liberal and Democrats was that 'scientifically designed and controlled clinical trials in the use of cannabis for therapeutic purposes be undertaken for specified medical conditions'. I remind members that the AMA's national policy also supports this. Thirteen years after that select committee report, we are still waiting for an enlightened government to take up the recommendation.

The Rann government's 2002 Drug Summit recommended evaluating the regulated availability approach to cannabis and, six years on, we are still waiting. Meanwhile, people are forced to break the law in relieving either their own suffering or the suffering of a loved one. They have been waiting years, sometimes decades, to get sensible reform, and I for one will work to get it for them.

With the rise of Christian fundamentalism in that country, US author and social commentator Gore Vidal makes the observation that sin and punishment are the real agenda, and that the state has taken on that role on behalf of the churches. In South Australia, as one constituent has observed to me: 'it is far easier to build a campaign (or a political career) based on what one is 'against' (and the people one despises and vilifies for all the evils of society) than it is to build one based on what is good, ethical and needs to be done for the 'little individual good' (the one that counts)'. He is right: it is far easier to take a moral and judgmental approach towards people about what substances they introduce into their own bodies.

I intend to take this bill to a vote at the end of year, so I ask members to make their decisions not on sin and punishment, not on trying to see who can be the toughest on crime, but on the science. And the science is there to show that the approach advocated in this bill is thoroughly justified.

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

NUCLEAR WEAPONS

The Hon. SANDRA KANCK (20:35): I move:

1. That this council notes—

   (a) that 21 September was International Day of Peace and on 27 September it will be 52 years since the first explosion of atomic weapons in our atmosphere at Maralinga;

   (b) the proposal by the Prime Minister, Kevin Rudd, for an international commission to revive the Nuclear Non-Proliferation Treaty; and

(c) the existence of the Luarca Declaration which claims a human right to peace; and

2. This council commends the United Nations Youth Association of South Australia for their campaign on nuclear weapons non-proliferation and disarmament.

The United Nations International Day of Peace was established in 1981 and is held each year on 21 September as a means of focusing efforts of individuals, communities and nations to end conflicts and promote peace. Such concentration of our thinking is sorely needed with the numbers of conflicts and the threats of war, including the use of nuclear weapons. On International Day of Peace in 2007 the UN Secretary General, Ban Ki-moon said:

> Peace is one of humanity's precious needs. It is also the United Nations' highest calling. It defines our mission. It drives our discourse.

In the past two decades the capability of nuclear weapons in the world has increased, most alarmingly in countries Australia regards as allies, such as the US and Britain, but in addition there are the so-called rogue states such as North Korea. But while Australia condemns North Korea, it appears to ignore the fact that more than 95 per cent of the world's nuclear weapons are in the hands of the US and Russia.

I framed this motion in terms which I hope will be acceptable to all parties, avoiding incorporation of wording about the link between uranium mining and export and nuclear proliferation. Nevertheless, without incorporating such words in the motion itself, I place on record my very strong belief that Australia should not be selling uranium to countries which have not ratified the comprehensive test ban treaty. I remain fiercely anti-nuclear, but given the huge reserves of uranium in South Australia, and a government and opposition committed to exploiting them, it is vital that we ensure that all fissile materials resulting from use of this state's uranium be used for peaceful non-military purposes.

My motivation for introducing this motion came as a consequence of being interviewed earlier this year by Adelaide University student, Catriona Standfield, whose resulting essay was entered in the Students for a Nuclear Weapons-Free World Competition. She was chosen one of the 15 winners from all around the world, from countries including Jamaica, Slovenia, Afghanistan and Nigeria. Her prize was to be flown to Geneva to attend the Students for a Nuclear Weapons-Free World Conference in July, where she met people such as Dr Hans Blix and journalist Phillip Knightley.

It was my concern about the French testing of nuclear weapons at Mururoa Atoll in the early 1970s that was the catalyst for my political involvement in the first instance. I had become complacent about the successes of nuclear disarmament in the 1990s, and preparing for Catriona's interview of me forced me to think again. In November 1995 Australia's then Prime Minister, the Hon. Paul Keating, set up what was known as the Canberra Commission on the Elimination of Nuclear Weapons. It included people such as the former US Secretary of Defence (Robert McNamara), Professor Robert O'Neill from Oxford University, the winner of the 1995 Nobel Peace Prize (Professor Joe Rotblat), and a former French president. The commission reported in August 1996 and Australia's new foreign minister, Alexander Downer, presented it to the UN the following month. I quote from the report, as follows:

> Nuclear weapons are held by a handful of states, which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them...a central reality is that nuclear weapons diminish the security of all states. Indeed, states which possess them become themselves targets of nuclear weapons. The end of the Cold War has created a new climate for international action to eliminate nuclear weapons, a new opportunity. It must be exploited quickly or it will be lost.

That was said back in 1996, so fast forward to 2005. At the nuclear non-proliferation NPT review conference held in New York in May that year, the Australian representative, Mr Michael Smith, told the conference:

> We expect the nuclear weapon states to pursue NPT nuclear disarmament commitments vigorously and with determination.

A representative of the Howard government made that statement to the NPT review.

I am a member of Parliamentarians for Nuclear Non-Proliferation and Disarmament. At the time that conference was held, along with many mayors and parliamentarians from around the world, I signed a statement which reads:

As mayors and national legislators we have a role to protect the security of citizens living within our jurisdictions and to protect our localities for future generations.

Such security is not advanced when there remain 30,000 nuclear weapons, many of which are deployed and ready for use at short notice. The risk of nuclear weapons use—by accident, design or miscalculation—is increasing due to the proliferation of nuclear weapons to new states, the possibility of non-state access to nuclear weapons and bombing materials, and the expanded nuclear weapons use doctrines of the nuclear weapons states.

Regardless of where nuclear weapons are targeted or detonated, or whether they are used by terrorist organisations or state militaries, no-one would escape the calamitous consequences of a nuclear attack. Even cities that are not the direct brunt of an attack would feel the global economic, social and medical repercussions, which would dwarf those of 9/11. Any nuclear weapons use would cause unimaginable devastation requiring massive aid, global effects from nuclear fall-out and a rise of refugees seeking to escape from the most contaminated regions.

The only way to prevent nuclear weapons use is to eliminate all nuclear weapons as mandated by Article VI of the Non-Proliferation Treaty (NPT) and the 1996 International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. Mayors for Peace have provided a vision for the achievement of a nuclear weapons free world by 2020.

Therefore, we, the undersigned mayors and parliamentarians, call for the commencement of negotiations which would culminate in the comprehensive abolition and elimination of nuclear weapons and the international control of nuclear materials to prevent clandestine bomb-making.

If a small number of states continue to prevent such negotiations being initiated at the Conference on Disarmament and also at the NPT review conferences, then governments should be encouraged to find an alternative track to nuclear disarmament as was done with the Landmines Convention.

The overwhelming majority of citizens in our cities, countries and around the world support the abolition of these ultimate weapons of mass destruction, and we mayors and legislators have a responsibility to use our authority to ensure the implementation of this imperative.

Frustratingly, disagreements at the NPT Review Conference were so deep that no resolution was possible. Now, in 2008, the Nuclear Non-Proliferation Treaty is on the verge of collapse, yet most of us are entirely unaware of this sad fact—but some are. In a speech made just last month, former prime minister Paul Keating said:

The treaty represents perhaps the most egregious example of international double dealing of any international regime. In a nutshell, the nuclear weapons states signed up to the elimination of their nuclear weapons while, in the meantime, other signatory states undertook to forgo their development. But now most of the nuclear weapons states are developing new nuclear weapons. Tony Blair announced the new Trident submarine program in 2006, while the British administration has turned its hand to new bunker busting nuclear weapons designed to attack underground facilities. The Russians, quick on the uptake, are also refining their arsenal. The old nukes had the dubious advantage of existing solely for self-defence. This new variety of US weapons is actually being designed for use, for intended war-time deployment and operation, and ditto for the Russians. What sort of future compliance can we expect from states already signatories to the NPT, let alone non-signatories, when the promoters of the treaty reserve the right to ignore their obligations as to elimination while designing and building new devices?

Paul Keating observed that we need:

…a new international order based on truth and justice founded in the recognition of the rights of each of us to live out our lives in peace and harmony…The old order of victorious powers, of a compromised UN, a moribund G8 with major powers hanging onto weapons of mass destruction, is a remnant of the violent 20th century. It cannot provide the basis for an equitable and effective system of world governance. Just as world community concern has been ahead of the political system on issues such as global warming, so too world community concern needs to galvanise international action to find a new template for a lasting peace.

Paul Keating was right. From the human and environmental damage still remaining from those test explosions at Maralinga, we in South Australia have an inkling of the cost and the long-term damage that nuclear weapons can cause. That first bomb on 28 September 1956 had a similar power to that dropped on Hiroshima. Another three tests took place over the ensuing year, but, since then, despite the assurances of safety at the time, we have seen servicemen die of cancers and leukaemias. We know of blindness resulting from observing a nuclear flash and spontaneous abortions amongst Aboriginal women, and still the area has not been adequately cleaned up. It may never be.

Australia's current Prime Minister, Kevin Rudd, has set up an international commission to revive the Nuclear Non-Proliferation Treaty. Ron Huisken, Senior Fellow at ANU's Strategic and Defence Studies Centre, commented:

Prime Minister Rudd's proposal in Japan to appoint an international commission to revitalise the Nuclear Non-Proliferation Treaty and put nuclear disarmament back on the international political agenda is courageous but timely. The world has had little difficulty in condemning chemical and biological weapons unreservedly, but has always been ambivalent about nuclear weapons. Nuclear weapons are deeply entrenched in the primary architecture of global stability. We have tried for a half a century to have our cake and eat it too: allow a few states to possess

nuclear weapons but dissuade or prevent others from getting them. It has become clear that this is not a sustainable approach. In addition, we now have to take much more seriously the risk that international terrorist groups will get hold of a nuclear weapon or enough fissile material to make a crude device themselves. Mr Rudd has committed Australia to a big job.

That he most certainly has, and we should commend and support him for this. This commission will report to an international conference at the end of next year. Mike Steketee, national affairs editor of *The Australian*, commented on 12 June about this plan in an article entitled Arms Talk Relaunch. I will read a few sentences from that article, as follows:

> So what is the point of yet another inquiry and report? Just possibly another report may get the timing right and give impetus to tackling an issue that, together with climate change, represents the greatest threat to human survival. Next year promises the first serious discussion of arms' control and disarmament in more than a decade. Forty years after the introduction of the nuclear non-proliferation treaty there are more than 25,000 nuclear warheads—10,200 of them are operational and several thousand are kept on high alert, ready to be launched within minutes.

I referred in the motion to the Luarca Declaration, which was formulated in Spain after a series of meetings with its final wording agreed to on 30 October 2006 with the intention that it be considered by the United Nations. In its preamble concern is expressed 'because arms manufacture, the arms race and the excessive and uncontrolled traffic of all kinds of arms jeopardise peace and security'. But, with a degree of optimism, it states:

> ...that peace has been and continues to be the constant aspiration of all civilisations throughout the history of mankind, and therefore we must all join our efforts to its effective realisation.

Article 11 of the Luarca Declaration is the right to disarmament, and it declares:

> Individuals and peoples have the right:
>
> (a) not to be regarded as enemies by any state;
>
> (b) to the general and transparent disarmament of all states together and in a coordinated manner within a reasonable time and under efficient and comprehensive international supervision;
>
> (c) to the allocation of the resources freed by disarmament for the economic, social and cultural development of peoples and the fair redistribution of such resources responding especially to the needs of the poorest countries and to vulnerable groups in such a way as to put an end to inequality, social exclusion and poverty.

I very much like the philosophy in the Luarca Declaration: that there is a fundamental human right to peace.

Adelaide has an active group of the United Nations Youth Association that holds that same belief, and their project for this year is cleverly titled 'Drop Da Bomb'. It is refreshing to see these young people fired up and taking on this challenge, and I have invited their executive to Parliament House to present their message to MPs—that is to you—on 15 October. They are also very keen to see as many South Australian MPs as possible join Parliamentarians for Nuclear Non-proliferation and Disarmament. As of this afternoon, they were out collecting signatures on a petition. It is a petition for nuclear disarmament, and I will read it onto the record. It is addressed to the Hon. Mike Rann MP, Premier of South Australia, and the Hon. Martin Hamilton-Smith MP, Leader of the South Australian Liberal Party:

> We, the conscientious human beings of the world, being threatened by nuclear weapons, hereby call upon the South Australian government to increase its efforts regarding nuclear disarmament, in line with the commonwealth government stance. The Prime Minister, Kevin Rudd, echoed this sentiment at Hiroshima earlier this year, when he said, 'Let the world resolve afresh from the ashes of this city—to work together for the common mission of peace for this Asia-Pacific century, and for a world where one day nuclear weapons are no more.'
>
> The United Nations Youth Association of SA (UNYA SA) urges Premier Rann and Mr Hamilton-Smith to show bipartisan commitment to the future of South Australia's youth by signing up to Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND). PNND is a global network of over 500 parliamentarians from 70 different nations who have joined together to advance the cause of nuclear disarmament. By joining PNND, parliaments are able to:
>
> - Actively influence nations to systematically disable and dismantle their nuclear arsenal, and abide by the IAEA and NPT protocols;
> - Stress the importance of the peaceful uses of uranium;
> - Enhance general awareness of the issues regarding nuclear proliferation, and the advantages of disarmament;
> - Actively encourage nations to assent to their global peace commitments, and resolve matters of dispute through dialogue and negotiation.

UNYA SA believes that this would be an important step for our state's leaders to take. Ensuring the safety and welfare of present and future generations is not just a political issue; it should be a concern to all members of our community. The 27,000 nuclear weapons that currently exist pose a constant threat to that safety and welfare. We anticipate that South Australian and Australian leaders will lead the way in advocating the necessity of nuclear non-proliferation and disarmament and ensure a safer future for us all.

We have become complacent. We have accepted the presence of nuclear weapons in the world and the resulting instability as an inevitability. It does not have to be that way. As the threat increases rather than decreases it is time to change our thinking. We must recognise that nuclear disarmament is possible and then make it happen.

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

BAIL (DISCRETION) AMENDMENT BILL

The Hon. D.G.E. HOOD (20:56): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

The Hon. D.G.E. HOOD (20:57): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. D.G.E. HOOD (20:57): I move:

That this bill be now read a second time.

Today I reintroduce a very simple bill that Family First believes will work to decrease the inappropriate body piercing of minors without their parents' consent. This is a long delayed and long overdue initiative. Broadly, this bill does several things. First, it leaves in place a total prohibition on tattooing minors under the age of 18. This is the prohibition already contained in section 21A of the Summary Offences Act 1953, but it adds to that a total prohibition on the scarification and branding of minors.

Clause 6 creates a new section 21B. That section provides that a piercing cannot be performed unless the minor is accompanied by a parent or guardian who consents to the procedure. A minor in this regard is a person under the age of 18 years. Put simply, this bill would require any child considering a body piercing to be with their parent or guardian when it occurs. That is, if the parent/guardian consents, there is no problem with the piercing proceeding; however, it requires the parents' consent for it to take place. I acknowledge the work done on this issue by the member for Enfield in the other place over a number of years and, indeed, I have consulted him in reintroducing the bill this evening.

This proposal dates back to 2002 and, in fact, the member for Fisher also suggested a similar measure as far back as 2001. It is consistently met with strong support and then, unfortunately, gets bogged down in detail or delays during the debate. As I said, the member for Enfield introduced private member's bills in late 2002 and again in 2004 regarding this practice, both of which met with strong support from Family First's only member at that time, as well as from other members, including the opposition. The member for Enfield's bill in 2002 passed the other place unanimously, as I understand it; however, when it came to this chamber, no consensus could be reached and the bill lapsed.

By way of compromise, a select committee was formed which reported on the practice of body piercing of minors on 19 October 2005. The report strongly called for action, yet we have remained waiting for a legislative response for three years since the report was handed down. Indeed, the industry itself is clamouring for this. I have consulted with the industry quite extensively on this issue and I can assure the council that I am yet to find a voice within the industry that does not want this bill to be passed. So, I reintroduce this bill today in an effort to reignite the debate on this very important measure.

The select committee that I refer to confirmed that we currently have no laws to prohibit the piercing of minors in South Australia, with David Peek QC confirming that in many circumstances a child can be pierced at any age as long as they are aware of the nature of the act performed on them and consent to it. So, hypothetically, the current law in South Australia is that a 10 year old, if it was deemed that they could understand what they were asking to be done to themselves, could be pierced without their parents' consent, and that would be lawful in South Australia, something

which Family First and I am sure many other members find offensive. The core of this issue is whether the parent has the right to refuse their child to be body pierced without their consent, something to which Family First says yes wholeheartedly.

The select committee report listed some 15 recommendations. At the outset, I indicate that this bill does not seek to implement all of those recommendations. Rather than getting bogged down in all of the proposals listed, which has stalled the bill in the past, it implements simply one recommendation that I hope all (or most) members can agree upon: that minors should not be put at risk through tattooing or scarification in any circumstances and should not be put at risk by body piercing when their parents do not approve of it.

I think it is ludicrous that the current Consent to Medical Treatment and Palliative Care Act 1995 restricts medical professionals from treating children under 16 without parental consent, and yet body piercers, who may actually be untrained, are given complete freedom to pierce even very young children's skin without their parents' consent. We have a ridiculous situation where a medical practitioner would require parental permission to act on a child but a body piercer does not.

Body piercing is indeed a minor surgical procedure and carries with it many of the risks associated with surgery. A recent survey on the *Adelaidenow* website found that 1,000 people were treated in 2006 for body piercing related infections in the southern suburbs of Adelaide alone. So, the incidence of infection is very common indeed. Obviously, some of those were very minor infections but, of course, some were very serious.

This measure can no longer be delayed. In fact, it is abhorrent that there has been such a delay for so long when we are talking about the health of our children. It has been almost seven years now that this has been the case. I encourage members to offer their speedy support for this proposal. I will be calling this bill to a vote in the near future, certainly before the end of this calendar year.

I would like to make a point very quickly. At the end of the day, all this bill will do is provide that if a child, that is, someone under 18 (a minor), wants to have body piercing they can do so but only with their parents' consent. If their parent does not consent then, quite simply, they will not be able to have it. The key issue is that it is the parents' right to say yes or no to having their child pierced, not the child's right at that young age. When the child turns 18, it is up to that child. That is the law of the land. It is offensive, I think, that parents are told at this stage that their children, theoretically as young as 10, have the right to overrule them when it comes to what could be a minor surgical procedure with very serious, unintended consequences. I commend the bill to the council.

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

CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL

The Hon. J.A. DARLEY (21:05): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. J.A. DARLEY (21:05): I move:

That this bill be now read a second time.

The provisions in this bill have a very long history in this place. The Victims of Crime (Victim Participation) Amendment Bill was first introduced in June 2006 by the Hon. Nick Xenophon, who had worked closely with victims of crime for a number of years, and who had consulted widely to come up with a range of measures to ensure that victims had more of a say in the justice system. The government opposed this bill, choosing to introduce its own bill rather than support more immediate changes in what it called a 'piecemeal approach'.

Victims of crime had to wait over 18 months before the government introduced its own raft of legislation to address concerns regarding victims' rights. Earlier this year the bill failed to pass due to the government's refusal to accept my amendments. The first amendment extended the category of victims who are entitled to read a victim impact statement to include where a victim suffered death or serious harm, as opposed to the government's proposal to limit this to cases of death or total incapacity.

The government's proposal to limit the definition to victims who have been rendered permanently physically or mentally incapable of independent function potentially left out many victims, as this definition was very narrow in scope. My alternative definition aims to give a wider

range of victims (namely, anyone who has suffered serious harm) the chance to provide a victim impact statement to the court, should they so choose.

The government's reason for not supporting this in the past has been that it will open the floodgates and clog up the court system with too many victims presenting statements. I question whether this would be the case, especially given that other jurisdictions, such as Victoria, Western Australia and the Northern Territory, do not limit a victim's ability to present a victim impact statement based on the type of offence committed or the harm suffered by the victim. Should members require further information on the legislation governing victim impact statements in other jurisdictions, I would be happy to provide this.

The second amendment related to community service orders. It allowed victims to have a say in what type of community service an offender would perform when a court imposed a sentence of this type. The ultimate decision regarding whether such an order would be made would still rest with the court. The provision in my bill at least allows the request of the victim to be considered by the court.

I pay tribute to all those victims of crime and their families, who have waited years for legislation with real teeth to be implemented, especially those who worked together with my office to bring about this much needed reform, particularly the families of Andrew Watkins, Ian Humphrey, Daniel Madeley and Lee Charles McIntyre. I acknowledge their courage in speaking out for changes that will not necessarily help them but will help future victims. I also acknowledge the support of the opposition and my crossbench colleagues who have supported these proposals in the past. I hope I can rely on their continued support.

I note that yesterday and today Adelaide has been hosting the 2008 National Victim of Crime Conference with the theme New Ways Forward: Pathways to Change. I hope that this bill will forge a pathway for change, and I urge the government to reconsider its position and pass this legislation for the good of all victims.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 23 September 2008. Page 121.)

The Hon. J.M.A. LENSINK (21:10): In rising to speak to the motion, like many members, I acknowledge the superb work of our Governor, Rear Admiral Kevin Scarce, his wife, Elizabeth, and our Lieutenant-Governor, Mr Hieu Van Le, and his wife, Lan. I place on the record my great appreciation for the community work they do. All four of these well-credentialled people are often at community functions.

Most recently, Hieu Van Le and Lan attended a function for the Overseas Chinese Association when, at some point during the evening, Mr Van Le and I separately shared the platform in singing karaoke. He is prepared to get up there and participate. I think that it was partly to assist one of the Attorney-General's advisers who had been unfairly dobbed in by the Attorney to sing a song, and Mr Van Le assisted in relieving her of her embarrassment that evening. So, he is a good sport, and that is the point I would like to make.

The Governor made a number of points in his speech (which was clearly written by the Premier's office and which, I think, is no reflection on his duties as Governor, as he is obliged to utter the words that are provided in his speech), and I will refer to a number of those in my address on this motion.

First of all, there were a number of comments about water. A number of members sat in this chamber listening quite intently for some new announcement and were sadly disappointed that there was nothing that would deliver any additional water, or water security, for irrigators, for Adelaide or for the towns reliant on Murray River water. So, while the great deal was lauded to us, in fact, the much taunted deal actually sees us go backwards from the deal struck with the states by John Howard when he was in office. It is a plan over three years that will take some seven more years to implement.

I think it is fair to say—and perhaps it is reflected in the polls—that nobody believes the Premier or his water minister any more when they speak about water, because there have been so many flip-flops in relation to various policies. We were warned in 2003 that South Australia and

Adelaide needed to take some additional measures in relation to water, and those warnings have been consistently ignored.

I think I have stated in my previous addresses in this chamber that I was part of a water trade mission to Israel last year, and some people involved in water utilities from other states had said that they were a bit gobsmacked at South Australia's attitude that we are 'hoping for rain'. That was a consistent policy of this government until it realised that it was probably hitting in its polling and in the focus groups, which reminds one of the ABC program, *Hollowmen*—that things are not acted on until they reach the focus groups.

We have had so many flip-flops on desalination. First, it was a stupid idea, then it was adopted and now it has been brought forward. I have mentioned the Murray deal. There are also references in the budget to water initiatives. A significant proportion of those funds are actually for the Wellington weir, which the spokesperson for the River Murray (the member for Hammond) has consistently opposed for very good reason: that, if we have a weir at Wellington, it will effectively result in the backstop of highly salinated water upstream from the weir. So, further upstream from the weir, all of those communities will require desalination to address that.

Other parts of the water solution need to be given good consideration, including stormwater harvesting. The government's water security minister has stated on the public record that those are the responsibilities of local government. We say that they are a core part of South Australia's water policy and that they should not be relegated to that sort of status. There are also issues in relation to wastewater—that is, water that can be treated to a high standard so that it can be reused—which is doing significant damage to the seagrasses in the gulf.

Indeed, the Adelaide Coastal Water Study—which was released earlier this year under the shade of the car race at, I think, 4pm or 5pm on a Friday afternoon—found that the greatest contributor to seagrass damage is, in fact, treated wastewater being released into the gulf. So, those areas need to be absolute priorities.

The Governor's speech also referred to the CBD building efficiency. I note that, in the budget, in 2008-09, at least $5 million will be provided to the EPA to be relocated to the SA Water building. Further details were revealed through the Capital Works Committee that nearly $300,000 would be allocated to decommissioning the EPA's existing office in Grenfell Street and that part of the $5 million-odd funds were for purchasing pot plants to turn the EPA's office into a jungle, and $1.8 million per year to lease those offices.

I have heard that building described as the Taj Mahal, and I think that that is a fairly suitable description for it. We have also had claims of the Rann ministry becoming carbon-neutral and the desalination plant being carbon-neutral. There is no justification for this claim and, indeed, I think it is fair to label that claim as a 'greenwash'. Yet, at the same time, it is this government that has cut back on the solar water rebate scheme, resisted the sensible amendments proposed by the Liberal Party and cross-benchers to extend the electricity tariff feed-in scheme and, while it likes to take credit for wind farms, these have actually been driven by the Howard government's MRET scheme.

There is also a lot of discussion about three million trees, which refers to the planting of seedlings as a photo opportunity. The question has been put: what about the trees that we already have? A good example of that is the way that ETSA loves to butcher our street trees. The member for Fisher and I recently attended a conference known as the TREENET Symposium. TREENET is an organisation that was established by a fellow by the name of David Lawry who is recognised in this year's Queen's honours, and he has written this letter which he calls 'An Inconvenient Truth'. He says that trees will not deliver on the Premier's carbon target, and I quote from that as follows:

> Here is what the Premier could do to set an example to the world:
>
> 1. Tell ETSA to immediately increase their power line clearances in the metropolitan non bushfire area in line with the recent TREENET submission currently before the Technical Regulator. They would immediately avoid releasing 1.8 tonne CO2 for every tonne of branches currently removed in the tree butchering process that ETSA conduct. In an average fortnight that would achieve his 3,000 tonne target for nix. In fact, it would save money on the pruning contract and expend less energy on trucks, chainsaws and roadblocks. Also the residents of Adelaide would welcome it...
>
> 2. Review the frequent requests from the Waite Arboretum to allow watering of new trees in the research collection. Since 1928, it has been trialling trees for Adelaide that grow without irrigation and as such it is an invaluable resource for all South Australians and is already responsible for the wide use of 'water wise trees' by councils and gardeners;

3. Send someone from the government up to the Waite other than an SA Water cop to seriously discuss research proposals for maintaining Adelaide's street and park trees in a carbon neutral state during water restrictions. We can't determine the threshold limits that will inform SA Water on how to ration water without being able to use a little water for the trial, but the SA Water cop doesn't get science and has even suggested we plant our trees in pots!

I note that comments have been made about SA Water already in this chamber today that I think are germane to this discussion. The letter continues:

4. Put some money into the proposed TREENET storm water trials. We have street trees thriving under a regime where storm water is being put to good use sequestering CO2 whilst their nearby neighbours are releasing CO2 under the current restrictions. In fact if he squeezed the home garden lemon a little less hard and allowed twice weekly waterings, he could be guaranteed to be reducing the CO2 loss from Adelaide way more than he could hope from his gain from 'million tree' projects;

5. Seriously review his commitment to Urban tree research and spend a little more than the $5k annually he puts into TREENET via DTEI sponsorship.

I have also put out a press release this week in relation to Mundulla Yellows, which many members would be familiar with as an issue for some other eucalyptus species, particularly in the South-East, which is where it was first identified, I think, in 1970. It has come to our attention that this particular disease, which is not very well understood, is a problem in the metropolitan area in places such as Athelstone, the golf course at North Adelaide, the Mitcham council area, and the Yorke Peninsula, as well as other areas. The research programs that have been looking into the origins of this particular disease have not been properly funded, and to date no tree has ever recovered after contracting the disease. Obviously, it kills a number of trees as well as reducing their health, and we believe that is an area towards which, if the Premier were fair dinkum (to use the Prime Minister's language), the government would actually put some commitment.

In terms of environmental issues, there is also the matter of natural resource management. I note that the federal government has been cutting the two programs which were funded under the previous Howard government and which had been heavily relied upon to fund natural resource management programs at a state level. There is a mere $28 million for Landcare projects across Australia, compared to some $112 million over three years that the coalition committed to Landcare in the 2007 budget—an average of $37 million a year. So, I think for either of these Labor governments to pretend that they have any commitment to the environment is very shortsighted.

There is also the reference to the plastic bag ban, which I believe is a tokenistic piece of nonsense. This government says that plastic bags are a symbol of our wastefulness as a society, yet there are many other parts of the waste stream that remain unaddressed: mercury from compact fluorescent light globes; a huge amount of electronic waste via computers and television screens, which all contribute to contaminating our waterways; and car tyres.

Yet we pick on the humble plastic bag. It defies belief that anyone should not understand that they are reused, and the anecdotal advice is that many people are stockpiling plastic bags as we speak, because they get reused for all sorts of purposes. There is the often quoted bin liners, and I have previously referred to my sister's child-care centre that asks parents to bring them in for use in disposing of nappies and so forth. That is a typical example of this government claiming to be doing something for the sake of doing something when, in fact, it ignores the real issues.

There was also a reference to the Glenside redevelopment and the new forensic mental health facility. I have stated many times on the public record, and I will do so again, that the vast body of experts in this field say that what this government is planning is verging on the criminal in that it is reducing the capacity of Glenside, as a specialist mental health service, or James Nash House, as a forensic mental health facility, to cope with future demand—or even to cope with the demand we currently have.

There were references in the Governor's speech to the overseas universities of Carnegie Mellon, Cranfield and the University College of London. These are iconic references, yet we have three very well credentialled universities in South Australia that are well able to provide comparable courses. I believe some of them are irritated (some have been on the public record, but some of them have not spoken out), particularly with Carnegie Mellon. That particular institution in South Australia has been propped up by taxpayers dollars through the provision of scholarships to allow people in public sector employment to go through its particular courses. So it makes a neat headline for the Premier to be able to laud these particular institutions coming to South Australia, but at a huge and an unnecessary cost to the taxpayer.

We had a reference to the State Strategic Plan, and I will just refer to the targets which relate to my current portfolio responsibilities. We have a target of 'no species lost'. We actually had an increase in the number of species identified as threatened, that is, from 1,041 in 2000 to 1,143 in 2008. Rather than report this in what I would say was a transparent way, in relation to the proportion of threatened species over this period of 10 per cent, the government has compared the threatened species to the total number of recognised species.

When you break down the species into types it reveals some fairly alarming trends. In the domain of plants it is nearly 4 per cent; mammals, 13.6 per cent; birds, 28 per cent; and reptiles, 36 per cent. The government, rather speciously, blames loss of habitat and the threat to species on the 'cumulative impact of previous actions'.

In terms of land biodiversity, the report recommends that the biodiversity corridors are so far behind as to be unachievable by 2010 and that the target, therefore, needs to be modified. We have a reference to an ecological footprint, which is a fairly ambiguous comment. The target is to reduce South Australia's ecological footprint by 30 per cent by 2050. The report states that no new data has become available since 2006. This, to my mind, indicates that there is a lack of any measuring tool altogether.

For Zero Waste SA there is a target to reduce waste to landfill by 25 per cent by 2014. However, there is no acknowledgment that 50 per cent of the current reduction in landfill is due to local government initiatives. The system that this government has set up is to tax councils so that Zero Waste can redistribute grants to councils by some sort of inefficient means of pretending to drive behavioural change

There are also references to board and committee representation of women. The target has failed twice. The 50 per cent target was not reached in 2006, so the target was revised in the 2007 plan to 2008. In its most recent report the government admits that it is unlikely to achieve the target by the end of 2008, and the rate of growth slowed in 2007. There are a number of these sorts of pretences at doing things which is all rather tokenistic.

I will briefly turn to the issue of finances, and I note, for the record, that the former Liberal government reduced the State Bank debt from $11.6 billion in 1993 to $3.2 billion in 2001. Under Labor this debt has blown out by nearly 60 per cent and is still growing. In the meantime, revenues have increased by nearly 70 per cent.

There are a number of these iconic announcements but they are so far off as to be laughable. We have 'The Marj', Mobilong and transport. In the case of the latter, most transport projects will not even start until 2010-11. One wonders where the government's priorities are when it has a tram project going to the Entertainment Centre. It is hard to imagine how many patrons will be desperate to get to the Entertainment Centre from Glenelg, South Terrace or the city!

There is a note for our country cousins that this government has sought to gut country hospitals in order to be able to fund the Marjorie Jackson-Nelson hospital. That was one of its lovely little headlines which was very cleverly put out there. There still remains a $200 million backlog of country road funding that is just not being addressed at all.

In making those comments, I reiterate that it is no reflection upon our Governor, as he was given this piece of drivel, which he was forced to read out. As I have said, we listened intently for some morsel of inspirational new information we had not heard before, and we were sadly disappointed, which I think was the case for all South Australians. This government, despite its record revenues and record taxation revenues, is a disappointment. It has failed to deliver for the aspirations and needs of the people of South Australia.

The Hon. R.I. LUCAS (21:33): I rise to support the Address in Reply and, in doing so, I formally thank the Governor for the speech he presented to parliament on behalf of the government. In opening my remarks, I endorse the remarks of my colleague the Hon. Michelle Lensink in her conclusion that, as I think I indicated earlier today in Matters of Interest, the government's program as outlined in the Governor's opening speech is singularly underwhelming.

Certainly, the government's spin doctors had been out for some weeks prior to the speech opening parliament. The spin was being spun that the prorogation of the parliament would allow a line to be drawn in the sand for the government after its acknowledged difficulties in recent times and that the government was going to be able to outline a visionary, bold and imaginative program for the remaining 18 months of the parliamentary session and that the foundation for that forward thrust was to be the Governor's opening speech.

When there was a comprehensive sigh from the commentators, the media commentators in particular, when they had listened to and digested the government's program, the spin doctors then came out and said that that had never been the case, the government had decided not to put all its bold and imaginative stuff in the Governor's opening speech, and they would be progressively revealed and released over the coming 18 months leading up to the March 2010 election.

I intend to return to some general comments about the government's approach and its arrogance later on in my contribution this evening, but the principal issue I want to address this evening in the Address in Reply are some comments on education, education policy, the state of the education debate, not only in South Australia but in Australia at the moment and, in particular, in terms of education accountability and performance, if I can summarise the topic in that way.

I was fortunate earlier this year to be able to visit New York and Boston to look at aspects of education performance and measurement. In New York, I met with Mr Christopher Cerf, Deputy Chancellor for Organisational Strategy, Human Capital and External Affairs (they have wonderful titles in the United States of America), the New York City Department of Education. I also met separately with Mr Phil Vaccaro, Project Manager for Progress Reports for New York City Department of Education. Later on, I met with Mr Dirk Tillotson, Chief Operating Officer, New York Centre for Charter Schools Excellence. Then separately I had meetings with Mr Joseph Colletti, Special Representative for Educational Programs, the United Federation of Teachers. Subsequently, I met with Mr Joseph Rappo, who is the Executive Director, Office of Education, Quality and Accountability in the Massachusetts Education Department and Systems.

First, I will direct my comments principally to the work and activity of the New York City Department of Education, and in a moment I will explain why I looked in particular at that area. The first point to make when one looks at the New York school system is that, as one would envisage, it is enormously complex and complicated and an extraordinary challenge in terms of any education administration. The changes that I will talk about tonight have come under the leadership of Mayor Bloomberg, who, as members would know, was rumoured to be interested in making a run for the presidency this year but eventually decided not to. He won the mayorship of New York City and instituted comprehensive reform right across the board in terms of the administration of New York City and, in particular, the Department of Education.

One of the things he did was to employ a bloke called Klein, who, on my understanding, had either no or negligible knowledge of direct education administration. He had had a very comprehensive and successful business career in a number of companies, but he was brought in to run and manage the New York City Department of Education: an enormous challenge. He was supported strongly by Mayor Bloomberg, with significant financial support both from taxes and also from subsidies or contributions from the private sector as well.

My report (based on my trip) summarises the nature of the discussions I had with the people I have mentioned, in terms of the New York City Department of Education, as follows. I had a general discussion about a range of issues, including: literacy and numeracy testing conducted by state authorities as well as federal authorities; the measures of education performance they used included value-adding measures and not just raw school results; they close about 20 schools per year on the basis of poor education performance; new schools are sometimes established on the same site where a school has been closed; they had a new pay per performance scheme for teachers which had been introduced; the department paid bonuses to schools based on grading performance, grading schools between A and F, and schools made decisions at the local level on how the bonus was to be allocated amongst teachers (that had actually been negotiated and had the support of the United Federation of Teachers in the New York City Department of Education schools); and that teachers could be dismissed by principals in the first three years for poor performance, although the department does not believe that it occurs often enough.

Subsequently, as I said, I was fortunate enough to be able to sit down with, I guess, almost the computer boffins to work through how the test results were massaged and managed to determine value-adding of the school in terms of performance measurement, and I will return to that discussion later in my contribution. In essence, what they were talking about was trying to measure the level of value-adding that a particular school and its teachers add to the level of education achievement by its students.

Without going into all the detail of the Massachusetts education system, I think it is fair to say that they too have headed in almost a very similar direction to the New York City Department of Education schools, certainly with significant testing of students' education achievement all the way

through primary and secondary school. All of the test results are publicly available, but at the time I was there the office, at that stage, was not currently grading all schools, unlike the New York City Department of Education. However, Boston's schools' performance were compared in a complicated model with a theoretical school population to try to allow some indication of relative school performance for each individual school. Unlike the New York City Department of Education, no school in Massachusetts has closed on the basis of performance.

It leads to the general discussion about league tables and educational performance. In my recommendations, which are part of my official travel report, recommendation No. 9 reads as follows:

> Most states are now providing detailed information on the performance of schools to parents and the public. In some states or cities, 'league tables' of school performance are being produced. It is now time to accept more information on school performance should be provided in South Australia as even other states in Australia are providing much more information publicly. The New York City model described briefly in this report is worth considering for replication in South Australia—especially the emphasis on providing measures of 'value adding' by schools. It is now time to provide a version of 'league tables' to assist parents and departments for education to make informed decisions about comparative educational performance between schools.

I should interpose that, when I said 'most states' in the first sentence, that refers to most states in the United States rather than in Australia. I hasten to say that this is obviously a personal view that I express. My party's position in South Australia has long been, and still is, to oppose league tables, in terms of educational performance.

I think it is fair to say that my party's position at the federal level is different from the party's position at the state level; that is, for the past few years our representative ministers and shadow ministers at the federal level have supported the introduction of varying versions of league tables. However, as I said, my conclusions from my study tour and report and recommendations are a personal view at this stage, and the state party's position remains opposed to the use of league tables.

The reason why I briefly summarised the studies is that, in an extraordinary coincidence, I guess, in the past two months we have seen the significance of the New York City model of education achieve some degree of prominence in Australia, and that is because the federal Minister for Education, Julia Gillard, in August this year (12 August is the date of the transcript of an interview on ABC Radio, so I think her speech was either on that day or earlier in that week), indicated that the federal Labor government was going to insist on significant changes in the measurement and accountability of educational performance.

The minister indicated that there was national testing and that, as part of the next educational agreement with schools, there would have to be some public accountability of the performance of schools to allow the comparison of one school with another. In that interview by Madonna King on 12 August, Julia Gillard talked about the New York model. She said:

> Well, the New York model, and we've got to remind ourselves there are over a million kids in schools in New York, so it might geographically be a school place but there's a lot of kids there. What they do in New York is they have a statistical way of analysing schools and then comparing like schools and they look at performance, the sort of attainment information I am talking about in like schools. That enables them to see which schools are doing better and provide particular assistance to those schools that aren't coming out with the kind of results that should be expected of a school of that nature.

Later in the interview she said, 'We don't have national comparable information about schools.' She is not only talking about government schools; she is also talking about government, Catholic and independent schools. Soon after that the Prime Minister, on 27 August (so, just two weeks later) put out a joint media release with Julia Gillard entitled 'Education revolution in our schools'. They said as follows:

> In return for increased investment in the quality of schools, the Rudd government will demand greater transparency and greater accountability. It will insist on a system of individual school performance reporting as part of the new national education agreement to come into effect from 1 January 2009. These reports will allow parents to compare schools with a similar mix of students and the extent to which they are adding value. These public reports will reveal a limited number of instances where it is clear that individual schools are simply not achieving the essentials. The government is prepared to invest money and effort to lift their performance.
>
> However, where despite best efforts, these schools are not lifting their performance, the commonwealth expects education authorities to take serious action—such as replacing the school principal, replacing senior staff, reorganising the school or even merging it with other more effective schools.
>
> Tough action is necessary to achieve real change. And it's tough action that our reform payments will reward.

I interpose to say that the Prime Minister and the minister are saying that there will be, as part of the new national agreement with the states, a system of public accountability where public reporting will allow a comparison of individual school performance; and that, in those schools that do not perform, in the end, principals can be replaced or schools closed. And that will be an expectation by the federal government of the state government.

Some tables were circulated explaining the education revolution on 28 August in *The Advertiser* and, under the heading 'What would schools have to do?', the dot points are as follows:

- From January 1, 2009, education funding would be tied to school performance reporting.
- Schools would collect and make available to parents clear and simple information about the performance of their child, and the school.
- Schools would publicly report their performance on key measures, including national test results.

I will repeat that: schools would publicly report their performance on key measures, including national test results. Of course, if there was public reporting of key measures, including national test results, that means that there is inter-school comparison in terms of those schools that have performed well in literacy, numeracy or science (whatever is being tested) and those schools that have performed badly. There is therefore the capacity, under what the education revolution is talking about, for league tables to be established.

Julia Gillard, when interviewed in *The Australian*, further expanded on her experience and testimony in terms of supporting the revolutionary changes instituted in the New York City school system. I quote from an article of 12 August. It states:

Education minister Julia Gillard yesterday endorsed aspects of the New York system for ranking schools based on student performance and progress.

As the teaching unions and state Labor governments railed against moves to rank schools, Ms Gillard called for a national system to compare the differences between schools and identify the most disadvantaged.

But the Acting Prime Minister stopped short of supporting the New York system for grading schools from A to F based on their performance, saying the goal was to compare similar schools to identify those in need of further assistance. 'This is not about simplistic league tables. This is about rich performance information about our schools,' she said.

Addressing the Australian Council for Education Research conference in Brisbane, Ms Gillard pointed to the New York model as one from which Australia could learn and said she was inspired after meeting New York City's schools chancellor Joel Klein.

'We can learn from Klein's methodology of comparing like schools with like schools and then measuring the differences in school results in order to spread best practice,' she said. 'Something Joel Klein is personally and passionately committed to is the identification of school need, the comparison of like schools and the identification of best practice. The answer is not league tables and it's not A to F reporting, but it's making sure we have this rich performance information available, school by school.'

In New York, school progress reports are issued each year comparing students' performance levels year on year. The reports also compare schools within a group of 40 peer schools to the same type of schools across the city.

Schools are then graded from A to D and F based on student test results, the progress of students in a year, and the school environment as determined by attendance and a survey of parents, students and teachers.

Schools rated as A or B receive financial rewards and are used to demonstrate good teaching practices. Schools graded D or F are given assistance to improve and, if no progress is made over time, the school is restructured, the principal changed or it is closed.

Last year, 50 of the 1,400 schools in the New York evaluation system were rated an F.

Unions yesterday rejected Ms Gillard's comments as divisive.

I do not know whether I am entirely comfortable, but politics seems to make strange bedfellows. Here I was in April and May of this year writing a report based on the judgments I had made in February recommending that we ought to look at the New York City Department of Education system and implement some of the changes in terms of measurement of school performance, and less than six months later a federal Labor Minister for Education, Julia Gillard (admittedly, from South Australia) is recommending the very same thing. As I said, politics does sometimes make strange bed fellows. Within the space of six months, the two of us having looked at the New York City Department of Education changes in this area were recommending that we ought to be looking at picking the eyes out of the best aspects of the changes.

Julia Gillard's assessment of what occurs in New York is not entirely accurate based on the discussions that I had. I think she would probably acknowledge that; that is, what she is recommending is a little different from the New York system, although obviously it is based on the foundation of the New York system. Certainly, as I said, in the New York system, I was advised that up to 20 schools a year are being closed and some within the space of a couple of years of first measurement and grading. That is, the administrators of that system are very strongly of the view that, if schools are performing badly in terms of educational performance and that there was no prospect of an early turnaround in terms of performance, they had moved quickly in terms of closure of schools.

The Prime Minister has acknowledged that, under his proposed system, there will be closure of schools. Minister Gillard is trying to downplay that particular aspect of the New York system. If one looks at the New York system, they make it clear that there needs to be consequences for poor education performance. If there are not any consequences, then there will be no incentive in terms of improving educational performance in their view based on their experience.

The other aspect that Julia Gillard has been trying to downplay has been the notion of grading of schools, although I think the Prime Minister has been a little more gung-ho in terms of supporting the notion of grading of schools. It is quite clear that the New York system is based on a system of grading schools and it is quite clear that schools are graded from A to C, but that some schools are graded at F, that is 'F' for fail. They have failed their students and their educational community in terms of their educational performance, and some of those schools are the ones which the department closes down. As I said, they may well close down a school on a site and then next year reopen another school on that site with a completely new principal and, in some cases, new teachers, and a completely new structure and support base, but, nevertheless, that first school had been closed. In other cases, the school is closed, the site is closed and a new school is established somewhere else.

I turn to some aspects of how the New York system operates in detail. As I said, each year a progress report is introduced for each school. It has a grade of A, B, C, D or F. The reports are helping parents, teachers, principals and others understand how well schools are doing and they compare them to other similar schools. You can visit the website to look at the progress report for every school in the New York City Department of Education for 2006-07 and also for 2005-06 and compare the relative performance. You can search the web for the particular school that you want in terms of its performance on all these key indicators.

Schools which receive As and Bs in their progress report are eligible for rewards. The Department of Education will work with the schools that receive low grades to help them to improve. Schools that receive low grades will also face consequences such as leadership changes or closure. It is an important part of their work to hold children's schools accountable for living up to the high standards we all expect them to achieve.

The school grades are based on three key elements. It is important to understand how that is constructed. The first element is what is known as the school environment, which is 15 per cent of the final score. That includes things such as attendance and the results of parent, student and teacher surveys. You can go on the website and look at the surveys they conduct each year of teachers, students and parents in each individual school. They are put together with things like attendance—and these are the sort of things minister Gillard will be referring to when she talks about a rich composite of measures in terms of performance and not just the scores. That might be retention rates and a whole variety of other things like that. That adds up to 15 per cent of the score.

The second area is student performance, which comprises 30 per cent of the final score and is measured by elementary and middle students' scores each year on the New York state tests in English, language, arts and mathematics. For high schools student performance is measured by diplomas and graduation rates. So the student performance, the 30 per cent, essentially is based on the raw scores in terms of the performance of the student.

The biggest component of the final score, which is 55 per cent, is called student progress or what I referred to earlier as value-adding. Student progress is measured by how much schools help students progress during the school year in subjects such as reading, writing, maths, science and history. Schools' progress scores also rise when they help English language learners, special education students and students who are not performing well at the start of the year to improve. That is the total: 55 per cent on value-adding or student progress; 30 per cent on raw scores, or

student performance; and, 15 per cent on school environment, giving the final score of 100 per cent.

A school's result in each area is compared with the results of all schools serving the same grades throughout the city. Results are also compared to a peer group of 40 similar schools. Families can use the progress report to identify areas in which their school is performing well and also to identify areas in which other schools are performing better. I will not go through the detail, but each year a quality review is conducted by departmental officers of each school and that is made available for parents and anyone who wants to look at the results of the quality review report.

I turn to the section on grading, the A to D or F. On each of the three grading measures—school environment, student performance and student progress—schools will be graded based on three main factors: outcomes for the current year; a comparison of the school's performance during the current year to that of schools city-wide (this means a school's performance for the 2006-07 school year, as compared with the two or three-year average historical performance for schools city-wide: using a multi-year view assures that schools are graded on actual trends and not random fluctuations); and, a comparison of the school's performance with that of schools with similar student populations (this is based on student demographics and/or performance on ELA and maths test scores). The last point refers to the comparison of like schools with like schools (and I will turn to that in a moment).

There is yearly testing for elementary middle school students in New York. They take annual state exams in English language arts (ELA). Students in grades 3 to 8 take the exam each winter. In mathematics, students in grades 3 to 8 take the exam in late winter and early spring. In social studies, students in grade 5 take this exam in the fall; students in grade 8 take it in the spring. For science, students in grades 4 and 8 take this exam in the spring, and in high school, if you go to the website, the various regent tests—English, maths, science, global history and US history and government—are tested for each student in their high school system.

If you go to the website of the New York City Department of Education, you can look at the results, for example, the state maths test, for individual schools or all schools and can look at the number of students tested in each grade, the comparative results of that year with the previous year and the number of students in level 1 through to level 4 in terms of their maths performance, and can compare it with a district or city average or like school with like school average. So any parent can compare the maths, English or science performance of their child's classroom of students with comparative schools either across the city or across a small group of 40 like schools as well. Comprehensive information is available on the New York City Department of Education website for those interested in looking at the detail. I seek leave to have incorporated in *Hansard* a purely statistical table on one aspect of the performance measure of the New York City Department of Education.

Leave granted.

Please note: peer indices are calculated differently depending on school level. Schools are only compared to other schools in the same school level (e.g., Elementary, K-8, Middle).

(1) Elementary and K-8—peer index is a value from 0-100. We use a composite demographic statistic based on % ELL, %SpED, % Title 1 free lunch and % Black/Hispanic. Higher values indicate student populations with higher need.

(2) Middle—peer index is a value from 1.00-4.50. For middle schools, we use the average 4th grade proficiency ratings in ELA and Math for all their students that have 4th grade test scores. For high schools, we use the average 8th grade proficiency ratings in ELA and Math for all their students that have 8th grade test scores. Lower values indicate student populations with higher need.

Progress reports for high schools and transfer schools will be released later in the fall.

DBN	District	School	Principal	2007-08 school support organisation	Progress report type	School level*
01M015	01	P.S. 015 Roberto Clemente	Thomas Staebell	ICI	ESMS	Elementary School
01M019	01	P.S. 019 Asher Levy	Ivan Kushner	ESO	ESMS	Elementary School

DBN	District	School	Principal	2007-08 school support organisation	Progress report type	School level*
01M020	01	P.S. 020 Anna Silver	Felix Gill	ICI	ESMS	Elementary School
01M034	01	P.S. 034 Franklin D. Roosevelt	Joyce Stallings Harte	ICI	ESMS	K-8
01M063	01	P.S. 063 William McKinley	Darlene Despeignes	ICI	ESMS	Elementary School
01M064	01	P.S. 064 Robert Simon	Sandra Litrico Pappas	ESO	ESMS	Elementary School
01M110	01	P.S. 110 Florence Nightingale	Irene Quvus	ESO	ESMS	Elementary School
01M134	01	P.S. 134 Henrietta Szold	Loretto Caputo	ICI	ESMS	Elementary School
01M137	01	P.S. 137 John L. Bernstein	Mellissa Rodriguez	ICI	ESMS	Elementary School
01M140	01	P.S. 140 Nathan Straus	Esteban Barrientos	ESO	ESMS	K-8
01M184	01	P.S. 184M Shuang Wen	Ling Ling Chou	New Visions	ESMS	K-8
01M188	01	P.S. 188 The Island School	Barbara Slatin	ESO	ESMS	K-8
01M292	01	Henry Street School for International Studies	Hoa Tu	ESO	ESMS	Middle School
01M301	01	Technology Arts and Sciences Studio	George Morgan	ESO	ESMS	Middle School
01M315	01	The East Village Community School	Robin Williams	ESO	ESMS	Elementary School
01M332	01	University Neighbourhood Middle School	Cynthia Kerr	ESO	ESMS	Middle School
01M345	01	Collaborative Academy of Science Technology & Law	Mauriciere Degovia	ESO	ESMS	Middle School
01M361	01	Children's Workshop School	Maria Velez Clarke	ICI	ESMS	Elementary School
01M363	01	Neighbourhood School	Judith Foster	ESO	ESMS	Elementary School
01M364	01	Earth School	Alison Gall Hazut	ESO	ESMS	Elementary School
01M450	01	East Side Community High School	Mark Federman	ESO	ESMS	Middle School
01M539	01	New Explorations into Science Technology and Math High School	Olga Livanis	ICI	ESMS	K-8
01M839	01	Tompkins Square Middle School	Mark Pingitore	ESO	ESMS	Middle School
02M001	01	P.S. 001 Alfred E. Smith	Amy Hom	ICI	ESMS	Elementary School

DBN	District	School	Principal	2007-08 school support organisation	Progress report type	School level*
02M002	02	P.S. 002 Meyer London	Brett Gustafson	ICI	ESMS	Elementary School
02M003	02	P.S. 003 Charrette School	Lisa Siegman	ICI	ESMS	Elementary School
02M006	02	P.S. 006 Lillie D. Blake	Lauren Fontana	ESO	ESMS	Elementary School

DBN	District	School	Peer Index*	Overall Grade	Overall Score	Environment Category Score	Environment Grade
01M015	01	P.S. 015 Roberto Clemente	63.28	D	31.9	5.8	C
01M019	01	P.S. 019 Asher Levy	50.39	B	50.8	9	B
01M020	01	P.S. 020 Anna Silver	57.37	A	69.7	9.7	A
01M034	01	P.S. 034 Franklin D. Roosevelt	58.96	B	59.8	4.5	D
01M063	01	P.S. 063 William McKinley	53	F	26.5	7.6	B
01M064	01	P.S. 064 Robert Simon	60.63	A	79.7	12.1	A
01M110	01	P.S. 110 Florence Nightingale	42.56	C	41.2	9.4	A
01M134	01	P.S. 134 Henrietta Szold	54.03	B	53	5.8	C
01M137	01	P.S. 137 John L. Bernstein	61.63	B	55.2	7.8	B
01M140	01	P.S. 140 Nathan Straus	62.46	B	64.8	9	B
01M184	01	P.S. 184M Shuang Wen	27.1	A	71.2	13.3	B
01M188	01	P.S. 188 The Island School	64.92	A	70.8	4.6	A
01M292	01	Henry Street School for International Studies	2.98	C	43.5	3.4	C
01M301	01	Technology Arts and Sciences Studio	3	C	48.2	8.1	F
01M315	01	The East Village Community School	34.21	B	47	7.9	B
01M332	01	University Neighbourhood Middle School	2.92	B	58.1	7.5	B
01M345	01	Collaborative Academy of Science Technology & Law	3.28	B	62.4	9.3	B

DBN	District	School	Peer Index*	Overall Grade	Overall Score	Environment Category Score	Environment Grade
01M361	01	Children's Workshop School	35.74	B	51.5	9.4	B
01M363	01	Neighbourhood School	33.34	D	32.1	12.2	A
01M364	01	Earth School	34.68	A	62.4	11.9	A
01M450	01	East Side Community High School	2.99	A	76.5	8.8	A
01M539	01	New Explorations into Science Technology and Math High School	11.77	A	68	7.8	B
01M839	01	Tompkins Square Middle School	3.35	A	82.4	13.6	B
02M001	01	P.S. 001 Alfred E. Smith	40.34	B	56.9	6.1	A
02M002	02	P.S. 002 Myer London	39.62	A	73	8.2	C
02M003	02	P.S. 003 Charrette School	18.64	B	58.9	10.4	B
02M006	02	P.S. 006 Lillie D. Blake	11.78	B	58.4	6.3	A

DBN	District	School	Per-formance category score	Per-formance grade	Pro-gress category score	Pro-gress grade	Additional credit
01M015	01	P.S. 015 Roberto Clemente	8	C	18.1	C	0
01M019	01	P.S. 019 Asher Levy	11.4	B	30.4	B	0
01M020	01	P.S. 020 Anna Silver	20	A	37.7	A	2.25
01M034	01	P.S. 034 Franklin D. Roosevelt	10.6	C	37.9	A	6.75
01M063	01	P.S. 063 William McKinley	11.3	C	7.6	F	0
01M064	01	P.S. 064 Robert Simon	18.9	A	46.4	A	2.25
01M110	01	P.S. 110 Florence Nightingale	16.9	A	13.4	D	1.5
01M134	01	P.S. 134 Henrietta Szold	14.4	B	31.3	B	1.5
01M137	01	P.S. 137 John L. Bernstein	16.1	A	29.8	B	1.5
01M140	01	P.S. 140 Nathan Straus	15.3	B	36	B	4.5
01M184	01	P.S. 184M Shuang Wen	15.4	B	44.6	A	1.5

DBN	District	School	Per-formance category score	Per-formance grade	Pro-gress category score	Pro-gress grade	Additional credit
01M188	01	P.S. 188 The Island School	22.5	A	35.4	B	0
01M292	01	Henry Street School for International Studies	19.2	A	45.5	A	1.5
01M301	01	Technology Arts and Sciences Studio	14.3	B	25	C	0.75
01M315	01	The East Village Community School	16.3	B	23.8	C	0
01M332	01	University Neighbourhood Middle School	8.3	C	29.3	B	1.5
01M345	01	Collaborative Academy of Science Technology & Law	15.2	B	31.6	B	3.75
01M361	01	Children's Workshop School	17.4	B	32.7	B	3
01M363	01	Neighbourhood School	11	C	31.1	B	0
01M364	01	Earth School	9.6	C	9.5	F	0.75
01M450	01	East Side Community High School	9.8	C	36.9	A	3.75
01M539	01	New Explorations into Science Technology and Math High School	19.6	A	42.8	A	5.25
01M839	01	Tompkins Square Middle School	24.2	A	36	B	0
02M001	01	P.S. 001 Alfred E. Smith	20	A	45.8	A	3
02M002	02	P.S. 002 Myer London	17.4	A	33.4	A	0
02M003	02	P.S. 003 Charrette School	17.1	A	46.2	A	1.5
02M006	02	P.S. 006 Lillie D. Blake	15	B	32	B	1.5

DBN	District	School	2006-07 Progress report grade	2007-08 Quality review score	2006-07 Federal accountability status
01M015	01	P.S. 015 Roberto Clemente	B	Proficient	In good standing

DBN	District	School	2006-07 Progress report grade	2007-08 Quality review score	2006-07 Federal accountability status
01M019	01	P.S. 019 Asher Levy	B	Well developed	In good standing
01M020	01	P.S. 020 Anna Silver	B	Well developed	In need of improvement—Year 2
01M034	01	P.S. 034 Franklin D. Roosevelt	C	Well developed	In good standing
01M063	01	P.S. 063 William McKinley	C	Proficient	In good standing
01M064	01	P.S. 064 Robert Simon	C	Well developed	In good standing
01M110	01	P.S. 110 Florence Nightingale	B	Well developed	In good standing
01M134	01	P.S. 134 Henrietta Szold	B	Proficient	In good standing
01M137	01	P.S. 137 John L. Bernstein	B	Proficient	In good standing
01M140	01	P.S. 140 Nathan Straus	B	Proficient	In need of improvement—Year 1
01M184	01	P.S. 184M Shuang Wen	C	Well developed	In good standing
01M188	01	P.S. 188 The Island School	B	Proficient	In good standing
01M292	01	Henry Street School for International Studies	A	Well developed	In good standing
01M301	01	Technology Arts and Sciences Studio	B	Proficient	In good standing
01M315	01	The East Village Community School	B	Underdeveloped with proficient features	In good standing
01M332	01	University Neighbourhood Middle School	A	Proficient	In good standing
01M345	01	Collaborative Academy of Science Technology & Law	C	Proficient	In good standing
01M361	01	Children's Workshop School		Well developed	In good standing
01M363	01	Neighbourhood School	B	Proficient	In good standing
01M364	01	Earth School	B	Well developed	In good standing
01M450	01	East Side Community High School	B	Well developed	In good standing

DBN	District	School	2006-07 Progress report grade	2007-08 Quality review score	2006-07 Federal accountability status
01M539	01	New Explorations into Science Technology and Math High School	A	Well developed	In good standing
01M839	01	Tompkins Square Middle School	B	Proficient	In good standing
02M001	01	P.S. 001 Alfred E. Smith	A	Well developed	In good standing
02M002	02	P.S. 002 Myer London	C	Proficient	In good standing
02M003	02	P.S. 003 Charrette School	B	Proficient	In good standing
02M006	02	P.S. 006 Lillie D. Blake	B	Well developed	Requiring academic progress—Y

The Hon. R.I. LUCAS: This table summarises the information which is available for parents, educators and teachers for each individual school in the New York City Department of Education. It will be a bit of a challenge for Hansard to read it, but it is all neatly printed. It is significantly horizontally placed rather than vertically—which will be a challenge for Hansard—but I am sure they will cope.

It starts on the left with the code, the district, the name of the school (for example, Roberto Clemente Primary School), the name of the principal, the school support organisation, the progress report type, the school level (which is an elementary school), the first score (which is the peer index and which is 63.28), the overall grade for the school (which is D), the overall score for the year for the school (31.9), and then there are the grades for the individual subcategories to which I referred earlier.

The environment grade is C, the performance grade is C, the progress grade is C, the additional credit—I was not able to refer to that earlier—for this school is zero, the 2006-07 progress report grade is B, the 2007-08 quality review score is proficient, and the 2006-07 federal accountability status summary is 'in good standing'. In relation to one school it states 'in need of improvement' for year 2, but most of these are 'in good standing'. One of the other schools has something like 'requiring academic achievement' as an alternative summation.

All schools are graded, and one can look at the particular components of a school performance or the value adding or the environment measures. It does raise some interesting issues in terms of what the federal government is proposing. As I said, I am supporting some moves along this line, so these are the challenges ahead for education administrators. When one looks at the components of a final score, the value adding is worth 55 per cent of the total score. The performance of value adding is obviously very important in terms of the overall grade.

For example, if I look at the William McKinley Primary School, in terms of the environment grade, it got a B. Essentially, that is student attendance, and the surveys of parents, teachers and students gave it a B ranking—which is quite high. The ranking for the performance measures was a C, which means that the raw score was not too bad. So, it had a B and a C in relation to those two measurements, but when it came to the extent of value adding it failed; it got an F. Because value adding is such an important part of the final score, its total assessment was F for fail. Even though it had passed in the raw scores—that is, the actual levels of performance by the school in terms of the performance grade—nevertheless, it failed in the end because it had not value added during that particular year.

I will give another example—which is even more stark—in relation to Florence Nightingale Primary School. They have much more imaginative names than we tend to have here in South Australia. The Florence Nightingale school had an A in terms of environment, so when everyone

was surveyed they all thought it was fabulous. It had an A in terms of the actual performance of students. If you look at the literacy and numeracy score, it was very high compared with all other students in the state; it got an A for that, as well. But when one looks at how much progress it had made, it got a D; that is, it had not improved as much as most other schools in that particular year.

As a result, they ended up with a C in the overall grading. I gave that as an example because one of the schools—the name of which I will not mention here, but it was highlighted to me by some of the experts in the system over there—was very similar to that in New York City. By reputation, it was one of the outstanding schools in the New York City Department of Education. A very high socioeconomic demographic student went to that school, the parents of whom were quite wealthy—they were professionals. The student performed in an outstanding fashion year on year; and, when they came to do the measurement, they performed well in the raw score (so the vast majority of the students would have been in the A category compared to everyone else in New York City), but because they could not show much improvement in terms of the value adding in that school they got a very low marking.

When the marking came out that school was classified as only a B school. The proverbial hit the fan in New York, because all the parents were paying quite a deal of money to send their children to this school. All the students were basically achieving A levels, yet the school was classified only as a B. That is one of the problems you do have. There are advantages with the notion of value adding in terms of school performance; that is, if you are fortunate enough to have all bright students come into your school and you do nothing to improve them, then you have not added much value in terms of the education. It is not necessarily good quality teaching and education outcomes—so the theory goes.

However, on the other hand, some education administrators and, certainly, teachers will say, 'We can do no better. If those students are getting almost 100 per cent [or whatever it is—an A] for all their subjects, how can you improve on them? Therefore, why should that school be marked down?' That will be a challenge for Julia Gillard, Prime Minister Rudd and others when they say, 'We are not going to look at the raw scores.' She is very dismissive of the raw scores, and I can understand that. Indeed, my recommendation is to look at notions of value adding, as well, but there are problems with value adding.

I give that example in some detail to demonstrate what the problems will be when you might have a school, as I said, which is performing at an exceptional level but which, in terms of educational improvement each year, is not able to demonstrate as much as, for example, a school where most of the students are failing one year and then the next year they are all improved to B level or B standard. They will show massive improvement in value adding and therefore will be classified as an A-grade school. They are the challenges in relation to when you get down to the detail of measuring educational performance.

That brings me to the attitude of the South Australian government. Minister Lomax-Smith and the state Labor government for 20 years have opposed basic skills testing. They now accept and support those, but, certainly, they have not supported league tables, either. When minister Lomax-Smith was asked what she thinks of the federal Labor government's moves in this area in terms of grading and comparing schools (and I do not have the exact quote here), she said something like, 'Well, we're essentially doing much of those sorts of things, anyway.' The impression was given that the state government had already headed down that path and did not see much of a difference in terms of what the federal government was suggesting.

What I say to the educational writers and commentators here is that there is a massive difference in what the federal Labor government is recommending and what the state Labor government is currently doing. Because there have been these glib responses from minister Lomax-Smith, no-one has questioned her closely or probed her on exactly what her attitude is to some of these New York models and some of the specific statements of the Prime Minister and minister Gillard, that is, comparing schools, measuring performance and being publicly accountable in terms of performance and potentially closing schools down. Those hard questions have not been put to minister Lomax-Smith in relation to the proposed changes from the federal government.

So far she has managed to get away (and so has the state government) with the glib response that, 'Essentially, we're doing much of that sort of thing already.' They are not, and it is time for an educational writer or commentator, or someone, to put those hard questions to minister Lomax-Smith and to receive some sort of detailed response from her.

I turn now to the second issue that I want to raise in my Address in Reply contribution tonight, and that is to return to the issue of the arrogance of the state Labor government, Premier Rann and his ministers. We in the parliament see every day the arrogance of the Premier and the Deputy Premier, in particular, and also the Attorney-General and minister Conlon. We see it every sitting day in terms of their attitude toward the parliament; to questions and question time; and we see it in relation to the refusal to respond in relation to questions on notice.

There are some 500 or 600 questions on notice that have not been answered on issues such as annual leave liabilities for each of the departments; long service leave liabilities; the use or abuse of frequent flyer points by ministers; whether or not departments are re-employing people who have taken retirement packages, contrary to the government guidelines; and the amount of money that the government and taxpayers are paying to people such as Bruce Carter and Monsignor Cappo. These are all issues where there is entitlement, in the public interest, to know where the taxpayers' money has been spent, and there are some questions on notice that members have raised on which the government just refuses to provide any sort of response.

I was at a function this evening, during the dinner break, speaking with two veterans, I guess, of public service administration in South Australia who have served at varying stages and in various capacities during the Dunstan era of the '70s, the Bannon era of the '80s, and later during the Liberal administration of the '90s as well. They are people with experience of 30-plus years of public service administration in South Australia. Those people were able to say that they had had personal experience where back in the era of Dunstan and Bannon, in regard to questions on notice, they were required with urgency to produce answers. I am sure the Hon. Mr Darley would have had experience of this as well, but those administrators—and one had experience in senior departments in South Australia—said their ministers required urgent and quick responses to questions on notice.

Questions without notice were part of the daily cut and thrust of politics. If a minister took something on notice, that was treated seriously, but essentially if a minister did not answer it and did not agree to take it on notice, that was part of the political game. However, once a question was placed on notice these senior administrators, with over 30 years' experience, said that previous governments took it seriously. One of them just shook his head in amazement when I said, 'Well, we've got questions sitting there from five or six years ago—500 or 600 questions that Mr Rann, Mr Foley and minister Holloway just ignore.' They work on the basis that they might get the occasional lashing from *The Advertiser*, which is about the only media outlet interested in pursuing the government on this issue, but once a year they are prepared to accept that on the basis that it is too embarrassing to provide many of the answers that are being sought through genuine questions on notice.

As I said, these senior public service administrators just shook their head in terms of the—they did not use the word, but I use the word—arrogance of the current government and its ministers in just snubbing their nose at the parliament and parliamentary accountability. Tonight I will not have time to go through the detail of the problems with freedom of information requests. I will leave that for another occasion, but certainly again there have been and there continue to be significant problems, both from media outlets and from members of parliament, in terms of getting details under freedom of information. The government is now (to use a colloquial expression) embedding spin doctors in government departments and agencies—highly paid PR and communications experts or journalists within government departments and agencies to help manipulate the media on behalf of the government in terms of its public spending.

I refer also to the attitude of the ministers' media advisers in terms of monstering the media whenever there is any criticism. I have lost count in the past four to five years of the number of journalists, senior and junior, including the journalists from *The Messenger* who are just starting, and the new chums at the electronic media outlets with *The Advertiser* who, the very first time they write something or produce something which is critical of the Premier or one of the ministers, immediately get a telephone call from one of the spin doctors in the minister's office, bawling them out about how outrageous it is and what a disgrace it is.

I know of a number of cases of calls to the editors or the chiefs of staff of those journalists demanding they be sacked or removed from covering politics or those particular stories, making threats and, in some cases, placing bans on providing information to journalists for press conferences, distribution of media releases or bans. The Premier and the Deputy Premier did this for almost two years on Matthew Abraham and David Bevan's program on ABC Radio because

they happened to say something which offended Premier Rann and Deputy Premier Foley and, for almost two years, they just banned them.

They banned them on the basis that they were arrogant enough to think, 'We don't need you: you need us'. Well, it is starting to change. The winds of change are blowing through the nation and they are starting to blow through South Australia as well. I think that the Premier and the Deputy Premier perhaps are starting too late to realise that that is the case. So, those almost two-year bans on Bevan and Abraham on the basis of 'We don't need you: you need us' suddenly have been changed and they are all sweetness and light now in terms of providing some access to their good selves for interviews on that radio outlet.

Nevertheless, as I said, the intimidation and the bullying of journalists and sections of the media continues. Only this past weekend I can give another example where one of the senior media minders rang and abused a particular media outlet for a particular story and sought some retribution from that media outlet in terms of what they believed was an unfavourable story towards the Premier. I think the arrogance of this government and its leaders is systemic at the moment, and I now turn to what I see as the pervasive influence of the Shop, Distributive and Allied Employees Association (SDAEA) within the Labor Party and the Rann government.

We can see the tentacles of the SDAEA everywhere in terms of the government and the party machine. Its influence is growing like a cancer throughout the Labor Party and the Rann government. It is using the Rann government's offices, departments and agencies as a de facto job network for the SDAEA, their friends and relatives. There is growing anger in the caucus from the left about the increasing arrogance and power of the right and, in particular, the SDAEA in terms of the Labor Party. That, of course, is headed by the leadership of the union (the senior spokespersons) now Senator Farrell, Attorney-General Atkinson and, possibly to a lesser degree, although he is formally the convenor, the member for West Torrens, Mr Koutsantonis, 'the welsher from the west'. He is the only MP in all my experience in parliament who has refused to pay up on a bet when he lost the bet with me. He still owes me $50, but I will put that aside. I will not be embittered by his failure to cough up.

They are the leaders, but when you look at the influence of the SDA and the register of interest of state members who list the SDA as their union, it includes Tom Koutsantonis, Michael Atkinson, Jack Snelling, Trish White, Michael O'Brien, Carmel Zollo, Tom Kenyon, Lindsay Simmons, Bernard Finnigan and Lea Stevens.

There are quite a number of federal members, including Nick Champion, Amanda Rishworth, Kate Ellis, Annette Hurley and Don Farrell, of course, who I mentioned earlier. The Hon. Mr Finnigan, I think, was assistant state secretary of the SDA. Of course, Don Farrell is a former state secretary. A number of the members held various positions within the SDA over the years.

But it does not end there. In looking at the various jobs on boards, agencies, departments and ministerial offices, one sees the influence of this particular union. There has been recent publicity about the rising superstar in the SDA, the new state secretary, Peter Malinauskas. As members would have read in the newspaper, at the ripe old age of about 27, he has just been appointed as a new board member of WorkCover with up to $50,000 a year in terms of board and committee positions associated with that.

What is not known is that the Malinauskas family has done well out of the Labor government, and not just Peter Malinauskas. Rob Malinauskas (Peter's much younger brother) is in his early 20s, and, I understand, is just a third year cadet journalist at *The Advertiser* and, can I say, he is a nice young man and a promising journalist. He is a younger brother of the head of the SDA, and he has just been appointed to a position in Deputy Premier Foley's office with a salary of almost $90,000 a year, having jumped as a 21 or 22 year old from a salary in the low $40,000s as a third year cadet journalist. As I said, it is a huge jump which comes a result of being the younger brother of the head of the SDA. He pops into the Deputy Premier's office and jumps in salary from just over $40,000 to $90,000.

The Hon. Carmel Zollo: You just can't help yourself. You are stirring all sorts of things.

The Hon. R.I. LUCAS: That is not correct.

The Hon. Carmel Zollo: Why do you do it? He applied for a job.

The Hon. R.I. LUCAS: And got it. It does not end there; there is more. Elizabeth Malinauskas, sister to Peter and Rob, is also employed in Attorney-General Atkinson's office as a liaison officer. We have three members of the Malinauskas family all happily employed and

ensconced in various positions within the government. As I said earlier, this is basically becoming a job network for the SDA within the Rann government.

In his office, minister Foley has Daniel Romeo, who is tied up with the SDA. His wife, Sonia Menechella, is the assistant state secretary of the SDA, and Michael Brown, of course, the State Secretary of the Labor Party, was previously in (I think) both Mr Atkinson's and Mr Foley's offices at various stages, or, possibly, Mr Holloway's. An adviser to Paul Holloway, Anna Bradley, is a former organiser for the SDA, so he has done his bit. Another adviser to Michael Atkinson is Elizabeth Hollidge, who used to be the girlfriend of Peter Malinauskas. When she was his girlfriend, she got the job in minister Atkinson's office. Eamon Burke, adviser to Michael Wright (and not a bad cricketer), is a former organiser for the SDA. Michael Atkinson's wife is an employee of the SDA.

An honourable member interjecting:

The Hon. R.I. LUCAS: It depends who you know. I want to refer to two people, Lee Odenwalder and Brigid Mahoney (and I think the Hon. Mr Hunter may have some knowledge of this), who defected from the ALP left to the right in recent times. They had critical votes on the ALP executive at the time of the dispute about WorkCover.

The Labor right promised Mr Odenwalder preselection in the seat for Little Para. Of course, that has caused some problems in the Labor Party because Kym Maher (known to many of us as a former staffer for Terry Roberts) moved out to Little Para 18 months ago. He bought a house and moved his family there, as he believed that the seat would be one for the left. The SDA (the Labor right) has now done a deal and promised the seat to Lee Odenwalder because it had switched from the left to the right, and Kym Maher was shafted and left out on a limb.

Peter Louca (whom the Hon. Ms Zollo would know) is now chief of staff to Michael Atkinson and was a candidate for Mayo in 1996. Shannon Sampson is an adviser to Michael Atkinson and a former industrial officer for the SDA. Stephen Campbell is chief of staff to Rory McEwen and a former organiser for the SDA.

I am indebted to my acquaintances, friends and associates from within the broader Labor movement and the caucus for much of this information, and one of them indicated to me that David Rann (the son of Michael Rann) is also a former organiser for the SDA.

The Hon. Carmel Zollo asked me what the point of this is. The point I make is in relation to the arrogance of this government which, as I argued earlier, is demonstrated now by the arrogance of the Labor right and, in particular, the SDA. They are treating the Labor Party and the Rann government as their own personal plaything. Their influence on the party and the government is cancerous in terms of its arrogance, and they are treating it as a job network for friends, girlfriends, boyfriends, husbands, wives, brothers and sisters in terms of jobs within ministerial offices, on boards, on committees, etc. and, less importantly (because it is part of the political game), in relation to preselection in various seats, but that happens in all parties in relation to preselection.

That is the point I make: the arrogance of the people at the top, such as the Attorney-General, Mr Atkinson. As members here know, he would have been gone as a minister two years ago had it not been for the Godfather, as he is known, Senator Farrell, saying, 'He doesn't go anywhere, Premier, no matter what he does and no matter how many unions go public and say that this bloke is hopeless and that he should be got rid of,' and these are Labor unionists. No matter how many of them said he needed to go, he had Senator Farrell and the SDA behind him.

That is the arrogance that is causing the problem for this government and this administration. It is not just the issue of water, and that is a problem. It is not just the issue of country hospitals, and that is a problem, too. The problem with this government is that it is arrogant right at the very top, with people like the Premier, the Deputy Premier, Attorney-General Atkinson and the people who support them in terms of the control of the caucus and the party.

As I have said, the government is now treating this administration, in terms of public service, as its personal plaything, as a job network. It is not an issue of merit; it is a question of who you know. I would suggest that, if you want a job in the Labor government at the moment, if you are close friends with someone in the SDA, and certainly if you are related to the Malinauskases or to Senator Farrell, your chances of getting one of these jobs within a minister's office or on boards and committees is going to be maximised.

This is in addition to the other issues of water, WorkCover and country hospitals and those sorts of problems. That also is part of the problem that this government has and which it does not recognise is causing it grief in the community. The journalists see it and the community is

beginning to see it. There is an awakening to the growing arrogance of the government, of its leaders and, as I said, this cancerous influence of the SDA in the government and the Labor Party.

In conclusion, I referred earlier to the member for West Torrens. I have not seen a copy yet, but I understand that he had some unflattering things to say about me again today. He seems to have a little bit of an obsession with me. I am not sure—

The Hon. D.W. Ridgway: A fetish.

The Hon. R.I. LUCAS: I hope it is not a fetish, Hon. Mr Ridgway. I am not sure what I have done to deserve that obsession.

The Hon. I.K. Hunter interjecting:

The Hon. R.I. LUCAS: It is a very unhealthy obsession; I agree with the Hon. Mr Hunter on that particular point. The point I would make about the member for West Torrens (Mr Koutsantonis) is that he, too, is symbolic of the arrogance of the government and how out of touch it is. I refer to stories in *The Advertiser* over the past 18 months regarding his inevitable promotion to the cabinet. A story by Greg Kelton on 9 March 2007, headed 'State parliament—Koutsantonis star on the rise', states, 'Fiery Labor backbencher Tom Koutsantonis is being groomed to take the next Rann government ministerial opening.' I will not read the rest of the story, given the time. Again, a wonderfully sore story on 17 June this year—'Factional deal set to elevate backbencher' by Michael Owen stated, 'Labor backbencher Tom Koutsantonis will be appointed to the Rann government ministry in a deal being secured by factional powerbrokers.' That was the deal that involved the Hon. Carmel Zollo being counselled to step aside to make way for Mr Koutsantonis.

I love this part of the story that Mr Koutsantonis placed with the 'Tiser. It states, 'Labor sources also said a decade-long animosity between Mr Koutsantonis and the Premier's office had recently been resolved, increasing his prospects.' If ever one could summarise the delusional nature of the member for West Torrens and his supporters, it would be that he believes that, by putting it in *The Advertiser,* this decade-long animosity—which everyone around Parliament House is aware of—would be resolved. For five years until 2002, Mr Koutsantonis would undermine the Labor leader, Mr Rann, to anyone who would listen, Labor or Liberal. He was divisive and disloyal and he was waiting for the end of 2002 to stick the knife into Mr Rann.

Even after 2002, there have been a number of occasions—admittedly, not as many—where he continued to be openly critical of the Premier to people to whom he was speaking. That was particularly the case after he had had a sherbet or two in some of the hotels and clubs around Adelaide, usually drinking with the Deputy Premier and his wing men from the Deputy Premier's office at that particular time.

The one thing I will say about the current Premier—and I am no great fan of the current Premier, as you probably gathered, Mr President—is that he has a long memory, and he does not forgive. If you are an enemy of the Premier, you are an enemy for a very long time, maybe even a lifetime. It is quite clear to think that just by getting a story into *The Advertiser,* with a lovely photograph of the member for West Torrens, looking resplendent in a suit, looking very ministerial, and with a headline that he was going to be elevated to the ministry, the decade-long animosity had been settled was delusional.

It is a pretty sad time for the member for West Torrens. He has been in the parliament for 11 years. He, in his own mind, believes that he is God's gift to the Labor Party and to South Australia and that he is deserving of and merits a ministerial position, and he sees people like the Hon. Gail Gago, the Hon. Carmel Zollo, even more galling, the Hon. Rory McEwen, the member for Mount Gambier, or even more galling, the member for Chaffey, the Hon. Karlene Maywald, all being placed into ministerial positions before him.

He faces the bitter prospect that, should there be a change in government in 2010—or even if there is not—by 2014, if he is still there, he may well have spent 17 years in the state parliament not having risen beyond the worthy position of a backbencher in government, and opposition, depending on the result of the 2010 election. All that could be resolved if, as I said, the Welsher from the West would only pay me my $50; I would be prepared to let bygones be bygones and forgive him his sins, or at least some of them.

In concluding, I summarise what I see as the problems of this government: that is, yes, they have had some problems with major policy issues, and I have listed those, but until they recognise that it is their arrogance and the fact that they are out of touch with the South Australian

community that is causing them grief in the community at the moment, then their decline will continue.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (22:40): I rise to speak to the Address in Reply and I must first thank the Governor for the way that he has discharged his duties in the past 12 months or thereabouts since becoming Governor, and the Lieutenant-Governor too. Both of them have done a fabulous job and, in my capacity as the shadow minister who assists Martin Hamilton-Smith, who is the shadow minister for multicultural affairs, I see the Lieutenant-Governor most weekends at functions, and I think it is a great indication of our wonderful multicultural society to have somebody who came to this state as a refugee many years ago now in the position of Lieutenant-Governor, a position that he discharges extremely well, as does the Governor and, of course, the wives of the Lieutenant-Governor and the Governor. I thank them for their great service to the state.

In looking at where South Australia is today, I think we have lost our mojo in South Australia. We are not the proud state that we used to be. In relation to a loss of mojo, I look at the state and do not believe that we have the state pride and state confidence that we had in years gone by. I have actually raised this with a number of people in the past two or three weeks. I have said to them, 'I think our state's mojo has gone.' The response, from all but one, was that they thought our mojo went when the State Bank collapsed. The other one said that it was when the Truro murders were discovered. So, two significant things that happened in our state's history. If you look at—

Members interjecting:

The Hon. D.W. RIDGWAY: Members opposite think it is a joke that our state's mojo has disappeared. Look at this state. We no longer get our fair share of national growth, exports or economic activity; we are below what our national share should be. When this government came to office our exports were at $9 billion, and part of the initial State Strategic Plan was to go to $25 billion. Today it is barely more than $10 billion, and that is because this government has not fostered the state's mojo.

Those opposite laugh, but it is all about the way we feel about our state. Employment growth is lower than the national average while unemployment is higher. Look at the gang of 49. We have had a gang of 49 for some four years now; every few weeks the government talks about it. The former minister for police talked about Operation Mandrake and the efforts to curb the gang of 49, yet today there are still 49 members of that gang; we have not reduced the gang by one.

I also refer to some information that came to hand in early January this year. Foxtel aired a program called *Dexter,* which stars a character who is a serial killer and who goes around to cities killing other serial killers. Foxtel put out a one-minute long promotional feature that showed the US star of *Dexter,* Michael C. Hall, as a sociopath serial killer telling a fellow traveller waiting for a plane in Adelaide that Adelaide had more serial killers per capita than any other city. The government did nothing about this; that is how little it cares about this state. It took the opposition—in fact, the member for Finniss, the shadow minister for tourism at the time, and myself—to bring this to the attention of Foxtel.

The Hon. J.M. Gazzola: That's because he lost his mojo.

The Hon. D.W. RIDGWAY: Maybe he did. We brought this to the attention of Foxtel and it withdrew the advertisement. The Minister for Tourism was missing in action, and the Premier was missing in action. So, Mr Acting President, you can see that South Australia—and in particular this government—has lost its mojo. We saw the Premier call for a drug summit straight after the election in 2002—

The Hon. J.M. Gazzola: In May.

The Hon. D.W. RIDGWAY: The Hon. John Gazzola remembers it was in May. I am sure he went to the drug summit. A number of my colleagues—the former member, the Hon. Angus Redford, and the Hon. Terry Stephens—also went to the drug summit, yet when my colleague the Hon. Michelle Lensink went to a drug conference only last year and asked why this particular conference was held in Adelaide, she was told that it was because Adelaide is claimed to be the drug capital of the nation.

So you can see that Adelaide has gone off the boil, and I say that we have lost our mojo. Members opposite have laughed at it, but I am trying to highlight that it is important. We have gone off the boil, and we are not the state of envy that we were 30, 40, 50 or in fact 20 years ago. The

Leader of the Government opposite lost his seat in the other place at the 1993 election because of the State Bank disaster, and all but one of the people I spoke to about whether we had lost our mojo said that we had lost it the day the State Bank collapsed.

Members interjecting:

The Hon. D.W. RIDGWAY: Members opposite talk about mojo and economics. Mojo manifests itself in a whole range of forms. It is all about enthusiasm—

The Hon. J.M. GAZZOLA: I rise on a point of order. I do not recall the Governor referring to 'mojo' in his address, so I am trying to work out where the Leader of the Opposition is going or where he is coming from—or whether he himself has lost his mojo.

The ACTING PRESIDENT (Hon. I.K. Hunter): The point of order is that of relevance, I think. I suspect there is very little relevance to the Governor's speech, but a very wide latitude is given for the Address in Reply. The honourable leader would do well to ignore interjections from the opposite side of the chamber.

The Hon. D.W. RIDGWAY: Thank you for your sound advice, Mr Acting President. I will come back to the Governor's remarks, and there are a number of his comments that I wish to refer to. This government proposes to foster economic growth, prosperity and opportunity. I will highlight where we have lost our mojo in economic growth, prosperity and opportunity.

After the Liberal governments of 1993-2000 put in place a plan to reduce state government debt, at the end of the 2002-03 budget the state debt was down to $82 million. However, Foley, Rann and Co are looking to borrow again and the state government is looking to be in debt, with the 2011-12 budget going out to $1.983 billion. The Liberal Party clearly was the best manager of our state's finances.

Our financial mojo is at risk from this government. The state government's unfunded superannuation liability was reduced to $3.4 billion by the Liberal Party and there was a plan for it be fully funded by 2034. Labor, in the best economic times this nation has ever seen, has kept to this time frame but the unfunded superannuation liability has increased to nearly $7 billion as at 30 June 2008. The total liability will keep increasing until 2014.

Treasurer Foley underestimates on revenue and overestimates on expenditure. The 2007-08 surplus was intended to be $30 million and the Mid-Year Budget Review upgraded it to $90 million, with the eventual result being at $373 million. Clearly, this is a Treasurer who does not have his finger on the pulse. In fact, I cannot believe that it is almost 1,000 per cent different from what was forecast—$30 million to $373 million. That is in excess of 10 times greater.

The rate of unemployment in South Australia is the worst in Australia. The current rate is 4.9 per cent but we are in the best of economic times. Members opposite laughed when I said that maybe we had gone off the boil and perhaps we had lost our mojo. The national average is 4.2 per cent. There are 40,000 people in this state who are now unemployed. Our youth unemployment is the worst in the nation at 29 per cent. The national average is 17 per cent.

The Hon. Bernard Finnigan has only just left his youth years and is one of the youngest members in this chamber. I am sure he has a whole range of friends who are unemployed. There are 40,000 people in this state who are unemployed. A recent report indicated that, over the next 10 years, South Australia needs 206,000 new workers to replace the baby boomers, who will be retiring, plus 133,000 people for job opportunities created by major private sector initiatives. The government's answer to this is to import 50,000 skilled workers from the Philippines.

Clearly, this government has no plan to grow our economy, to grow our population in this state and to capture the wealth. One of my greatest fears, as the shadow minister for mineral resources development (and, I suspect, in the not-too-distant future, minister for mineral resources development) is that, if this government stays in place, if we are not careful with the Roxby Downs expansion and we do not have the right policies in place, in 100 years' time we will have the biggest hole in the world but most of the wealth will have left. We heard in question time today that the minister could not actually give us an answer as to when the expansion would take place, notwithstanding the fact that he, the Premier and the government have been talking it up and up for the last six years—and particularly in the last three years since BHP have taken over control. That is one of my greatest fears.

If you look at some of the other great cities in our nation—Bendigo, Ballarat, Mount Isa, and some of the others in Western Australia—they have all done extremely well. However, in

particular, I always think of those three: Ballarat, Bendigo and Mount Isa. They were some of the first places in this nation to really reap the benefits of a minerals boom, and the wealth is still there today, it is still circulating in those communities. They are extremely wealthy and prosperous communities because that wealth was captured. People moved there and stayed there—and they still have their mojo today. My fear is that, in 100 years' time, we will still have no mojo. It will have flown in and flown back out to some other part of the world.

The Hon. J.M. Gazzola interjecting:

The Hon. D.W. RIDGWAY: I will ignore those interjections. I also want to address some issues in relation to water. The government believes that the biggest challenge in South Australia is water security. Well, indeed it is. We just have to look at the way in which the government was dragged screaming and kicking, and it eventually announced that it would support a desalination plant. Look at the time frame. The opposition announced that it would build a desalination plant; we thought that was a sensible way to go forward. In fact, we had some mojo; we wanted to get this state moving. At the time, minister Hill and Treasurer Foley said that we did not need one. Mr Hill said that it was too big and that we did not need one as big as that. Then they said it was too small. In the end, the government decided that we did in fact need one.

When we proposed a desalination plant, we said that there were two logical sites, that is, near the Pelican Point Power Station or the Port Stanvac Oil Refinery. We thought they were the two places that it would be logical to look at in the first instance. Even when it made the commitment to proceed with the desalination plant, the government was so arrogant, as my colleague the Hon. Rob Lucas has previously highlighted, it could not actually say, 'Yes, we agree that they are the two likely spots.'

The government then appointed a high level committee that took 12 months to come back and report to the minister that Port Stanvac was probably a good place to start. I know they are doing the modelling with brine dispersal, tidal movement, water quality, etc. to see whether that site is suitable.

Premier Rann must explain why his so-called historic COAG agreement will result in more than 1,000 irrigators ceasing to produce food in South Australia while other irrigators in other states will continue on their farms without fear of losing their livelihood. In fact, the Rann Labor government failed at COAG to get an inter-governmental agreement that delivers any real benefits to South Australia. The fact is that individual basin states will retain their rights, frustrating a national approach, with a so-called independent body being subject to political interference from state governments.

Only yesterday, legislation was introduced in the other place in relation to referral of powers to the commonwealth. What is the point in doing that if the rest of the nation does not come on board? Clearly, with Victoria, New South Wales and Queensland not yet at the table, it is just window dressing. As the Hon. Rob Lucas said earlier, the government is under pressure on a whole range of fronts and, clearly, it has lost its mojo and is now scrambling to find some. From a South Australian perspective, we are offering up something with no guarantee that we will get any reciprocal benefits from the other states.

A sense of urgency has been ignored by the other states. As a result of the COAG agreement, the basin plan is not due until 2011, and the state water plans, particularly in Victoria, will remain in place until 2019. Goodness gracious, we will have another election in 2010. It will be the government's third term before Victoria has to come to the table and offer up any water.

There has been no attempt to stop the Victorian government's plan to divert water from the basin for Melbourne's use. Clearly, Premier Rann, the National President of the Labor Party, is not operating in South Australia's best interests. He is trying to dance the line between being the National President of the Labor Party and appeasing all his friends, the other state premiers. Clearly, he cannot serve two masters. We have certainly seen with the Minister for Water Security, with the recent poll taken in the Riverland, that you cannot serve two masters in a declining water environment and get away with it.

Labor's Waterproofing Adelaide document shows that, under drought conditions and the conditions we have experienced in the Murray-Darling since 2002, Adelaide's demand will exceed our supply by 2007. I then refer to the Governor's speech, and he states, 'a commitment to infrastructure to secure South Australia's state water supply'. As I said, the Rann government keeps changing its position on desalination, proving it cannot be trusted to manage South Australia's water crisis. We do not actually know when we are going to get that desalination plant.

It was interesting to see—after the government eventually backed the opposition's plans for a desalination plant, and, incidentally, a number of opposition members flew to Western Australia to look at their plant, found out how it was put together and the whole competitive tender process, how the competitive tenderers actually ran water quality tests concurrently in Cockburn Sound knowing full well that only one of them would be the successful bidder—that that plant, from the day the government said, 'Yes, let's go ahead with it', until it delivered its first litre of water, was about two years.

Interestingly, when this desalination plant was announced the government said it looked as if it could be a five-year build from the time it actually chose the site. We, as an opposition, with very limited resources and only a handful of members, decided that we thought Port Stanvac was the best place to look, but it took a whole year, a team of experts appointed by the government and who knows what cost to come up with the same recommendation that, yes, Port Stanvac was probably the site. So, that is a year lost. Then they have to go through some preliminary work and negotiate with Mobil. Could that not have been done concurrently? No; the government had to wait and delay. And then we have gone through some water quality testing and a pilot plant.

Clearly, the Premier and the government are praying for rain. They hope that it does actually rain. We know that we need rain of biblical proportions, but I am sure that is what they are hoping for. The government said it would take five years. It wasted—

The Hon. B.V. Finnigan: I am going to go pray for rain.

The Hon. D.W. RIDGWAY: The Hon. Bernard Finnigan is going to pray for rain. About the only thing that is going to save this state is praying for rain, so get on your knees and make it happen, Bernard. Clearly, this government is praying for rain but, suddenly, in the past two days, the government is saying, 'We can actually make this project happen a lot quicker. We can make it happen by the end of 2010, or maybe 2011.'

I can tell you exactly what the strategy of this government will be come the next summer—not this one that we are about to go into, because we all expect that that will be, again, a reasonably tough summer with water restrictions, but the next summer, the one prior to the election—if it can fast track the desalination plant to come on stream by the following summer, I expect it will relax water restrictions. It will play the political ace: it will gamble on South Australia's water security and it will relax water restrictions so it can then say to the community, 'No; we have got this desalination plant on line. It will be on stream by the end of the year,' so it can have no water restrictions in the summer leading up to the election. It is clear that the government is going to manipulate the water supply for its own political benefit.

Water is of great concern in a number of other areas. The minister opposite is the Minister for Mineral Resources Development. One of the single biggest limiting factors on our minerals wealth exploitation is the lack of water. This government has done absolutely nothing to foster exploration for more water resources and to foster—

The Hon. P. Holloway interjecting:

The Hon. D.W. RIDGWAY: Well, you have not done anything. The minister mutters about exploration. He talks about the PACE program that has been used to explore for minerals. If it was not for the extremely buoyant prices in metals, it would not matter how much money the government threw at it. We have seen only $30-odd million over four or five years in PACE funding, yet we have seen $300 million of exploration spending, so it is about 1 per cent. I do not know of any company that exits in this world that actually makes the decision to go drilling and exploring on the basis that it will receive a 1 per cent benefit from the government. Clearly, it is driven absolutely by commodity prices and not by the government.

One of the biggest things that frustrate our community is the waste of stormwater. We see hundreds of megalitres—in fact, up to 80 gigalitres—run out to sea each year. This government has neglected it. It is a number one priority. It is there even in years like this one—and, tragically, it looks as though we will have a dry spring, which will harm much of our agricultural industry. We have had a great winter, and crops have grown particularly well. We have had a lot of run-off in the Adelaide metropolitan area, but it will be 26° or 27° tomorrow and 29° on Friday. I read in the *Weekly Times* that it looks as though the Victorian Mallee is at crisis point, and I am sure there are parts of our state that will suffer.

However, notwithstanding the tough years, a huge amount of water runs off our metropolitan streets but the government has done virtually nothing. It has sat on its hands. Advice I

received off the record from within the office of the Minister for Water Security was, 'We have to do more about stormwater harvesting but we can't afford to spend any more money.' So, clearly, the government has lost its priorities.

We could harvest 80-odd gigalitres of stormwater a year. Colin Pitman and the guys at Salisbury have demonstrated that they are world leaders in stormwater harvesting. The government has been asleep at the wheel—6½ years, and Colin Pitman has been doing it for much longer than that. I attended the opening of a small stormwater aquifer storage and recovery site at the Grange golf course about 18 months or two years ago, and that is the only one I know that has been opened and commissioned in the time this government has been in office.

In relation to one of my responsibilities as the shadow minister for police, it is interesting that the minister opposite (as I remarked last week, and many weeks before) has been sacked as police minister, and this week we have seen that Martin Hamilton-Smith has retained me as the shadow minister—

The Hon. T.J. Stephens interjecting:

The Hon. D.W. RIDGWAY: As the Hon. Terry Stephens interjects, to be fair, the Hon. Paul Holloway is a mining legend, and I am not quite sure—

The Hon. T.J. Stephens: A living legend.

The Hon. D.W. RIDGWAY: A living legend—in fact, I have heard that he is a legend in his own lunchtime sometimes. He was the minister and now is no longer the minister, and I am delighted to say that Martin Hamilton-Smith has very kindly kept me on as shadow minister for police. I am delighted to be rewarded for having done such great work and having the minister opposite sacked. It was interesting today that the—

The Hon. P. Holloway: Modest, too.

The Hon. D.W. RIDGWAY: Yes, I am very modest. Today the police minister was out claiming that another, I think, 26 or 28 cadets were graduating from Fort Largs. Certainly, minister Holloway when he was minister for police reiterated the government's commitment to have 4,400 sworn officers on the beat by 2010. We are now almost at the beginning of October 2008, so it is 15 months until 2010. However, interestingly, the minister—and, in particular, minister Holloway—started to say about three or four months ago, 'Well, it is actually by mid 2010.'

I think that with minister Wright it will be by late 2010, and then I think they will shift the target. It will not be 4,400 by 2010: it will be something like 4,500 by 2012 or 2013. They will shift the target, as they have done every time. When this government sets a target—whether it be exports or a State Strategic Plan target—when it fails to achieve, it shifts the target.

I am intrigued. Today I made some comments on radio, which the current minister (Hon. Michael Wright) rebutted in a press release. He said, when quoting figures that the Hon. Paul Holloway had quoted, that on 30 June 2008 there were 4,144 full-time officers. At the Budget and Finance Committee a few weeks ago the Police Commissioner indicated that, in the Productivity Commission figures 12 months prior, there were 127 non-operational officers.

So, if we take off the 127 non-operational officers, we would reduce the figure. Roughly 200 police officers retire each year; that is just a normal, natural attrition. So, we will be generous. There is roughly 18 months between now and the election: with 200 a year and 18 months, 300 police officers will have retired. So, we will take that off. But, in the last 12 months, as minister Wright said, they had 326 graduates from the Fort Largs Academy, so 1.5 times 326, 18 months worth of graduates, is 489 new police officers. If you take the 4,144, less the 127 non-operational, less the 300 by natural attrition, but add the 489, it is 4,206.

The Hon. P. Holloway: Why don't you multiply by 3 and divide by 7 as well?

The Hon. D.W. RIDGWAY: Well, sir, he does not want to listen to the figures. He knows that the government cannot deliver on its election commitment of 4,400 sworn officers on the beat.

The Hon. P. Holloway: So you take 127 off?

The Hon. D.W. RIDGWAY: The minister interjects. His own words were 4,400 sworn officers on the beat. He did not say 4,400 sworn officers on the beat and 127 of them doing something else and being non-operational. He said, in his own press release, 4,400 sworn officers on the beat.

The Hon. P. Holloway: Sworn officers.

The Hon. D.W. RIDGWAY: On the beat. You have said it in your own press release—on the beat. So, clearly, you cannot count the 127 non-operational officers, and they will be at least 200 officers short by 2010. We will watch as they move the target: as they realise they cannot reach the target, they will shift the goal posts. The minister, while he was police minister, was already starting to shift the target.

It is interesting to note the ABS statistics—and I have quoted them time and again—that violent crime is on the increase in South Australia. Attempted murder has increased by 70 per cent; armed robbery is up by 15 per cent; sexual assault is up by 3 per cent; and general assault has increased by 2.3 per cent. Clearly, the Rann government's mantra of being tough on law and order and tough on crime has failed. They are not going to deliver the number of police officers they committed to, and they are not going to keep our streets safe.

The Governor talked about upgrading transport and infrastructure, and investment in a roads program. The Liberal Party proposes a genuine, integrated transport plan. To this date, we have not yet seen from this government a proper transport plan. In fact, we had one—a draft plan—and I think it was under minister White initially, then minister Wright. Then, when Mr Conlon came in, I was at a function when he said, 'You're not going to get a plan. We'll draw up one if you want, but it will mean nothing. We are not going to give you one.' So they have no actual plan and long-term goal for South Australia.

It is interesting that they have been selling their $2 billion transport revolution since the budget, but the actual spending on transport infrastructure is only $1.2 billion over four years and, in fact, $648.4 million over four years will be spent on extending and electrifying the rail system. It is clearly well short of the $2 billion they are talking about. Again, this government is overstating the facts. Most of the infrastructure and projects do not begin until 2010-11 and, if they do eventually go ahead, given the Labor Party's history, they will cost far more than what has been estimated. The project slippage costs for 2008 and 2009 have been estimated at more than $120 million.

We also should not forget the country areas. Most of them have been forgotten and, as you, Mr President, being a former country boy, would know, most of the funding on our rural roads has barely been maintained. We have heard a number of figures over the time I have been in this place, but there is at least a $200 million maintenance backlog that has not been addressed, and the state black spot funding has barely been maintained, leaving our country roads worse off in real terms and probably in worse condition than ever.

In fact, we have seen a number of major transport cost blow-outs, so they clearly cannot manage the budget. The northern expressway has blown out from $300 million to $564 million and, finally, to the $1.55 billion if the northern connector is included in the cost. The Port River Expressway and rail bridge has blown out from $131 million to $175 million. The South Road-Anzac Highway underpass has blown out from $65 million to $118 million. The tram line extension has gone from $21 million to $31 million, and the Bakewell Bridge underpass has gone from $30 million to $43.5 million. Clearly, this is a government that does not have the capacity to manage our state's finances.

The Governor also said that the government would continue to work to modernise and upgrade South Australia's health infrastructure. Since the changes were introduced as part of the Health Care Act, Labor has been killing our country health care system. Notwithstanding the fact that the Hon. Bernard Finnigan and some of his colleagues interject that we do not have anyone living in the country anymore, my three children were all born in the country; the Hon. Caroline Schaefer has three children, all born in the country; the Hon. Terry Stevens has three children, all born in the country; and the Hon. John Dawkins has two children, both born in the country. We understand the importance of a country health system.

I know what it is like to have a country doctor. Tonight I was out for dinner because my eldest daughter turned 18 today. She was born in the Naracoorte hospital, a fabulous hospital with wonderful staff. My second daughter, Tara, was born in the Bordertown hospital and she was delivered by a great doctor who refused to leave town for two months prior to her birth. He gave a commitment to my wife, me and my family that, if we wanted our baby to be born at Bordertown, he would not leave town within roughly a two-month period prior to the date of her expected arrival. He did not leave town. He cancelled family functions. Basically, he made my family, my wife and our unborn baby's health and wellbeing a priority over the rest of his family.

That is the thing that this government and members of this chamber do not understand. I highlighted the importance of hospital boards when we debated the Health Care Act and the government's wanting to abolish hospital boards. I served on a hospital board and I think the Hon. Caroline Schaefer served on a country hospital board. I highlighted how important they were in binding the community together and holding the fabric of the community together. In fact, at lunchtime today in the Blue Room, I was chatting to the member for West Torrens, Tom Koutsantonis. He said that he did not understand that, in country communities, the hospital and the hospital board knitted the fabric of the community together. You have grown up in a country town and you know the importance of it, Mr President.

I was disappointed in this place when not one other party or Independent member backed the Liberals in opposing the government's abolition of hospital boards and replacing them with health advisory committees. It is a bit intriguing that the Hon. Robert Brokenshire did not introduce his bill today to amend the Health Care Act, although I am sure he will do so on the next Wednesday of sitting, and I am sure it will reintroduce local boards to the Health Care Act. It is clear that this government does not understand the importance of what it has done and the damage it has done to country health by abolishing country hospital boards. It does not understand the relationship that is formed between country doctors and their patients.

This particular doctor who was our family doctor came to Bordertown when I was 23 and he has only just left. He has now moved to Adelaide. He provided a wonderful service to our community. He was a Sri Lankan doctor, so, if you like, not a local, but he was embraced by the community. In the end, he said, 'This is my flock and it is my job to look after them'. They commit themselves to looking after their community, and you see that time and time again across our state. Clearly, this government places no value on that and gives no recognition to the importance of that in our regional communities.

The government has claimed that it is building a new hospital, the Marjorie Jackson-Nelson hospital, and it has claimed that it will cost $1.7 billion, plus the cost of cleaning up the rail yards. Interestingly, the cost of that whole project has disappeared from the budget papers. We believe and we will demonstrate prior to the next election that you can rebuild the Royal Adelaide Hospital on its existing site and deliver a quality health service for less or the same cost and preserve the City West site (as we call it), that is, the site by the rail yards for some other use that will possibly rediscover South Australia's mojo. Once you build a hospital on one of the best sites in Adelaide for our mojo, you have lost it forever. But the government has no mojo: it has lost it and does not have any wish to rediscover it.

I will make a few other comments in relation to our state planning system as the shadow minister for planning. The government has been very slow to act on the reforms. It has taken six months for the government to react to our call. In February this year, we said that the planning powers should be taken from the Adelaide city council. Yet six months later the government ridiculed it, and six months later it decided to do it. Rather than being part of a wider vision, as was our decision on the master plan for Adelaide, the government's decision was an ad hoc reaction to a single controversial decision by council.

The government has also adopted most of our planning agenda but has been light on with consultation. We have seen this right across the suburbs with the consultations on the residential code. The opposition believes that is the way to go, but we want to engage all local government fully and explore it because it is a significant change from the system we have now. However, the government consulted for only a bit over three months—it finished last Friday. The government is always rushing and is light on. It was about this time last year that the minister, in announcing the review, said that it would report by December and legislation would be introduced back in February when we came back after Christmas. We still have not seen it.

The Hon. P. Holloway: Make up your mind. Do you want us to consult?

The Hon. D.W. Ridgway: You are asleep at the wheel. You said you were going to do it, complete the review and bring in legislation in February. We still have not seen it. We have only 13 sitting days left, unless the minister wants to sit the optional week, which he has been frightened to do in the past six years, so I suspect we will not have it. So, we have only 13 sitting days to pass the legislative changes, albeit relatively small changes, through this chamber and the other before the end of the calendar year so we can meet the government's time frame for implementation of the residential code by 1 March.

The Hon. P. Holloway: We will consult with local government.

The Hon. D.W. RIDGWAY: The minister says he will consult with local government, and he will do that. You have not been passionate enough about it early enough—you have just left it drift and slip. Clearly our planning system needed some reform, and it is demonstrated that the opposition broadly supports the reform agenda, and we were out there indicating that we support it.

Clearly we are interested because we do not have the skills to resource our planning system, and the minister mentioned recently that Western Australia is currently trying to get up to 180 planners and has attempted to recruit them from other states. Clearly the government needs to address the skills shortage in a far more aggressive way than it is has, and it is another indication of a situation where we are not addressing it and we have lost our mojo.

Our state's mining sector continues to perform strongly—another comment from the Governor. A major factor that will prevent a mining boom is the lack of provision of infrastructure for prospective areas. This government has not delivered any infrastructure. The Hon. Caroline Schaefer talked today about the infrastructure projects in the pipeline in other states. We beat only Tasmania. I think Queensland has $50 billion worth of infrastructure in the pipeline to support its mining sector, and we have about $1 billion. This government has over spruiked and oversold the mining industry from day one. The Rann Labor government will continue to prevent the capitalisation of our mining boom. It is relying on the success of mining giants like BHP, while prospective mines may never be realised because of Labor's ignorance about the need for infrastructure.

The minister today was not able to give any indication of when the BHP expansion at Roxby Downs/Olympic Dam will take place. He fudged the questions and could not answer them, because clearly the government has no idea. We know we will have a boom and that our state is rich in resources, albeit under a thick layer of silt or sand, a thick cover, and that is why it has not been exploited until now, but it is a long-term project. We have seen that BHP has announced that it is a particularly complex and interesting deposit at Roxby Downs, but with its sheer size they are uncertain of the time frame for its development, and I suspect that most mines will be the same. We have great wealth in this state, and it will be developed at some stage and the state will benefit, but it will not be because of anything this government has done.

It is interesting that today the minister talked about the 10 mines—soon to be 11—that we have in South Australia. The exploration licences which support those 10 mines were granted many years before this government came to office. Clearly, it is not anything that this government has done. Those exploration licences were granted by a Liberal government, and the mining companies took the financial risks; they did due diligence and went ahead with mining development. It is nothing that this government has done. Clearly, it is driven by commodity prices, not this government.

In fact, only one of the 10 mines in operation today received PACE funding from the state government. The real groundwork was not encouraged by this government at all. It is driven by commodity prices and, as I said earlier, the $30 million—and we have some $300 million worth of drilling exploration—is a 1 per cent per year tip-in. It will not encourage big companies, such as BHP—or any others in this world for that matter—to go drilling. They will see it as a little bit of a bonus on the end.

Farming communities are a real concern. There is the growing issue of the rights of landowners in relation to mineral exploration, in particular in old areas. When resources were scarce before the turn of the century, they were exploited. It proved to be uneconomic, so mining companies moved out. As a result of rising commodity prices, they have now become more economic and we find them in high value farming land and high rainfall farming land.

I have been promised a briefing and a copy of the code of practice. I have yet to see it, but I hope that the government consults with the Farmers Federation and the opposition. I can foresee some real issues involving the farming community. We want to exploit our mineral wealth, but we also want to recognise and respect the effort that many generations of farmers have put into the land which they till and which may be the subject of an open cut mine or a range of exploration activities.

It is clearly demonstrated that South Australia under this government has lost its mojo. It is clearly not the state of opportunity that it once was. I have spoken to a number of people who have said that it was the State Bank debacle that resulted in Adelaide (and South Australia) losing its mojo. As this government continues there is no real indication that we will get it back. There will be

a mining boom one day. All of us will be old people before we realise that mining boom. It is a long way off—

The Hon. B.V. Finnigan interjecting:

The Hon. D.W. RIDGWAY: The Hon. Bernard Finnigan interjects about the eight years we were in government after the State Bank.

The Hon. B.V. Finnigan interjecting:

The Hon. D.W. RIDGWAY: We cleaned it up, you clown. That is what we did. It was an absolute mess. You were still in short pants when that happened. You would barely remember it. Give us a break. You have no idea about the mess in which your former government and your party left this state. It was going to take way more than eight years to fix it. After eight years we lost government, and members opposite have done nothing but drive the state further into despair. We have lost our mojo, and this government needs to be held responsible for it.

The Hon. SANDRA KANCK (23:26): In acknowledging the speech of the state Governor, I recognise that this parliament meets on the land of the Kaurna people. Also, I record my ongoing commitment to Australia becoming a republic, and I look forward to a day when our parliament is no longer opened by a representative of the British monarch.

The Governor's speech lists the legislation we can expect in this current session of parliament. It is clear we can expect more chest beating and tough-on-crime legislation, which is sure to mean that this government will only worsen its record when it comes to riding roughshod over human rights. Being tough on crime will create a building boom—that is, a prison building boom—and that will pull funds away from vital areas, such as education and health. Victoria has shown that prevention is a much more effective and far less expensive way than imprisoning people.

Not mentioned in the Governor's speech but nevertheless expected are amendments to the Development Act. I will spend this speech talking about this government's dealings with the development industry around the planning review, urban growth boundary, Victoria Park, Buckland Park and so on, because this government has adopted a 'development at any cost' attitude. The policy it now seems to have in place is a policy of vertical sprawl, which means that it is building up at the same time as building out, regardless of the wishes of the community or the advice of experts and parliamentary committees.

I will begin by focusing on the building out—the sprawl of our suburbs across farmland and native vegetation. I will give a little history first. In January 2002 (the dying days of the Liberal government), a ministerial plan amendment report (PAR) for the urban growth boundary was introduced by the Hon. Diana Laidlaw and came into immediate effect on an interim basis to prevent land speculation. A court challenge saw it declared invalid and a new PAR (addressing the technical matters that caused the court challenge) was introduced and put into effect in May 2002. A public consultation period occurred after which a third PAR with some minor alterations took effect in March 2003.

The Environment, Resources and Development Committee of this parliament, of which I was then a member, undertook an inquiry into the urban growth boundary. Its report was released in May 2003, which stated:

> The committee is concerned about the extent of the urban sprawl of Adelaide and the related cost to both local and state government of providing infrastructure to support new greenfield development at the edge of the city. The committee does not support the continuation of this sprawl into the future and believes that an urban-growth boundary policy is essential to reduce the continuous development of greenfield sites in conflict with the use of prime agricultural land and horticultural land adjacent to the boundary.

That committee comprised three Labor MPs, two Liberal MPs and me, and it was a unanimous report. The plan amendment report we were examining advised:

> Demand will continue for fringe land and, as the finite supply of urban land is used up over the next 15 to 20 years, Adelaide will get to a point where it will be necessary to review the boundary. This does not necessarily mean changing the location of the boundary [interesting fact, the Hon. Mr Holloway] by rezoning further land beyond its extent and other alternatives should be explored. Because of lead times to prepare an adequate supply of land and infrastructure for growth, this should occur by at least 2011.

However, four years ahead of that deadline, and despite minister Weatherill's department telling us that the PAR was giving us an adequate supply of land for the next 15 to 20 years, the state

government announced a review of the boundary. This was greeted with great joy by the Housing Industry Association (HIA) in an email I received on 25 July last year, which stated:

> HIA has been advocating a review of the boundary since late 2004 and was for several years the only industry association that actively carried this cause. Since early 2006 HIA has consistently approached respective ministers for planning and urban development urging an extension of the boundary and release of more land. As recently as the last two weeks, HIA has been in contact with minister Holloway and minister Conlon's senior advisers. HIA welcomes the government's announcement and is committed to working with the government to ensure that the land now included within the boundary is rapidly released to our members.

I especially note the comment about the recent communication with relevant ministers. This and other pro-development decisions since then show a government dancing to the tune of the building and development industry. Two months later, the government announced a further attack on the boundary with its announcement of the Buckland Park subdivision, in an area with no dedicated public transport routes. Then, just before Christmas last year, the government announced a further expansion of the boundary with the ultimate intention being to increase our urban sprawl another 2,000 hectares over the next decade.

The environmental consequences of urban sprawl are almost universally recognised, although I do note that there is an increasing debate about how to prevent sprawl without detracting from the amenity of a garden city and the ability for households to be more self-sufficient in growing their own fruit and vegetables.

Part of the government's rationale is the increasing population of South Australia, which the government is actively encouraging. In other words, the government is wilfully creating the problem, despite having no plans to deal with the impacts on water, environment, transport, demands on health services, and the decline in general amenity. In parallel with the farce of the shifting urban growth boundary, we had planning strategies, planning reviews and planning overhauls to lay the groundwork for increasing housing density within existing boundaries, and reducing the development powers of local government; the closest level to the community, the one that is most in touch.

In December 2003, the then minister for urban planning and development, the Hon. Jay Weatherill, announced his intention to introduce a Sustainable Development Bill to the parliament early in 2004, so the pencils were sharpened and resident groups again held meetings and prepared submissions and lobbied in 2004. In 2005, the government released a draft planning strategy for Adelaide and everyone again prepared their submissions.

The Sustainable Development Bill, which was introduced in 2005, was sidelined and only a small proportion of it was legislated. Nevertheless, with consultations on the growth boundary, the Sustainable Development Bill and the draft planning strategy, the government clearly knew from the responses how strongly the community felt about their backyards, character housing and leafy streets. Therefore it was completely unexpected that, in June 2007, the minister would announce yet another planning review.

What created great foreboding was the undertaking in a media release of the Minister for Urban Planning and development to implement the recommendations of the review before the committee could possibly have formulated them. Was the housing industry on a promise, or was it that the government knew what industry wanted and chose the personnel to ensure that the outcome was delivered? After all, the group that was set up included Michael Hickinbotham, Fiona Roche, Grant Belchamber, an ex officio Lance Worrall, Ray Garrand, Geoff Knight and Kevin Gent.

After the review reported, the minister advised that an expanded Planning and Development Steering Committee would continue to provide independent advice on the implementation of these 'important' reforms. More of the same.

I attended the Planning Industry Association's seminar entitled 'The State Planning Review Revealed', held on 23 June this year. The member for Napier, Mr Michael O'Brien, who had chaired the review team, told the seminar that the terms of reference for the review were very wide-ranging and that he had decided to take the review 'where it needed to go,' with the approval of the rest of the group. Revealing words: whose assessment was it of where it needed to go?

Mr O'Brien outlined three points as the case for change for our planning system. He said it was needed, first, because of projected strong economic growth and demand for workers. My comment about that is to ask: what does employment have to do with planning approvals? If we need people in the mining industry in the regions it does not require our planning system in metropolitan Adelaide to be altered.

The second reason he gave was population growth and demographic change, but remember, it is the government that is actively working to increase the population, so they make this a self-evident truth. The third justification was environment and social objectives. It is an inconvenient truth which slipped by the steering committee that, if you want to protect the environment and improve society, you need to take the time to properly analyse, manage and mitigate impacts, so I cannot see how fast-tracking planning decisions will improve environmental outcomes. Mr O'Brien also told us that South Australia would have a residential code, which they had already drafted, which would go out for further consultation, but it would be introduced in March next year.

John Hanlon, acting CE of Planning SA, advised that the first part of exempt development would be in place by the beginning of 2009, with legislation in the spring session of parliament and faster assessment approvals in place by March 2009. The development lobby in all its various guises fawned in response to the recommendations of the planning review. The Property Council media release with its heading 'Planning review reforms greatest in two decades' claimed that these changes were instigated at the Property Council's urging. Remember we had the urban growth boundary being broken down, and that was the housing industry saying that it was their work in lobbying government that caused this to happen, and now we have the Property Council saying it is its work that caused the government to have this planning review with these reforms.

A month ago I held a seminar in this parliament about the planning review and a lot of concerns were aired particularly around the draft residential code. The deadline for submissions for the proposed code closed 1½ weeks ago and residents groups held a protest on the steps of parliament on that day. But this government listens to the Property Council, the Housing Industry Association and Business SA, not the ordinary public. These groups have trumpeted this in their media releases.

The South Australian Division of the Planning Institute, which has given in principle support to the recommendations of the planning review, states in its submission on the code:

> While we support the principle of reducing the involvement of planners in low impact/low risk development applications, we are concerned that the Code in its current form allows development that is relatively high impact and/or high risk.

I know that my local council, which is Campbelltown, also has concerns. At its meeting on 19 August the council moved a motion that a letter be sent about those reforms, and I will read part of that letter, as follows:

> Firstly Council wishes to express its concern with the tight timeframes proposed in the reform package, particularly with regard to the introduction of the Residential Development Code. The Code has the potential to have a profound impact on the built form at this Council and its detail and implementation need to be properly considered to ensure that Campbelltown retains a vital, diverse and liveable residential environment.
>
> Further, Council is concerned that the lack of meaningful engagement with the wider community both in the development of these proposed changes and now in the consultation period will result in ongoing community antagonism and ill feeling once the impact of the changes begins to take effect. There is no doubt that Local Government across Adelaide will bear the brunt of this ill feeling.
>
> To this end Council respectfully requests that the Government extends the proposed implementation date for the introduction of the Residential Development Code by six months till 1 September 2009. This will allow a greater period of consultation with Local Government to ensure a more robust Residential Development Code with a far greater sense of partnership between Local Government and State Government. In addition to this, it will allow the State Government to invest in a meaningful level of community engagement and education thereby lessening community angst and ill will in the longer term.

Having twice attempted to amend the Dvelopment Act to ensure solar access rights, I am also very disturbed at the prospect of two storey housing being given automatic approval. The Campbelltown council made a couple of interesting observations. In that letter, it states:

> In addition to these concerns, Council would also request the Government strongly consider including further criteria to ensure that greater consideration is in the design of dwellings for good solar orientation and water saving and re-use techniques.

Then, at the Campbelltown council's meeting on 2 September, this motion was passed:

> It be put to the Local Government Association General Meeting to call upon the South Australian Government to show leadership in the current planning reforms by introducing minimum requirements for sustainable design, which may include provisions for solar access zones, internal zoning, eaves and orientation, to complement the introduction to a six star minimum energy efficiency standard for thermal performance in residential buildings (through the building code) from July 2010.

I commend my local council (Campbelltown council) for those responses that they have given to the planning review and the draft residential code.

A network of residents groups under the banner of 'Save Adelaide's character 2010' states the following in its submission:

> The proposed new code is bad residential planning because it sets out to bypass the role of local governments and negotiated development plans, and so will reduce or eliminate the opportunities for residents to have a say in what happens in their suburbs. The code considers building matters only divorced from all of the broader and environmental concerns that determine the quality of residential life.

A submission to the system's improvement branch from Save our Suburbs—Adelaide Incorporated, states:

> Development interests and lobby organisations claim that they need certainty in their applications for planning approval. This is a sham claim as certainty of approval can always be obtained by only applying for development approval for applications which fully comply with the development plan. What these groups want is certainty that they can gain approval for any application no matter how far outside of the development plan they are. These proposals, by removing most conditions from development plans, provide the freedom to maximise profits, freedom to build whatever, sought by the vested interest development lobbies and remove appeal rights against such application by neighbours. They constitute an 'only a few rules development plan' and will accord zero rights to existing residents and councillors in their efforts to maintain the quality of their suburbs.

Under the heading 'Too high a site coverage—fewer trees, greater need for unsustainable airconditioning' it states:

> As they stand, the maximum site coverages proposed in the code will ensure that the thousands of new dwellings, which the state authorities appear determined to squeeze into our existing suburbs, will be largely bereft of the cooling benefits of substantial trees in our increasingly hot summers and overwhelmingly reliant on air conditioning to survive.
>
> This large-scale reliance on air conditioning will overwhelm our attempts to reduce the emission of greenhouse gases and lead to unpleasantly hot residential streetscapes in future summer sessions.

In its findings and submissions the Blackwood Belair and District Community Association states:

> 1. Fundamental flaws. The overall philosophy of the DRC is deeply and fundamentally flawed.
>
> 2. Tinkering. The flaws in the DRC cannot be corrected by simply tinkering with the wording of the various clauses.
>
> 3. Rescind. The decision to implement the DRC with effect from 1 March 2009 should be rescinded.

In its submission on the draft residential code, under the heading 'Urban design and sustainability', the Onkaparinga council states:

> None of the code's performance criteria seek good urban design by incorporating issues such as sustainability principles, building orientation or building materials. This also has the potential for development to negatively affect the amenity of a locality and consideration should be given to incorporating these matters in performance criteria.
>
> The reforms seek to move to quantitative assessment of residential development, rather than assessing against qualitative measures as currently exists. If the code is to be implemented, additional work must be done to ensure that the code provides clear guidance to applicants and the community.
>
> The code does not contain any performance criteria that prescribe appropriate construction materials nor does it seek high standards of urban design incorporating sustainability principles such as appropriate solar orientation. Given the government's position on climate change and the need for environmental sustainability, it is surprising that this issue is not addressed by the code.

There are many other comments that I could make on the different submissions that groups and councils have put in, but they all indicate that they see this code as lacking, to say the least. But, will they be listened to? Well, I would say that, based on this government's record over the past few years, the likelihood of being listened to is very small. It seems that this government's "rack 'em, pack 'em and stack 'em" policy has now infiltrated into urban planning. When this government has an opportunity to save or create open space, time and again it passes it up.

With the Cheltenham Park Racecourse the government ignored both the wishes of the community and an opportunity to create a major wetland and water management resource in favour of another residential development with just a little bit of open space. On Buckland Park, the government ignored fundamental planning issues and the imperatives of climate change by supporting the building of this township outside the urban growth boundary, on a floodplain and away from public transport. On Victoria Park, the government showed its values—bright and shiny sprawling corporate edifices built over a sensitive and unique environment. Its plan, which

fortunately did not succeed, was to destroy what makes Adelaide unique—our Victorian buildings and world-class Parklands.

The government stripped Adelaide City Council of its planning powers over the Le Cornu site. More recently, it has taken away the council's decision-making powers on any project valued at more than $10 million for the paltry reason of knocking back one project, which did not comply with council guidelines, despite the record showing that last year Adelaide City Council approved 1,190 development applications, with a total value of $864.2 million, and that, in the first six months of this year, it had approved 589 development applications, with a total value of $449.7 million. Unfortunately, the appetite of most of our major developers is insatiable and, when they do not get everything they want, they throw hissy fits for the government's attention.

It is important also to place on the record that Adelaide City Council did not hold up development on the Le Cornu site: it had approved five different applications over the years. This state government has now foisted a development on the people of North Adelaide which they did not want and which is significantly at variance with the height limits for that area in the Adelaide City Council development plan.

Ed Briedis, the Chairman of the North Adelaide Society, predicting a voter backlash in the March 2010 election, said this in a letter on the *Messenger* website:

> We might consider renaming O'Connell Street, North Adelaide, as 18 September Avenue, in memory of the day when the Rann Cabinet abandoned its populace, its principles and its own planning rules. It would be a permanent reminder of how easily political expediency can dictate the adoption of new special rules for some developers. Rann's Cabinet has reintroduced uncertainty into the planning system.

This bias towards developers is revealed in almost every major decision of the government, but the community is fighting back. Residents are mobilising on the fringes of our city, from Willunga to Gawler to Coromandel Valley, to stop the encroachment of McMansions onto land that is used for agriculture, passive recreation or to protect native flora and fauna.

So, as it heads towards the 2010 election, the government is facing a major battle between ordinary residents and voters and the top end of town, with whom this government now aligns itself. However, for now at least, the Property Council and Business SA continue to have an unnerving power of influence over this government. This power is exercised through formal and informal channels.

The Land Management Corporation is listed as a principal partner on the Property Council SA's website, and the piping shrike logo is proudly displayed. The Department of Trade and Economic Development is listed as an associate member of the Property Council—surely, evidence of this government's being a wholly owned subsidiary of business. I doubt whether any government department is a member or an associate member of any environment or resident group in this state; if so, I would really love to hear about it.

The developers are still not satisfied. They chide the government on lack of land tax reform and say that they will be speaking to the Treasurer about that, saying, 'Property tax relief must come next year.' With the record we are seeing, I think that probably is guaranteed. They attempt to give themselves a green and environmental veneer by talking about transit-oriented development but, at the same time, they cheer when the government announces yet another attack on the urban growth boundary.

It is interesting (and perhaps it is a question of cause or effect), when we see such strong links between this government and business, to look at the website of SA Progressive Business Inc. It states, 'SA Progressive Business Inc.' (which sounds to me awfully like WA Inc.), 'was established to link Labor and the business community.' I thought they were already linked. It continues:

> South Australian Progressive Business Inc. is a forum designed to ensure Labor and business remain in touch with each other's views and aspirations for South Australia. Our aim is to foster communication between business and the Labor government. The Rann Labor government, now in its second term and with a strong majority, is seeking to build on its achievement and develop closer relationships with the business community. South Australian Progressive Business Inc. provides a unique opportunity for business to meet with Labor leaders who are pro-business, pro-mining and pro-growth.
>
> Members will be able to join Mike Rann and his team at regular functions to discuss developments in policy. Members are also invited to regular briefings by senior members of Labor's state and federal teams to have the chance to meet and discuss your views with the other business and industry leaders who share a non-partisan commitment to maximising South Australia's economic potential. Membership is open to individuals and

organisations who are interested in developing the progressive ideas and policies needed to safeguard South Australia's economic future.

Then there is a list of economic packages, ranging from $500 for an individual, which apparently gets you to events, including breakfast ministerial briefings and twilight ministerial briefings for one and members' and guests' invitations to a minimum of four special events.

The peak one is the foundation membership ($10,000) with events including breakfast ministerial briefings and twilight ministerial briefings for up to three company representatives; advance notice of functions and tickets reserved for major functions for two weeks; pre-event drinks with functions' special guest; and corporate recognition at functions.

It then invites the person, once again, to join SA Progressive Business Inc. The contacts are SA Progressive Business Inc. Director, Leesa Vlahos, and the Chair of the SA Progressive Business Inc. Board is the Hon. Nick Bolkus. I am not sure which comes first—the chicken or the egg—in this case, but the links between this government and business are very obvious, and we are seeing it in urban planning decisions.

The interests of the development lobby tap into the edifice complex of this government and many other community leaders who share a deep-rooted desire to have the tallest something somewhere. Freud, I think, would have something to say about that. The Burj Dubai tower has now reached a staggering height of 688 metres—that is, of course, in Dubai—and is projected to reach 900 metres. Why should we even think about competing with something like that? It shows a deep cultural cringe that our leaders in South Australia even do.

The reason that South Australia is loved not only by its local residents but also by visitors from interstate and overseas is that it is a manageable size. It is not overcrowded, it has grace and it has charm, which is easily accessible to everyone. We can do what the government wants—run with the pack and grow our state and our capital city into a carbon copy of every other city in the world. We can have vertical sprawl, continuous development from coast to hills, from the Barossa to Victor Harbor, or we can value ourselves and our environment for the inherent quality of life that we do have. This does not mean that we have to fossilise our city, but it will require that all development complements the existing landscape and streetscape instead of trying to dominate it.

I close by saying that we should value what we have and what makes us unique and quote from Don Dunstan, as follows:

> We need not so much greater quantity but greater quality, not to become the biggest of the Australian states but the best of them all.

Debate adjourned on motion of Hon. P. Holloway.

At 23:57 the council adjourned until Thursday 25 September 2008 at 14:15.